

# PLANNING COMMISSION AGENDA SEPTEMBER 12, 2019



# MEDFORD

OREGON

## Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Jared Pulver

Jeff Thomas

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



**MEDFORD**  
OREGON

September 12, 2019

5:30 P.M.

Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon

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**10. Roll Call**

**20. Consent Calendar / Written Communications (voice vote).**

**20.1 ZC-19-011** Final Order of a request for a zone change of three contiguous parcels totaling 5.26 acres located north of Barnett Road and east of Murphy Road, from MFR-30 (Multiple Family, thirty dwelling units per gross acre) to C-S/P (Commercial, Service & Professional Office) (371W28DC TL 400, 500 & 600); Applicant, Mahlum Architects; Planner, Dustin Severs.

**20.2 ZC-19-012** Final Order of a request for a change zone of a 0.155-acre portion of a single 4.4-acre parcel located at 4088 Table Rock Road from I-G (General Industrial) to I-L (Light Industrial) (372W01D901). Applicant: JBR Table Rock, LLC; Planner; Dustin Severs.

**20.3 ZC-19-010** Final Order for a minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres, located at 709 N Phoenix Road, currently containing the "Court House Family Fitness", from Urban Residential (UR) to Commercial (CM); along with an associated request to rezone the parcel from SFR-4, Single Family Residential - 2.5 to 4 dwelling units per gross acre) to C-C (Community Commercial) (371W27701). Applicant: North Phoenix Property Holding LLC; Agent: CSA Planning Ltd.; Planner: Steffen Roennfeldt.

**20.4** Consideration of a citizen initiated request to amend Chapter 9 of the Municipal Code to expand the types of uses and number of zoning districts that permit electric fences. Planner: Carla Paladino.

**30. Approval or Correction of the Minutes from August 22, 2019 hearing**

**40. Oral Requests and Communications from the Audience**

COMMENTS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR ORGANIZATION. **PLEASE SIGN IN.**

**50. Public Hearings**

COMMENTS ARE LIMITED TO A TOTAL OF 10 MINUTES FOR APPLICANTS AND/OR THEIR REPRESENTATIVES. YOU MAY REQUEST A 5-MINUTE REBUTTAL TIME. ALL OTHERS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR ORGANIZATION. **PLEASE SIGN IN.**

**Continuance Request**

**50.1 ZC-18-178** Consideration of a request for a zone change of an approximately 91.5 gross acre parcel located at the terminus of Cadet Drive from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre)

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

(371W15C TL 300). Applicant: Mike & Gayle Jantzer; Agent: Richard Stevens & Associates Inc.; Planner: Liz Conner. **The applicant requests this item be continued to September 26, 2019 Planning Commission meeting.**

**New Business**

**50.2 GLUP-19-003 / ZC-19-013** Request for a minor General Land Use Plan (GLUP) amendment from (UH) Urban High Density Residential to SC (Service Commercial) and to change the zoning from MFR-20 (Multiple Family Residential - 15 to 20 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on a 0.61 acre parcel located at 2217 Barnett Road (371W29DC9800). Applicant: Hong (Kevin) Wu; Agent: Richard Stevens & Associates; Planner: Steffen Roennfeldt.

**50.3 LDS-19-067 / E-19-048** Consideration of a request for approval of Summerfield at Southeast Park, Phases 19 and 20, a 44-lot residential subdivision on 15.23 gross acres and an Exception to allow through lots between Shamrock Drive and Sunleaf Avenue. The site is located at the easterly termini of Sunleaf Avenue and Shamrock Drive south of Cherry Lane, and is zoned SFR-4/SE/RZ (Single Family Residential, four dwelling units per gross acre/Southeast Plan Overlay/Restricted Zoning Overlay). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 16 - 21 (LDS-17-051). (371W27DA TL 200, 300, 1100 & 1200). Applicant: Crystal Springs Development Group, a Joint Venture; Agent: Neathamer Surveying; Planner: Kelly Evans.

**50.4 LDS-19-069** Consideration of a request for approval of Summerfield at Southeast Park Phases 23-29, a 183-lot residential subdivision on 65.83 gross acres generally located on the east side of Waterstone Drive extending between Shamrock Drive and Barnett Road. The applicant also proposes to create eight reserve acreage tracts following the phase boundaries. The site is zoned SFR-4 (Single Family Residential, 2.5 - 4 dwelling units per gross acre), SFR-6 (Single Family Residential, 4 - 6 dwelling units per gross acre), SFR-10 (Single Family Residential, 6 - 10 dwelling units per gross acre), and MFR-20 (Multiple Family Residential, 15 - 20 dwelling units per gross acre) and is within the Southeast Plan (SE) Overlay District and has restricted zoning (RZ). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 23 - 29 (LDS-17-113). (371W27 TL 1001). Applicant: Crystal Springs Development Group, a Joint Venture; Agent: Neathamer Surveying; Planner: Kelly Evans.

**50.5 PUD-19-003 / GLUP-19-004 / ZC-19-014** Consideration of a revision to the approved Preliminary PUD Plan for Lot 6 of the Tower Business Park Planned Unit Development to allow for the construction of rowhouse-style residential buildings, including an amendment to the General Land Use Plan map from GI (General Industrial) to UM (Urban Medium Density Residential) and to change the zoning to MFR-15 (Multiple Family Residential - 10 to 15 dwelling units per gross acre) on 1.16 acres located at 3583 Arrowhead Drive within the I-L (Light Industrial) zoning district (371W08BC2511). Applicant: Dan & Gina Reece; Agent: CSA Planning, Ltd.; Planner: Steffen Roennfeldt.

50.6 DCA-18-180 An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), regarding the City's transportation concurrency standards and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). Applicant: City of Medford; Planner: Kyle Kearns.

60. Reports

- 60.1 Site Plan and Architectural Commission
- 60.2 Transportation Commission
- 60.3 Planning Department

70. Messages and Papers from the Chair

80. City Attorney Remarks

90. Propositions and Remarks from the Commission

100. Adjournment

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-19-011 )  
APPLICATION FOR A ZONE CHANGE SUBMITTED BY MAHLUM ARCHITECTS ) **ORDER**

ORDER granting approval with conditions of a request for a zone change of three contiguous parcels totaling 5.26 acres located north of Barnett Road and east of Murphy Road, from MFR-30 (Multiple Family, thirty dwelling units per gross acre) to C-S/P (Commercial, Service & Professional Office).

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

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated August 22, 2019, and the Findings contained therein - Exhibit "A," and Legal Description - Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 28DC Tax Lots 400, 500 and 600

is hereby changed from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 12.26-acre portion of the property and a 2.95-acre portion of the property, and a change of zone from SFR-00 to SFR-10 (Single Family Residential, ten dwelling units per gross acre) on a 12.61-acre portion of the property.

Accepted and approved this 12th day of September, 2019.

CITY OF MEDFORD PLANNING COMMISSION

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

ATTEST:

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



## PLANNING COMMISSION REPORT

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

**Project** Asante Zone Change  
Applicant: Mahlum Architects

**File no.** ZC-19-011

**Date** August 22, 2019

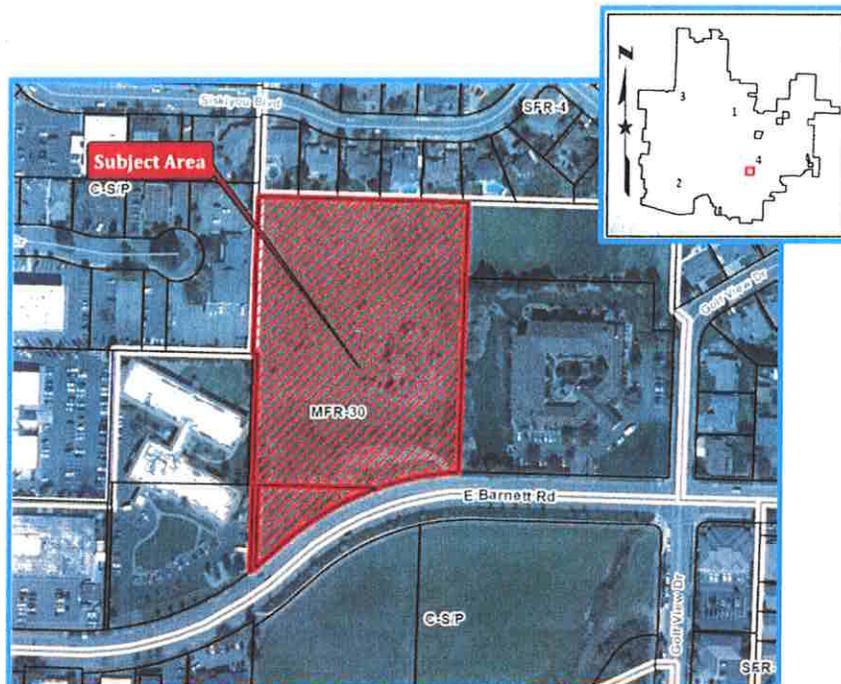
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### BACKGROUND

#### Proposal

Consideration of a request for a zone change of three contiguous parcels totaling 5.26 acres located north of Barnett Road and east of Murphy Road, from MFR-30 (Multiple Family, 30 dwelling units per gross acre) to C-S/P (Commercial, Service & Professional Office) (371W28DC TL 400, 500 & 600).

#### Vicinity Map



### Subject Site Characteristics

Zoning: MFR-30  
GLUP: SC (Service Commercial)  
Overlay(s): None  
Use(s): Vacant land owned by Asante

### Surrounding Site Characteristics

*North* Zone: SFR-4 (Single-Family Residential, four dwelling units per gross acre)  
Use(s): Single-Family residential homes

*South* Zone: C-S/P (Commercial - Service/Professional)  
Use(s): Vacant land

*East* Zone: MFR-30  
Use(s): Brookdale Medford - Senior Living Solutions

*West* Zone: MFR-30 & C-S/P  
Use(s): Barnett Woods - Senior Living

### Related Projects

CP-19-014 GLUP change from UH (Urban High Density Residential) to CM  
AC-19-059 SPAC application submitted for a 70,000 square foot oncology center

### Applicable Criteria

#### MLDC 10.204: Zone Change Criteria

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

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.*
- (2) 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.*

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- (c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
- (i) The overall area of the C-N zoning district shall be three acres or less in size and within, or abutting on at least one boundary, with residential zoning. In determining the overall area, all abutting property(s) zoned CN shall be included in the size of the district.
  - (ii) The overall area of the C-C zoning district shall be over three acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.
  - (iii) The overall area of the C-R zoning district shall be over three acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.
  - (iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential or I-H zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

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- (3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
  - (b) Adequate streets and street capacity must be provided in one (1) of the following ways:
    - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
    - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

- (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:*
- (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
  - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.*
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- (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.*

## ISSUES AND ANALYSIS

### Background

#### *Site History*

FILE #	DATE	DESCRIPTION
CP-19-086	May 2, 2019 (approved)	GLUP change from UH to SC approved by City Council
ZC-19-011	June 5, 2019 (application received)	Subject zone change request: MFR-30 to C-S/P
AC-19-059 E-19-049	August 2, 2019 (application received)	SPAC application currently under review

The subject site consists of three contiguous, vacant parcels totaling 5.26 acres, and is owned by Asante. It is the applicant's intent to develop the subject property as the future location of Asante's new Regional Cancer Center, which will require the property's land use designation to be changed to a commercial classification. The first step of this process – changing the site's GLUP designation from UH to SC – was approved by City Council on May 2, 2019. The applicant is now requesting to change the site's underlying zoning classification from MFR-30 to C-S/P, in order to bring the site's zoning into compliance with its newly acquired Commercial GLUP designation.

The applicant opted not to submit the zone change request concurrently with the GLUP change request. Consequently, demonstration of the site's available capacity for urban services and facilities to serve the future development of the site (e.g., storm drainage, sanitary sewer, water facilities, and traffic capacity) was not required as part of the GLUP change application review, and therefore any necessary upgrades to public facilities needed to serve the future development of the site including, but not limited to, traffic impact studies, are required to be addressed as part of the subject application.

On August 2, 2019, the applicant submitted an application for site plan and architectural review of the proposed Cancer Treatment Center. At the time of this writing, the applicant is being reviewed by staff. SPAC approval for the proposed development of the site is contingent on approval of the subject zone change request.

## Traffic Study

A Traffic Impact Analysis (TIA) is required when an 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.

Public Works determined that a TIA was required with the subject request, and the applicant submitted a traffic study prepared by Southern Oregon Transportation Engineering (SOTE) on May 29, 2019 (Exhibit I), and a later addendum dated July 15, 2019 (Exhibit K). As stated in their submitted staff report (Exhibit F), Public Works concurs with the findings included in the submitted TIA, finding that the trip generation for the full potential of the zone change can be supported by the transportation system with mitigation. A Restricted Zoning (RZ) overlay will be applied to the site, restricting development, until the time at which all mitigation measures have been completed.

## CRITERIA COMPLIANCE

### *GLUP/TSP Consistency*

The General Land Use Plan (GLUP) designation for the subject site is UR (Urban Residential), and, according to the General Land Use Plan Element of the *Comprehensive Plan*, the C-S/P zoning district is a permitted zone within the SC GLUP designation.

The Transportation System Plan (TSP) serves as a blueprint to guide transportation decisions as development occurs in the City. A traffic Impact Analysis (TIA) is required when an 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.

Public Works determined that a TIA was required with the subject request, and the applicant submitted a traffic study prepared by Southern Oregon Transportation Engineering (SOTE) on May 29, 2019, and a later addendum dated July 18, 2019. The Public Works staff report (Exhibit F) states concurrence with the submitted TIA, finding that the trip generation for the full potential of the zone change can be supported by the transportation system with mitigation. A Restricted Zoning (RZ) overlay will be applied to the site restricting development until the time at which all mitigation measures have been completed.

It can be found that the proposed zone change is consistent with the goals outlined in the City's Comprehensive Plan, and the submitted TIA demonstrates consistency with the TSP – with the Restricted Zoning (RZ) overlay district applied to the subject site – and accordingly, this demonstration of consistency ensures compliance with the Oregon Transportation Planning Rule.

### *Locational Criteria*

Zone change requests require an assessment of the locational criteria for the proposed zoning district; however, there are no locational criteria which apply to the C-S/P zoning district, pursuant to MLDC 10.204(C). Accordingly, this criterion is satisfied.

### *Facility Adequacy*

MLDC 10.204(3) requires demonstration that Category A facilities (storm drainage, sanitary sewer, water and transportation) 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.

The agency comments included in Exhibits F-G, demonstrate that, with the Restricted Zoning (RZ) overlay district applied to the subject site, Category A facilities can be made to be adequate to serve the property at the time it is developed.

### **Committee Comments**

Staff has received no comments from committees such as BPAC.

### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the findings as modified by staff below:

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the SC General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, there are no locational criteria for C-S/P zone. The Commission can find that this criterion is met.
- With regard to Criterion 3, the agency comments included as Exhibits F-G, demonstrate that Category A facilities can be made to be adequate to serve the property at the time of issuance of a building permit for vertical construction. The Commission can find that this criterion is met.

### **REVISIONS**

At the public hearing held on August 8, 2019, the hearing was continued at the request of Mr. Jim Wallan, an attorney representing Henselman Realty and Management. Mr. Wallan expressed concerns his client had with the proposed extension of the concrete median at Barnett Road and Highland Drive – restricting driveway access off of Barnett Road to right-

in/right-out only – a mitigation measure added by Public Works as a condition of approval for of the future development of the subject site.

Planning staff had sent out notification letters to all property owners within 200 feet of the project boundary, consistent with the notification requirements found in MLDC 10.124(1); however, Public Works later decided to send a courtesy letter to all property owners – located outside of the required notification buffer – who could be potentially impacted by the extension of the median at Barnett Road and Highland Drive. The letter was mailed out on August 1, 2019, informing the property owners of the proposed change, providing staff's contact information, as well as providing the date of the public hearing. Following the mailing of the letter, however, Public Works revised this condition, which was included in their revised staff report (Exhibit F-1). The revised condition reads as follows:

*The developer shall deposit an amount equivalent to the engineers estimate, approved by the City Engineer, for removing the concrete raised median for the westbound left turn at Barnett Road and Highland Drive and replacing it with a channelized strip median that extends to near Ellendale Drive and restriping the eastbound left turn pocket at Barnett Road and Ellendale Drive to provide 150 feet of storage plus transition.*

At the public hearing, Mr. Wallan expressed his client's objection to the proposed median extension, stating that it would have a negative impact on his client's property. Mr. Wallan also noted that his clients felt that they had inadequate notice of the hearing, and therefore requested that the Commission postpone the hearing in order to provide additional time to allow further input. The Commission voted to continue the hearing to the August 22, 2019, meeting.

Included in this revised staff report are the three exhibits that were added into the record at the August 8<sup>th</sup> public hearing: A revised Public Works report (Exhibit F-1) (Public Works has since drafted another revision – Exhibit F-2), a letter from the applicant's traffic engineer (SOTE) to ODOT (Exhibit L), and a report from ODOT outlining the mitigation measures to be installed by the applicant (Exhibit M). Also included is the letter sent by Public Works on August 1<sup>st</sup>, notifying the affected property owners of the extension of the median at Barnett Road and Highland Drive (Exhibit N). (As stated above, this letter was subsequently revised with the revised Public Works report submitted on August 8<sup>th</sup>.)

Staff's revised conditions of approval (Exhibit A-1) have also been included with this revised staff report. At the public hearing, staff requested that condition #1 – concerning storm drainage capacity issues – be removed (this section of the staff report has also been removed in this revised report as it is no longer applicable), and added one condition of approval requiring the applicant comply with all conditions of Public Works, added as condition #1.

## **DECISION**

At the public hearing held on August 22, 2019, the Planning Commission voted unanimously to approve the request. During the hearing, Ms. Shahrzad Sheibani, representing the Oregon Retina Center, spoke and submitted a petition, which contained 160 signatures. The petition has been included in this Planning Commission report as Exhibit O.

## **RECOMMENDED ACTION**

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of ZC-19-011 per the Planning Commission report dated August 22, 2019, including Exhibits A-1 through O.

## **EXHIBITS**

- A-1 Conditions of approval – Revised, dated August 15, 2019.
- B Applicant’s Findings of Fact and Conclusions of Law, received June 5, 2019.
- C Site map of Asante, submitted by the applicant on June 5, 2019.
- D Zoning map, submitted by the applicant on June 5, 2019.
- E New Diagnosed Cancer Case (Analytic), submitted by applicant on June 5, 2019.
- F-2 Public Works staff report – Revised, received on August 15, 2019.
- G Medford Water Commission report, received on July 17, 2019.
- H Oregon Department of Transportation email, received July 9, 2019.
- I Traffic Impact Analysis (Executive Summary), received May 30, 2019.
- J Public Works (Engineering Division) report to SOTE, dated June 19, 2019.
- K TIA addendum, received July 15, 2019.
- L Letter from SOTE to ODOT, sent on July 19, 2019.
- M Letter from ODOT outlining mitigation measures to be installed by applicant, received August 1, 2019.
- N Letter of notification sent Public Works to affected property owners, sent August 1, 2019.
- O Petition submitted by Oregon Retina Center at hearing, submitted August 22, 2019.  
Vicinity Map

## **MEDFORD PLANNING COMMISSION**

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**Mark McKechnie, Chair**

**PLANNING COMMISSION AGENDA:**

**AUGUST 8, 2019  
AUGUST 22, 2019  
SEPTEMBER 5, 2019**



August 6, 2019

To Whom It Would Concern:

I travel to Oregon Retina Center and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Oregon Retina Center to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

Tanya Goergen *Tanya Goergen*  
Print Name Signature

Jeratina Young *Jeratina Young*  
Print Name Signature

BRITTANY BERTRAND *Brittany Bertrand*  
Print Name Signature

Jaqueline *Jaqueline Streeve*  
Print Name Signature

Lloyd Bendickson *Lloyd Bendickson*  
Print Name Signature

RaeJean Jordan *RaeJean Jordan*  
Print Name Signature

*Yujen Wang*  
Print Name Signature

Resecca Darling *Rebecca C. Dues*  
Print Name Signature

Ashley Conrad *Ashley Conrad*  
Print Name Signature

*Neve Q. Chade*  
Print Name Signature

Kaylee Schia *Kaylee Schia*  
Print Name Signature

Kelsey Boucher *KB*  
Print Name Signature

Robert Preston *Robert Preston*  
Print Name Signature

VIAGRAMA Sommerlot *Virginia Sommerlot*  
Print Name Signature

*R. Sommerlot*  
ROBERT STAFFORD  
Print Name Signature

ROBERT STAFFORD *Robert Stafford*  
Print Name Signature

LYAN STAFFORD *Lyan Stafford*  
Print Name Signature

DONNA WILLIAMS *Donna Williams*  
Print Name Signature

*Adelma Cottren*  
GOLDMAN COTTREN  
Print Name Signature

Neve Q. Chade *Neve Q. Chade*  
Print Name Signature

August 6, 2019

To Whom It Would Concern:

I travel to Oregon Retina Center and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Oregon Retina Center to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

<u>Edgar Grant</u>	<u>[Signature]</u>	<sup>Hale</sup> <u>Karyn <del>Hale</del> Karyn Hale</u>	<u>[Signature]</u>
Print Name	Signature	Print Name	Signature

<u>VICTOR EL JENNINGS</u>	<u>[Signature]</u>	<u>V. AL Jennings</u>	<u>[Signature]</u>
Print Name	Signature	Print Name	Signature

<u>Forest Russell</u>	<u>[Signature]</u>	<u>Forest Russell</u>	<u>[Signature]</u>
Print Name	Signature	Print Name	Signature

<u>Bela Swan</u>	<u>[Signature]</u>
Print Name	Signature

<u>Mark Sachara</u>	<u>[Signature]</u>
Print Name	Signature

<u>Jodie Quave</u>	<u>[Signature]</u>
Print Name	Signature

<u>JOHN STANIFF JR</u>	<u>[Signature]</u>
Print Name	Signature

<u>Tom</u>	<u>[Signature]</u>
Print Name	Signature

<u>Les Janson</u>	<u>[Signature]</u>
Print Name	Signature

<u>Madalyn Snyder</u>	<u>[Signature]</u>
Print Name	Signature

<u>Meilyn Sedlacek</u>	<u>[Signature]</u>
Print Name	Signature

<u>Lesley Ferguson</u>	<u>[Signature]</u>
Print Name	Signature

<u>LINDA Couch</u>	<u>[Signature]</u>
Print Name	Signature

<u>Nancy Hagerman</u>	<u>[Signature]</u>
Print Name	Signature

<u>Shahrazad Sheibani</u>	<u>[Signature]</u>
Print Name	Signature

<u>Leonore Thornally</u>	<u>[Signature]</u>
Print Name	Signature

<u>Shelby Tritchler</u>	<u>[Signature]</u>
Print Name	Signature

August 7, 2019

To Whom It May Concern:

I travel to Oregon Retina Center and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Oregon Retina Center to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

Norma Booten Norma Booten  
Print Name Signature

Gary Foster - Gary Foster  
Print Name Signature

Marian P Henshaw ←  
Print Name Signature

[Signature]  
Print Name Signature

Mari Foster Mari Foster  
Print Name Signature

Ewa Tefone Ewa Tefone  
Print Name Signature

EVA [Signature]  
Print Name Signature

Karen Hardin Karen L. Hardin  
Print Name Signature

DANIEL RICHARDSON [Signature]  
Print Name Signature

MARSHAN M. LEIB Marshan M. Leib  
Print Name Signature

Michael J. Leib Michael J. Leib  
Print Name Signature

Carolyn Mitchell Carolyn Mitchell  
Print Name Signature

SOE JEFFERS [Signature]  
Print Name Signature

SAUDI HAQRI [Signature]  
Print Name Signature

Kathleen Steed [Signature]  
Print Name Signature

Janelle Wohrman Janelle Wohrman  
Print Name Signature

Audrey Balkh  
AUDREY BALLAH  
Print Name Signature

William Z Wohrman [Signature]  
Print Name Signature

MARGARET C. REDDY Margaret Reddy  
Print Name Signature

ROBERT REDDY Robert Reddy  
Print Name Signature

August 7, 2019

To Whom It May Concern:

I travel to Oregon Retina Center and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Oregon Retina Center to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

KATHLEEN BOYETT  
Kathleen Boyett  
Print Name Signature

Don SKELTON  
Don Skelton  
Print Name Signature

Linda Hoppins  
Linda Hoppins  
Print Name Signature

Sue ERWIN  
Sue Erwin  
Print Name Signature

John W. Piatt  
John W. Piatt  
Print Name Signature

IAN LEONARD  
Ian Leonard  
Print Name Signature

Renee Neeley  
Renee Neeley  
Print Name Signature

Carol Leonard  
Carol Leonard  
Print Name Signature

Forum Ingoyen  
Forum Ingoyen  
Print Name Signature

males Pando  
Males Pando  
Print Name Signature

Peggy Ghiringhelli  
Peggy Ghiringhelli  
Print Name Signature

Donna Piatt  
Donna Piatt  
Print Name Signature

Jon W. Ghiringhelli  
Jon W. Ghiringhelli  
Print Name Signature

Magali Saenz  
Magali Saenz  
Print Name Signature

Marvin E. Conley  
Marvin E. Conley  
Print Name Signature

Karry ROSE  
Karry Rose  
Print Name Signature

MARY JO SKELTON  
Mary Jo Skelton  
Print Name Signature

Karan Klebenstein  
Karan Klebenstein  
Print Name Signature

Susan Conley  
Susan Conley  
Print Name Signature

Judith Syferd  
Judith Syferd  
Print Name Signature

August 7, 2019

To Whom It May Concern:

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Sincerely,

Mary Rosas Mary Rosas  
Print Name Signature

Lillian A. Preble Lillian A. Preble  
Print Name Signature

Robert Rosas Robert Rosas  
Print Name Signature

Lawrence Brueger Lawrence Brueger  
Print Name Signature

Bobby Brueger Bobby Brueger  
Print Name Signature

Michelle Vaden Michelle Vaden  
Print Name Signature

Debra Wagner Debra Wagner  
Print Name Signature

Elaine L. Garcia Elaine L. Garcia  
Print Name Signature

Yvonne Harrop Yvonne Harrop  
Print Name Signature

Elaine M. Silva Elaine M. Silva  
Print Name Signature

Vaishali Vasth Vaishali Vasth  
Print Name Signature

Julie Flynn Julie Flynn  
Print Name Signature

Shae Bhati Patel Shae Bhati Patel  
Print Name Signature

Audrey Stewart Audrey Stewart  
Print Name Signature

Linda Farris Linda Farris  
Print Name Signature

Audrey Stewart Audrey Stewart  
Print Name Signature

Harold Stephens Harold Stephens  
Print Name Signature

Malcolm Drake Malcolm Drake  
Print Name Signature

Nancy Blackman Nancy Blackman  
Print Name Signature

B. Bronean B. Bronean  
Print Name Signature

August 7, 2019

To Whom It May Concern:

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Sincerely,

<u>Edwin Scott</u> Print Name	<u>Edwin Scott</u> Signature	<u>Judith Scott</u> Print Name	<u>Judith A. Scott</u> Signature
<u>Sandra Sutherland</u> Print Name	<u>Sandra Sutherland</u> Signature	<u>Vickie Whitaker</u> Print Name	<u>V. Whitaker</u> Signature
<u>Barbara S. Nelson</u> Print Name	<u>Barbara Nelson</u> Signature	<u>Thad B. Young</u> Print Name	<u>Thad B. Young</u> Signature
<u>Kathryn W. Morgan</u> Print Name	<u>Kathryn Morgan</u> Signature	<u>Judy Edwards</u> Print Name	<u>JUDY EDWARDS</u> Signature
<u>Beverly Myers</u> Print Name	<u>Beverly Myers</u> Signature	<u>G. B. Hickey</u> Print Name	<u>G. B. Hickey</u> Signature
<u>W. Glenn Taber</u> Print Name	<u>W. Glenn Taber</u> Signature	<u>Katherine Taber</u> Print Name	<u>Katherine Taber</u> Signature
<u>Rita McMillen</u> Print Name	<u>Rita McMillen</u> Signature	<u>Bee Miller</u> Print Name	<u>Bee Miller</u> Signature
<u>Ginger Loft</u> Print Name	<u>Ginger Loft</u> Signature	<u>William J. Little</u> Print Name	<u>WILLIAM J. LITTLE</u> Signature
<u>PAULINE DORNAUS</u> Print Name	<u>Pauline Dornaus</u> Signature	<u>Joe Bracki</u> Print Name	<u>Joe Bracki</u> Signature
<u>David Dornaus</u> Print Name	<u>David Dornaus</u> Signature	<u>Marianne E. Stroh</u> Print Name	<u>Marianne E. Stroh</u> Signature

August 7, 2019

To Whom It May Concern:

I travel to Oregon Retina Center and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Oregon Retina Center to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

DANIEL DESMOIR Daniel Desmoir  
Print Name Signature

EDUARDO M. MULLON Edward E. M. Mullon  
Print Name Signature

Helen Kruse Helen Kruse  
Print Name Signature

Hazel Kruse Hazel Kruse  
Print Name Signature

Dominic DeBened Dominic DeBened  
Print Name Signature

Pat Little Pat Little  
Print Name Signature

Ernyl Quist Ernyl Quist  
Print Name Signature

Joyce Cannon Joyce Cannon  
Print Name Signature

ERIC QUIST Eric Quist  
Print Name Signature

JUDY HOWLEY Judy Howley  
Print Name Signature

BARBARA HARLY Barbara Harly  
Print Name Signature

same Barbara Harly  
Print Name Signature

Bill Hawley Bill Hawley  
Print Name Signature

Robert Limerick Robert Limerick  
Print Name Signature

same Bill Harly  
Print Name Signature

Donald K Greer Donald K Greer  
Print Name Signature

LINDA OVERSTREET Linda Overstreet  
Print Name Signature

Caryn Galli Caryn Galli  
Print Name Signature

David Overstreet David Overstreet  
Print Name Signature

Donna Marsh Donna Marsh  
Print Name Signature

August 7, 2019

To Whom It May Concern:

I travel to Oregon Retina Center and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Oregon Retina Center to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

DAN RREVERLINE Dan Crevier  
Print Name Signature

Melody Stumbo Melody Stumbo  
Print Name Signature

Jan Norman Jan Norman  
Print Name Signature

Kathy J. GROW Kathy J. Grow  
Print Name Signature

IAN GALLAGHER Ian Gallagher  
Print Name Signature

William Danjuk William Danjuk  
Print Name Signature

Nicole Stahl Nicole Stahl  
Print Name Signature

Karen Blom Karen Blom  
Print Name Signature

GARY H. BLUM Gary H. Blom  
Print Name Signature

Larry Amman Larry Amman  
Print Name Signature

Monika Schellpeper Monika Schellpeper  
Print Name Signature

Joyce Schellpeper Joyce Schellpeper  
Print Name Signature

Jacquelyn Linville Jacquelyn Linville  
Print Name Signature

Nina Zwiugmann Nina Zwiugmann  
Print Name Signature

Laura Zwiugmann Laura Zwiugmann  
Print Name Signature

Marilyn Cochrell Marilyn Cochrell  
Print Name Signature

DEAN P. BOUTESS Dean P. Boutess  
Print Name Signature

Marie Boutess Marie Boutess  
Print Name Signature

Hon Gordon Anderson Gordon Anderson  
Print Name Signature

August 6, 2019

To Whom It May Concern:

I travel to Oregon Retina Center and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Oregon Retina Center to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

Kelly Ferris Dully  
Print Name                      Signature

ROBERT AARONSON Robert Aaronson  
Print Name                      Signature

Les S. Couch Les S Couch  
Print Name                      Signature

BENE AARONSON Bene Aaronson  
Print Name                      Signature

Jessie Clark Laird Jessie Clark Laird  
Print Name                      Signature

Daniel Kalte Daniel Kalte  
Print Name                      Signature

Rodney Johnson Rodney Johnson  
Print Name                      Signature

Bryden Norris Bryden Norris  
Print Name                      Signature

Joanne Goldman Cothren Joanne Cothren  
Print Name                      Signature

Jesse Boycher Jesse Boycher  
Print Name                      Signature

Laura Allen Laura Allen  
Print Name                      Signature

Leigh Freneau Leigh Freneau  
Print Name                      Signature

Brianne Phillips Brianne Phillips  
Print Name                      Signature

Phil Freneau Phil Freneau  
Print Name                      Signature

Kari Hutchens Kari Hutchens  
Print Name                      Signature

Jurriweva Kuch Jurriweva Kuch  
Print Name                      Signature

Kathy Greico Kathy Greico  
Print Name                      Signature

Wanda Middleton Wanda Middle  
Print Name                      Signature

Tiffanee Kalte Tiffanee Kalte  
Print Name                      Signature

RAY PRYTS Ray Pryts  
Print Name                      Signature

August 7, 2019

To Whom It May Concern:

I travel to Oregon Retina Center and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Oregon Retina Center to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

Joe Waugh Joe Waugh  
Print Name Signature

Marygrace Birdsong Marygrace Birdsong  
Print Name Signature

Eric Stevens Eric Stevens  
Print Name Signature

Donna Hewitt Donna Hewitt  
Print Name Signature

Connie Titcher Connie Titcher  
Print Name Signature

Tom Ward Tom Ward  
Print Name Signature

Anthony Corvino Anthony Corvino  
Print Name Signature

Mary Turnham Mary Turnham  
Print Name Signature

Clinton Lessman Clinton Lessman  
Print Name Signature

Bryan Spad Bryan Spad  
Print Name Signature

Lois Muck Lois Muck  
Print Name Signature

Rebecca Crowder Rebecca Crowder  
Print Name Signature

Paula Miller Paula Miller  
Print Name Signature

Jessica McQueen Jessica McQueen  
Print Name Signature

HENRY CRENNER Henry Crenner  
Print Name Signature

Ajzen Wang Ajzen Wang  
Print Name Signature

BREDA BARRAGAN Breda Barragan  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

Robert M. Frase Robert M. Frase  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

August 2019  
21<sup>st</sup>-22<sup>nd</sup> only

To Whom It May Concern:

I travel to Cataract and Laser Institute and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Cataract and Laser Institute to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

JAMES DIERSCHEID

Print Name

Signature

BARBARA DIERSCHEID

Print Name

Signature

Melanie Kwiatkowski

Print Name

Signature

David Kitz

Print Name

Signature

Holly Christian

Print Name

Signature

Denise Malachuk

Print Name

Signature

Seanne Malachuk

Print Name

Signature

BARBARA KLINE

Print Name

Signature

James Hays

Print Name

Signature

James Hays

Print Name

Signature

Norman E. FitzGerald

Print Name

Signature

Vickie Gaddard

Print Name

Signature

Kim Rockwell

Print Name

Signature

Taffy Mackay

Print Name

Signature

Donna Lee Corwin

Print Name

Signature

JANE LORAN

Print Name

Signature

Ken ROBINSON

Print Name

Signature

Jandy Hammond

Print Name

Signature

Renee Newman

Print Name

Signature

Print Name

Signature

August 2019

To Whom It May Concern:

I travel to Cataract and Laser Institute and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Cataract and Laser Institute to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

Sincerely,

<u>Doris Gustafson</u>	<u>Doris Gustafson</u>	<u>Gail Wilson</u>	<u>Gail Wilson</u>
Print Name	Signature	Print Name	Signature

<u>Kari McTeulia</u>	<u>Kari McTeulia</u>	<u>JUDITH EVERETT</u>	<u>Judith P. Everett</u>
Print Name	Signature	Print Name	Signature

<u>Kerrithomas Keith</u>	<u>Kerrithomas Keith</u>	<u>Tim Wilson</u>	<u>Tim W. Wilson</u>
Print Name	Signature	Print Name	Signature

<u>Leona Diane George</u>	<u>Leona Diane George</u>	<u>Leona Diane George</u>	<u>Leona Diane George</u>
Print Name	Signature	Print Name	Signature

<u>Frank Moran</u>	<u>Frank Moran</u>	<u>Mikah Morgan</u>	<u>Mikah Morgan</u>
Print Name	Signature	Print Name	Signature

<u>Kate Wood</u>	<u>Kate Wood</u>	<u>MARLENE RENFRO</u>	<u>Marlene Renfro</u>
Print Name	Signature	Print Name	Signature

<u>DAWN SINCLAIRE-GRAHAM</u>	<u>Dawn Sinclair-Graham</u>	<u>Debbie Lusk</u>	<u>Debbie Lusk</u>
Print Name	Signature	Print Name	Signature

<u>Erin Bell</u>	<u>Erin Bell</u>	<u>ELAINE STATION</u>	<u>Elaine Station</u>
Print Name	Signature	Print Name	Signature

<u>Mary Curry</u>	<u>Mary Curry</u>	<u>Crystal Rozell</u>	<u>Crystal Rozell</u>
Print Name	Signature	Print Name	Signature

<u>CAROLE PERKINS</u>	<u>Carole Perkins</u>	<u>MARK FOSTER</u>	<u>Mark Foster</u>
Print Name	Signature	Print Name	Signature

August 2019

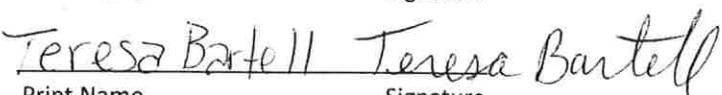
To Whom It May Concern:

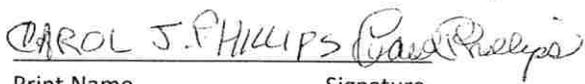
I travel to Cataract and Laser Institute and need to access the business using a left turn. The proposal by the City of Medford to erect a concrete median that will restrict the driveway at Cataract and Laser Institute to right-in/right-out only will negatively impact my ability to access the business. I am opposed to the proposed changes.

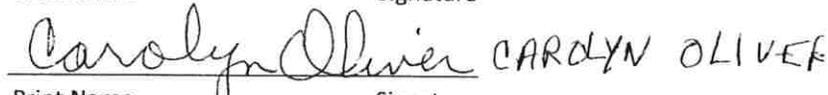
Sincerely,   
Nicholas Machado  
Print Name Signature

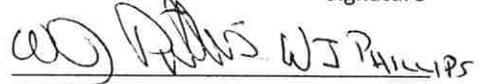
  
Tim Wahl  
Print Name Signature

  
Jose Guo  
Print Name Signature

  
Teresa Bartell  
Print Name Signature

  
CAROL J. PHILLIPS  
Print Name Signature

  
Carolyn Olivier CAROLYN OLIVER  
Print Name Signature

  
WJ PHILLIPS  
Print Name Signature

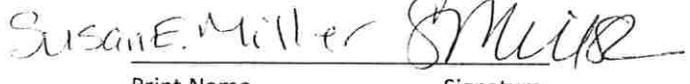
\_\_\_\_\_  
Print Name Signature

  
Davlene Ornelaz  
Print Name Signature

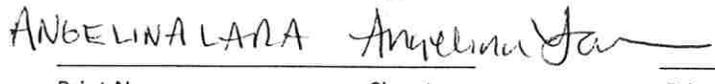
\_\_\_\_\_  
Print Name Signature

  
CAROL Rydall  
Print Name Signature

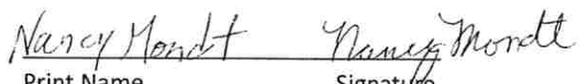
\_\_\_\_\_  
Print Name Signature

  
Susan E. Miller  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

  
ANGELINA LANA  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

  
Nancy Mondt  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

  
Evelyn Wahl  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

August 2019

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Sincerely,

*Angela Fletcher*  
Angela Fletcher  
Print Name                      Signature

*Jessica Clario*  
Jessica Clario  
Print Name                      Signature

*Angela Dillon*  
Angela Dillon  
Print Name                      Signature

*GEORGE HELFRICK*  
GEORGE HELFRICK  
Print Name                      Signature

\_\_\_\_\_  
Print Name                      Signature

August 2019

To Whom It May Concern:

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Sincerely,

Lynda Albro   
Print Name Signature

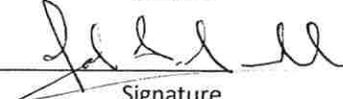
\_\_\_\_\_  
Print Name Signature

Vespon L. ALBRO   
Print Name Signature

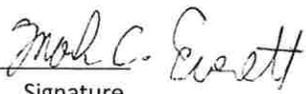
\_\_\_\_\_  
Print Name Signature

Sieglinde B-D'Arcangelo  
Sieglinde B. D'Arcangelo  
Print Name Signature

\_\_\_\_\_  
Print Name Signature

John H. Hewell   
Print Name Signature

\_\_\_\_\_  
Print Name Signature

MARK EVERETT   
Print Name Signature

\_\_\_\_\_  
Print Name Signature



42

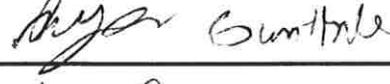
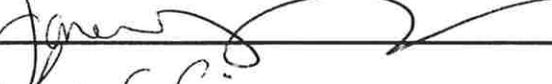
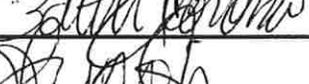
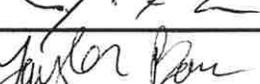
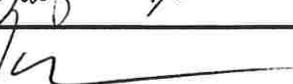
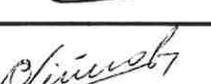
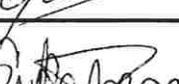
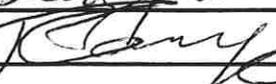
# CATARACT & LASER

I N S T I T U T E

Of Southern Oregon, P.C.  
www.medfordeyedocors.com

This will also be a big inconvenience for our physicians and staff:

Sign	<i>[Handwritten Signature]</i>	Print	Janice Baucher, manager
Sign	<i>[Handwritten Signature]</i>	Print	Katelyn Merriman
Sign	Armanda Walker	Print	Armanda Walker
Sign	<i>[Handwritten Signature]</i>	Print	Aimee Cropper
Sign	<i>[Handwritten Signature]</i>	Print	Angelina Tibbetts
Sign	<i>[Handwritten Signature]</i>	Print	Jamie Triller
Sign	Kelly Bawner	Print	Kelly Bawner
Sign	<i>[Handwritten Signature]</i>	Print	Paige Curtis
Sign	<i>[Handwritten Signature]</i>	Print	Tracy Mobley
Sign	<i>[Handwritten Signature]</i>	Print	Catherine E. Pond
Sign	Corin Neilson	Print	Corin Neilson
Sign	Lachelle Carr	Print	Lachelle Garner
Sign	Kristin Daniels	Print	Kristin Daniels
Sign	Michaela Wolf	Print	Michaela Wolf
Sign	Logan Burns	Print	Logan Burns
Sign	Mackenzie Champion	Print	Mackenzie Champion
Sign	Tessa Johnston	Print	Tessa Johnston
Sign	Lisset Mava	Print	Lisset Mava

Sign		Print	CRYSTAL VAUGHN
Sign		Print	Paul Schulte
Sign		Print	Justin Spaully
Sign		Print	Hyla Trost
Sign		Print	Barbara Melhase
Sign		Print	Ryan Gunthrie
Sign		Print	Stephanie Serrano
Sign		Print	Paula Meyer
Sign		Print	Margaret Lamson
Sign		Print	Frank Hamilton
Sign		Print	Karen Ross
Sign		Print	Kelly L. Brown
Sign		Print	Jamie Yang
Sign		Print	List E. Simpson
Sign		Print	Priscilla Corona
Sign		Print	Desiree Furnish
Sign		Print	Joe Fowler
Sign		Print	Taylor Benitez
Sign		Print	Nehde Hanscom
Sign		Print	Ailym Pinero
Sign		Print	Erika Zapeda
Sign		Print	Natalie Orkula
Sign		Print	Grey Jones
Sign		Print	Rachael Rodriguez

86-17265

EXHIBIT 11811

TRACT A: Commencing at the southwest corner of Donation Land Claim No. 59 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence, along the west boundary of said Claim, North 0°04'30" West 248.03 feet, thence to and along the south boundary of Doctors Park, according to the official plat thereof, now of record, North 89°55'30" East 465.00 feet, thence South 0°04'30" East 530.48 feet to intersect the relocated northwesterly right-of-way line of Barnett Road as described in instrument recorded as No. 69-06850 of the Official Records of Jackson County, Oregon; thence, along said relocated right-of-way line of Barnett Road, 303.62 feet along the arc of 532.96 foot radius curve left (the long chord bears North 66°39'50" East 299.54 feet) to the true point of beginning, thence North 0°04'30" West 164.16 feet to the north line of Lot Nineteen (19) of CRESTBROOK ORCHARD TRACTS in Jackson County, Oregon, according to the official plat thereof; now of record; thence North 89°55'30" East, along said north line, 9.26 feet to the northeast corner of said Lot 19; thence South 0°09'40" West, along the east line of said Lot, to intersect the said relocated northwesterly right of way line of Barnett Road; thence Southwesterly, along said line, to the true point of beginning.

(Code 49-1, Account #1-34941-5, Map #371W28DC, Tax Lot #500)

TRACT B: Beginning at the northeast corner of Lot Nineteen (19) of CRESTBROOK ORCHARD TRACTS in Jackson County, Oregon, according to the official plat thereof, now of record; thence South 0°09'40" West, along the east line of said Lot a distance of 170.89 feet to the northwesterly right-of-way line of Barnett Road; thence North 47°13' East, along said line, 152.26 feet to a point of curve; thence 122.39 feet, along said line, on an arc of a curve right (which arc has a radius of 388.10 feet, and a long chord of North 56°15' East 121.89 feet) to intersect the south boundary of Lot 17, said Crestbrook Orchard Tracts; thence South 89°55'30" West, along the south line of said Lot 17, a distance of 212.61 feet to the point of beginning. EXCEPTING THEREFROM that portion conveyed to the City of Medford, an Oregon State Municipality, by instrument recorded as No. 69-06850 of the Official Records of Jackson County, Oregon.

(Code 49-1, Account #1-34940-7, Map #371W28DC, Tax Lot #600)

TRACT C: Commencing at the southwest corner of Lot Seventeen (17) of CRESTBROOK ORCHARD TRACTS in Jackson County, Oregon, according to the official plat thereof, now of record, thence North, along the west line of said Lot, a distance of 545.9 feet to the true point of beginning; thence East 399.0 feet; thence South 545.9 feet to the south line of said Lot 17; thence West, along said line, 390.99 feet to the east line of tract described in deed recorded as No. 74-15021 of the Official Records of Jackson County, Oregon; thence North 0°04'30" West, along said line, 248.03 feet to the northeast corner of said tract; thence South 89°55'30" West, along the north line of said tract, 8.01 feet to the west line of said Lot 17; thence North, along said west line, 297.87 feet to the true point of beginning. EXCEPTING THEREFROM that portion conveyed to the City of Medford, an Oregon State Municipality, by instrument recorded as No. 69-06850 of the Official Records of Jackson County, Oregon.

(Code 49-1, Account #1-34937-7, Map #371W28DC, Tax Lot #400)

Exhibit "A" - page 1

86-17265

SUBJECT TO:

1. 1986-87 real property taxes, a lien not yet payable.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment of Barnett Road Water Improvement District.
3. The effect of said property, or any part thereof, lying within the Medford Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District.
4. Rights of way for canal, and rights in connection therewith, granted to the Medford Irrigation District, by instrument recorded in Volume 130 page 116 of the Deed Records of Jackson County, Oregon. (Affects Tract B)
5. All rights of way for existing and necessary irrigation laterals, reserved in deed from Medford Irrigation District recorded July 13, 1942 in Volume 237 page 296 of the Deed Records of Jackson County, Oregon. (Affects Tract A)
6. Right of way and easement for anchor and guys, and for other purposes granted to The California Oregon Power Company, a California corporation, by instrument recorded April 2, 1954, in Volume 392 page 297 of the Deed Records of Jackson County, Oregon.
7. Mortgage, from Steven G. Kerby and R. Gary Clark, to UNITED STATES NATIONAL BANK OF OREGON, Trustee under a Trust created by Edwin R. Durno and the United States National Bank of Oregon, dated March 9, 1965, and recorded August 8, 1979, as No. 79-17073 of the Official Records of Jackson County, Oregon.

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS

8:31 SEP 4 1986 A.M.

KATHLEEN S. BECKETT  
CLERK and RECORDER

By *J. A. Parvillo*, Deputy

Exhibit "A" - page 2

-3-

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-19-012 APPLICATION )  
FOR A ZONE CHANGE SUBMITTED BY JBR TABLE ROCK LLC ) ORDER

ORDER granting approval of a request for a zone change for *JBR Table Rock LLC*, described as follows:

Change zone of a 0.155-acre portion of a single 4.4-acre parcel located at 4088 Table Rock Road from I-G (General Industrial) to I-L (Light Industrial) (372W01D901).

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning for *JBR Table Rock LLC*, as describe above; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Staff Report dated August 15, 2019, and the Findings contained therein – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 2W 01D Tax Lot 901

is hereby changed as described above.

Accepted and approved this 12th day of September, 2019.

CITY OF MEDFORD PLANNING COMMISSION

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

ATTEST:

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

TELEPHONE  
541-772-2782



**L.J. FRIAR & ASSOCIATES P.C.**

CONSULTING LAND SURVEYORS

P.O. BOX 1947  
PHOENIX, OR 97535

FAX  
541-772-8465

JAMES E. HIBBS, PLS

ljfriar@charter.net

LEGAL DESCRIPTION *Exhibit "B"*

Commencing at the Northeast corner of Donation Land Claim No. 56, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence South 41°21'20" East, 1017.52 feet to the intersection of the South line of that tract described in Document No. 2011-007628, Official Records of Jackson County, Oregon with the East line of Table Rock Road set forth in Document No. 2017-004069, said Official Records and the true point of beginning; thence along said South line, North 89°51'00" East, 144.24 feet to the Southeast corner thereof; thence North 89°51'00" East, 14.50 feet to a 5/8 inch iron pin; thence North 00°19'40" West, 461.51 feet to the Northeasterly line of that tract described in Document No. 01-16049, said Official Records; thence along said Northeasterly line, North 45°04'13" West (record North 44°45'14" West), 20.39 feet to the West line thereof; thence along said West line, North 00°18'45" West (record NORTH), 8.27 feet to the South line of Biddle Road set forth in Document No. 76-12987, said Official Records; thence along said South line the following two courses: along a spiral curve to the left the long chord of which bears North 72°23'55" West, 57.82 feet; thence South 89°48'41" West, 88.93 feet to the East line of Table Rock Road set forth in Document No. 2017-004069, said Official Records; thence along said East line, South 00°16'37" East, 501.79 feet to the true point of beginning. Containing 1.80 acres, more or less.

ADJUSTED 372W01D TL600  
JBR-Tablerock, LLC  
18-152  
December 13, 2018

CITY OF MEDFORD  
EXHIBIT # B (2 of 3)  
FILE # ZC-19-012

TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS



**L.J. FRIAR & ASSOCIATES P.C.**

CONSULTING LAND SURVEYORS

P.O. BOX 1947  
PHOENIX, OR 97535

FAX  
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

Commencing at the Northeast corner of Donation Land Claim No. 56, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence South  $41^{\circ}21'20''$  East, 1017.52 feet to the intersection of the South line of that tract described in Document No. 2011-007628, Official Records of Jackson County, Oregon with the East line of Table Rock Road set forth in Document No. 2017-004069, said Official Records; thence along said South line, North  $89^{\circ}51'00''$  East, 144.24 feet to the Southeast corner thereof and the true point of beginning; thence North  $89^{\circ}51'00''$  East, 14.50 feet to a 5/8 inch iron pin; thence North  $00^{\circ}19'40''$  West, 461.51 feet to the Northeasterly line of that tract described in Document No. 01-16049, said Official Records; thence along said Northeasterly line, North  $45^{\circ}04'13''$  West (record North  $44^{\circ}45'14''$  West), 20.39 feet to the West line thereof; thence along said West line, South  $00^{\circ}18'35''$  West (record SOUTH), 475.95 feet to the true point of beginning. Containing 0.155 acre, more or less.

TRACT FROM 372W01D TL901 TO TL600  
JBR-Tablerock, LLC  
18-152  
May 29, 2019

CITY OF MEDFORD  
EXHIBIT # B (3 of 3)  
FILE # ZC-19-012

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-19-010 APPLICATION FOR )  
A ZONE CHANGE SUBMITTED BY NORTH PHOENIX PROPERTY HOLDINGS INC. ) O R D E R

ORDER granting approval with conditions of a request for a minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres, located at 709 N Phoenix Road, currently containing the "Court House Family Fitness", from Urban Residential (UR) to Commercial (CM); along with an associated request to rezone the parcel from SFR-4, Single Family Residential - 2.5 to 4 dwelling units per gross acre) to C-C (Community Commercial).

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

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated August 22, 2019, and the Findings contained therein - Exhibit "A," and Legal Description - Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 27 Tax Lot 701

is hereby changed as described above.

Accepted and approved this 12th day of September, 2019.

CITY OF MEDFORD PLANNING COMMISSION

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

ATTEST:

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



## COMMISSION REPORT

for Type-IV and Type-III quasi-judicial and legislative decisions: **Minor General Land Use Plan Map Amendment and Zone Change.**

**Project** North Phoenix Property Holdings Inc.  
Applicant: North Phoenix Property Holding LLC.  
Agent: CSA Planning Ltd.

**File no.** GLUP-19-002 & ZC-19-010

**Date** August 22, 2019

---

### BACKGROUND

#### Proposal

Request for a Minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres, located at 709 N Phoenix Road, currently containing the *Court House Family Fitness* from Urban Residential (UR) to Commercial (CM); along with an associated request to rezone the parcel from SFR-4 (Single Family Residential - 2.5 to 4 dwelling units per gross acre) to C-C (Community Commercial). (371W27 TL701)

#### Vicinity Map



### Subject Site Characteristics

GLUP	UR	Urban Residential
Zoning	SFR-4	Single Family Residential, 2.5 to 4 dwelling units per gross acre
SE Plan	2	Standard Lot
Use	Commercial Use – Court House Family Fitness	

### Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4
	Use:	Single Family Residential
<i>South</i>	Zone:	SFR-00 (Single Family Residential – 1 dwelling unit per lot)
	Use:	Single Family Residential
<i>East</i>	Zone:	SFR-4 & SFR-00
	Use:	Single Family Residential
<i>West</i>	Zone:	SFR-4
	Use:	Single Family Residential

### Related Projects

CUP-18-076	Modify existing Conditional Use Permit to add parking and allow for new construction and other site modifications.
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### Applicable Criteria

#### Minor Comprehensive Plan Amendment

For the applicable criteria, the Medford Municipal Code Section 10.222(B) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

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

## Zone Change Approval Criteria – Section 10.204(B) of the Medford Land Development Code (MLDC)

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

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.
- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

\*\*\*

(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

- (ii) The overall area of the C-C zoning district shall be over three acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.

\*\*\*

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

- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
- (b) Adequate streets and street capacity must be provided in one of the following ways:
  - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
  - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition

and capacity, at the time building permits for vertical construction are issued; or

- (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
    - a. the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
    - b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
  - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:
- (i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;

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

### **Corporate Names**

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

William H. Fowler is the Registered Agent for CSA Planning, Ltd. According to the Oregon Secretary of State Business Registry, Jay Harland is listed as the President and Raul Woerner as the Secretary.

### **Authority**

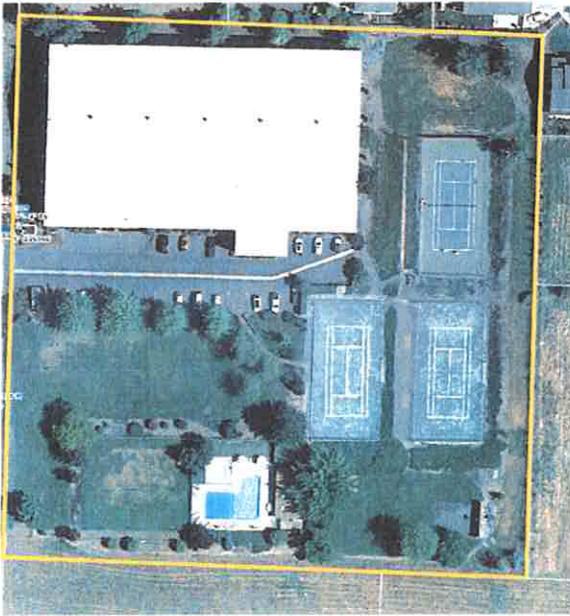
The Planning Commission is designated as the approving authority for Type III land use actions involving zone changes. The subject application also includes a Type IV legislative Comprehensive Plan amendment. The Planning Commission is authorized to act as an advisory agency, forwarding a recommendation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

## **ISSUES AND ANALYSIS**

### **Background**

The subject site has been commercially developed since the late 1960s when, according to the applicant, it was first developed with tennis courts, a swimming pool and other outdoor recreational activity areas. An indoor tennis court was added later on.

In August of 2018, the Planning Commission approved a Conditional Use Permit (CUP) to further improve the site in three phases: Phase 1 will expand the parking lot, Phase 2 will consist of an indoor aquatic center, and Phase 3 will include an outdoor pool together with additional parking. As part of the CUP approval, the Planning Commission struck the requirement for road improvements and right-of-way dedication along the southerly property line due to the inexactness of the Southeast Overlay Plan Map and necessity to establish Dolan requirements for the establishment of a road in this location. Additionally, the Commission did not apply



the recommendation of a pedestrian path to the Windgate Street cul-de-sac as this cannot be accomplished without the adjoining property owners granting an easement.

The requested change to a Commercial GLUP and zoning is intended to facilitate financing for Phases 2 and 3 as listed above.

### **Project Summary**

In order to secure financing for the proposed future uses of the recreational center, the applicant is requesting a change to the GLUP Map from Urban Residential to Commercial

and concurrently change the zoning from SFR-4 to C-C (Community Commercial). This change would eliminate the need for a CUP as the use is permitted outright in the C-C zoning district.

### **Facility Adequacy**

#### *Traffic Analysis*

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

Per the applicant's findings and as confirmed in the Public Works Staff Report (Exhibits H and L, respectively), the traffic analysis states that the trip generation for the full potential of the zone change could not be supported by the Transportation System Plan without mitigation. Therefore, a trip cap has been stipulated to 242 P.M. peak hour trips. With the stipulated trip cap there is no significant impact to the transportation system.

#### *Sewer Capacity Constraints*

Per the Public Works Department (Exhibit L), the downstream sewer system currently has capacity constraints. Based on this information, Public Works suggests three options: One, to deny the proposed applications; two, the applicant to stipulate to only develop so the total sewer flows do not exceed current zoning limitation; or, three, the developer make improvements to the downstream sanitary sewer system

to alleviate capacity constraints or provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed applications.

### *Facility Adequacy*

Per the agency comments submitted to staff (Exhibits L to R), it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

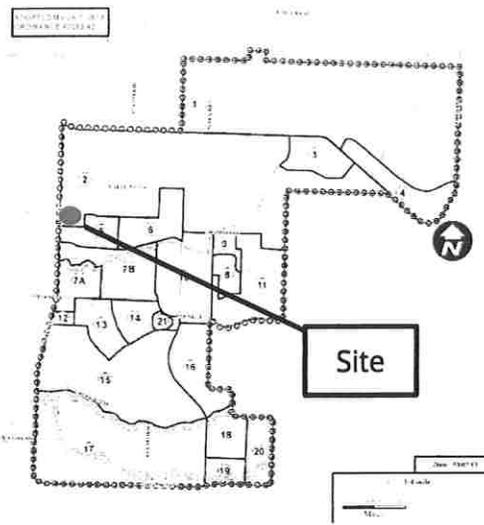
### **Restricted Zoning**

Based on the sewer system issues and proposed trip cap of 242 P.M. peak hour trips and the zone change criteria at MLDC 10.204(3)(c)(i), the Commission can implement a restriction of uses by type or intensity. As there is no construction proposed with this application, the requested GLUP Map amendment and zone change will not further impact the sewer system or transportation system at this time.

A Restricted Zoning (RZ) overlay will be applied to the site, restricting development until the time upgrades have been made to the sewer system, or the developer provides an engineering study of the downstream sewer system to show capacity exists to allow for any proposed improvements.

The restricted zoning overlay will also include a trip cap of 242 P.M. peak hour trips. A trip accounting for each phase of development will be necessary to verify that the trip cap has not been exceeded. An additional TIA will be required to remove the trip cap from the property.

### **Southeast Plan**



The Southeast Plan is adopted as part of the Neighborhood Element of the Comprehensive Plan. The subject property is within Area 2 of the Southeast Plan Map. Should the Commission and the City Council act to approve the proposed applications, several Southeast Plan Maps that are part of the Neighborhood Element will have to be updated to reflect the GLUP and Zoning Map changes and add a new sub-area. Revisions to those portions of the Plan document may be made when needed by order of the Planning Director and shall be transmitted to the Planning Commission, City Council, and all other

recorded holders of the Comprehensive Plan.

### **Committee Comments**

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

No other issues were identified by staff.

### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings and conclusions for the GLUP Map change (Exhibit G) and the Zone Change (Exhibit H) and recommends the Commission adopt the findings with the following modifications.

- With regard to Criterion 3 of MLDC 10.204(B), the applicant shall stipulate to only develop so the total sewer system flows do not exceed current zoning limitations.

### **ACTION TAKEN**

#### **Minor Comprehensive Plan (GLUP Map) Amendment**

Forwarded a favorable recommendation for approval of GLUP-19-002 to the City Council per the Staff Report dated August 15, 2019, including Exhibits A to R.

#### **Zone Change**

Adopted the findings as recommended by staff direct staff to prepare a Final Order for approval per the Commission Report dated August 22, 2019, including Exhibits A to S, provided the City Council approves the GLUP amendment.

### **EXHIBITS**

- A Conditions of Approval, dated August 15, 2019
  - B Assessor Map, received May 24, 2019
  - C General Land Use Plan Map, received May 24, 2019
  - D Southeast Plan Map, received May 24, 2019
  - E Zoning Map, received May 24, 2019
  - F Buildable Lands Inventory, received May 24, 2019
  - G Findings of Fact and Conclusions of Law for General Land Use Plan Map amendment, received May 24, 2019
  - H Findings of Fact and Conclusions of Law for Zone Change, received May 24, 2019
  - I Legal Description for proposed re-zoning area, received May 24, 2019
  - J Assessment Info for subject property, received May 24, 2019
  - K Traffic Impact Analysis, received May 24, 2019
-

- L Revised Public Works Staff Report, dated August 13, 2019
- M Public Works Memo re: Traffic Impact Analysis, received July 11, 2019
- N Medford Water Commission Memo, dated July 31, 2019
- O City Surveyor Memo, dated July 5, 2019
- P Medford Fire Department Memo, dated July 29, 2019
- Q Jackson County Roads Memo, dated July 8, 2019
- R Floodplain Coordinator Memo, dated August 5, 2019
- S Letter from David Cuttrell, received August 22, 2019  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**AUGUST 22, 2019  
SEPTEMBER 12, 2019**

---

**Mark McKechnie, Chair**

**RECEIVED**  
**AUG 22 2019**  
**PLANNING DEPT.**

City of Medford  
Planning Department  
411 W 8<sup>th</sup> Street  
Medford, OR 97501

August 21, 2019

File No: GLUP-19-002 / ZC-19-010

I object.



David F Cuttrel  
3606 Calle Vista Drive  
Medford, OR 97504

CITY OF MEDFORD  
EXHIBIT # 5  
File # GLUP-19-002  
ZC-19-010

EXHIBIT 8  
RECEIVED

EXHIBIT "B"

MAY 24 2019

**PROPOSED RE-ZONING AREA  
DESCRIPTION SHEET**

PLANNING DEPT.

That real property as described in Instrument Number 2017-043492 of the Official Records of Jackson County, Oregon, located within Donation Land Claim No. 58 in the Southwest One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon. The exterior outline of the area to be re-zoned is more particularly described as follows:

Commencing at a 5/8-inch diameter iron pin located at the southwest corner of Lot 2, FAIR OAKS ORCHARD TRACTS, recorded September 15, 1910, in Volume 2 of Plats at Page 50 of the Records of Jackson County, Oregon; thence North 00°25'02" West, along the westerly boundaries of Lots 1 and 2 of said plat, 422.05 feet (Record: North 0°04' West, 421.98 feet) to the southwest corner of that right-of-way dedication per Instrument Number 98-17868 of the Official Records of Jackson County, Oregon, and being the **TRUE POINT OF BEGINNING**; thence leaving the westerly boundary of said Lot 1, North 89°32'41" West, 30.00 feet to the centerline of North Phoenix Road, a public right-of-way; thence North 00°25'02" West, along said centerline, 475.95 feet; thence leaving said centerline, South 89°32'53" East, 30.00 feet to the northwest corner of said dedication per Instrument Number 98-17868; thence continuing South 89°32'53" East, along the northerly line of said dedication, 15.00 feet to the northeast corner thereof, also being the northwest corner of that tract per said Instrument Number 2017-043492; thence along the northerly, easterly and southerly boundaries of last said instrument, the following courses and distances: continuing South 89°32'53" East, 463.89 feet to the northeast corner thereof; thence South 00°24'53" East, 475.98 feet to the southeast corner thereof; thence North 89°32'41" West, 463.88 feet to the southwest corner thereof and being the southeast corner of the aforesaid right-of-way dedication; thence North 89°32'41" West, along the southerly line of said dedication, 15.00 feet to the Point of Beginning.

Area to be re-zoned contains 5.56 acres, more or less.

**BASIS OF BEARINGS:** Geodetic North referenced to the NAD83 2011 (Epoch 2010.00) datum, projected onto the Oregon Coordinate Reference System, Grants Pass-Ashland zone (references: OAR 734-005-0005, 734-005-0010 and 734-005-0015(3)(p)). Note that the grid bearings listed herein do not equal geodetic bearings due to meridian convergence.

**This description is prepared for the distinct purpose of outlining an area to be re-zoned in the City of Medford, Oregon and is not sufficient for the conveyance of real property, the determination or creation of real property boundaries.**

Prepared By:  
Neathamer Surveying, Inc.  
3126 State Street, Suite 203  
Medford, Oregon 97501  
Phone: (541) 732-2869  
FAX: (541) 732-1382  
Project Number: 18002

Date: May 1, 2019



*Cael E. Neathamer*



RENEWAL DEC. 31, ~~CITY~~ OF MEDFORD

EXHIBIT # 1

FILE # ZC-19-010/GLUP-19-

002



## MEMORANDUM

**To:** Planning Commission

**From:** Carla Angeli Paladino, Principal Planner

**Date:** August 28, 2019 *for September 12, 2019 meeting*

**Subject:** Consideration of a citizen initiated request to amend Chapter 9 of the Municipal Code to expand the types of uses and number of zoning districts that permit electric fences

### BACKGROUND

Electric Guard Dog LLC (EGD), working with lobbyist and public relations firm JWA Public Affairs, is interested in working with the City to amend the Municipal to expand the types of uses and the zoning districts that permit the installation of electric fences. The existing electric fence regulations were adopted into the code in 2015 and limit the installation of these types of fences around outdoor storage areas (including vehicle storage areas) in the Heavy Commercial (C-H), Light Industrial (I-L), General Industrial (I-G) and Heavy Industrial (I-H) zoning districts.

Potential customers of Electric Guard Dog LLC who have property outside of these zoning districts and have different types of uses are interested in this company's service but are unable to install an electric fence based on current code language. In a July 8<sup>th</sup> letter, JWA Public Affairs requests that the City consider expanding where electric fences are permitted. The letter suggests a possible modification to the code language by removing the limitation on the types of uses that can install electric fences and allow them in all of the City's commercial zoning districts with the except of the Central Business overlay and the Public Parks zone.

The Planning Commission heard a presentation from staff and representatives from JWA Public Affairs and Electric Guard Dog, LLC at the August 26, 2019 study session. While staff cited aesthetic concerns and a lack of clarity from the applicant's letter as to why the provisions needed to be applied so broadly across the City's commercial zoning districts, the applicant responded with additional information describing the operation of its product in great detail and attempted to address staff concerns.

EGD installs, maintains, and monitors the fences they install. Many of their clients include businesses such as trucking companies, auto dismantlers, equipment rental companies, and truck sales. Multi-lingual signs typically in English and Spanish are attached to notify the public of the electrified fence. The system is charged by solar panels and run from batteries. The electric fencing is installed inside another existing fence or barrier.

In staff's opinion, EGD's proposal to allow electric fencing in all of the commercial zoning districts continues to be too permissive and in most cases unnecessary (the types of uses permitted in zones such as Neighborhood Commercial (N-C) or Commercial-Service/Professional (C-S/P) do not necessitate or warrant this type of fencing). In other commercial zones, the City's allowed uses are so broad that businesses such as rental companies are intermixed in the same zones that also permit multi-family residential, retail, and office uses. Although the uses may relate well together from a use perspective, the types of facilities (such as electric fences), streetscapes, site design, and aesthetic considerations for these types of uses are not always compatible. Because of this intermix of uses within the City's commercial zoning districts, the request to expand where electric fences are permitted should be considered carefully.

#### STAFF RECOMMENDATION

Staff recommends against the Planning Commission initiating this text amendment based on the following:

- Existing code is sufficiently permissive for this type of fencing
- Aesthetic concerns to permit electric fencing along the City's commercial corridors

#### OPTIONS

**Do not initiate the code amendment.** Adoption of the consent calendar without removing this item indicates the Planning Commission will not initiate the code amendment and this request will be closed. Staff will inform the citizen requesting the amendment and City Council about the Commission's decision.

**Initiate the code amendment.** If the Commission pulls the item from the consent calendar and votes to initiate the code amendment, staff will add this request to the division's work tasks for 2020. A code amendment fee of \$2,500 will be charged to the applicant.

Electric Fence Amendment  
August 28, 2019

## ATTACHMENTS

- Planning Commission memo dated August 22, 2019

NOTE: The Planning Commission study session minutes from August 26, 2019 were not available at the time of publication of this memo.



## MEMORANDUM

**To:** Planning Commission  
**From:** Carla Angeli Paladino, Principal Planner  
**CC:** John Watt and Greg Lemhouse, JWA Public Affairs  
**Date:** August 22, 2019 *for August 26, 2019 study session*  
**Subject:** Discussion regarding a citizen initiated request to amend Chapter 9 of the Municipal Code to expand the number of zones that permit electric fences

### BACKGROUND

On July 8, 2019, a letter was received from John Watt, of JWA Public Affairs who has been retained by Electric Guard Dog, LLC on this project (see Exhibit A). Electric Guard Dog, LLC is seeking to amend the City's Municipal Code and expand the zoning districts where electric fences are permitted. Planning staff met twice with representatives from both companies to discuss the initiation process and better understand the request. Electric Guard Dog, LLC has been approached by local Medford businesses to install this type of fencing and is finding that it is not permitted in all of the commercial zoning districts thus limiting where this service can be provided.

### EXISTING & PROPOSED CODE

Electric fence references are found in Sections 9.560, 9.561, and 10.732 (see Exhibit B) of the Municipal Code. The following section identifies which zoning districts are permitted to have electric fences:

#### Section 9.561 Electric Fences

It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section. The construction and use of electric fences shall be allowed in the city only as provided in this section, and section 10.731 through 10.735, subject to the following standards:

- (1) Electric fences shall only be permitted around outdoor storage areas, including vehicle storage areas in the following zones: C-H (Heavy

Commercial), I-L (Light Industrial), I-G (General Industrial), and I-H (Heavy Industrial), or where needed to control livestock.

Mr. Watt's letter suggests a possible modification to the above code section to read as follows (additions noted in bold italics):

(1) Electric fences shall only be permitted around outdoor storage areas, including *but not limited to* vehicle storage areas in *all Commercial and Industrial Zones* or where needed to control livestock, *with the following exceptions:*

*a. Electric fences shall not be permitted within the Central Business Overlay or P-1 zone.*

#### EVALUATION OF REQUEST

The existing code language is found in Chapter 9, the Building Section of the Municipal Code. The inclusion of Section 9.561, Electric Fences was adopted by Ordinance No. 2015-88 in September 2015, and is a fairly new regulation added to the City's code. The Council agenda item commentary from the Council meeting in 2015 (see Exhibit C) provides limited background as to the reason for the change, but it states Council and staff were approached in 2013 by an electric fence contractor to review and revise the language. The purpose of the change was to secure against theft at businesses.

The City has five commercial zoning districts. Currently, only one of the five zones permits electric fences. The Heavy Commercial (C-H) zoning district was most likely included in the 2015 ordinance because it is most comparable to the industrial zoning district in regards to allowable uses. The ordinance was purposeful in limiting the types of uses that can be fenced and in what zoning districts.

The City's commercial zoning districts are very versatile and permit a wide variety of land uses including multi-family residential (with the exception of Neighborhood Commercial C-N). A change to the ordinance to more broadly allow electric fences in all of the commercial zoning districts and around any type of use is too permissive in staff's opinion. The location of the City's commercial zones for the most part run along the spine or major roadways that bisect the City. The commercial zones are more frequently adjacent to residential and park/open space uses where more conflicts may occur between business owners and residents if the location for electric fences is expanded.

It is unclear from the applicant's letter, what the reason is for expanding upon the permitted zones so broadly. How many customers have they heard from that are interested in having this type of fencing? Where are they located? What is their use? If there are so many uses

that require electric fences in the commercial zoning districts then the City may need to re-evaluate the permitted uses within these zones.

Staff is also concerned about the unintended consequences of allowing electric fences in more of the commercial zoning districts from a quantity and aesthetic perspective. This use could be equated to allowing electric message board signs within the City. If the use is expanded upon, how many electric fences will be installed within the City? In the case of electric message signs, the proliferation of these types of signs can be seen driving down almost every major roadway in the City. Such uses whether signs or electric fences change the look and character of the City's corridors and commercial districts, and may not be in the best interest of the City.

A review of surrounding jurisdictions identified the following regarding electric fence provisions:

Name of Jurisdiction	Allowed	Prohibited
Albany	✓ Permit in Light Industrial and Heavy Industrial zones	
Ashland	✓ Permit with restrictions/special standards	
Bend		Barbed wire and razor wire prohibited; Silent on Electric Fences
Central Point		✓
Grants Pass		✓
Phoenix		Barbed wire not acceptable; Silent on Electric Fences

**STAFF RECOMMENDATION**

Staff recommends against the Planning Commission initiating this text amendment for the following reasons:

- Insufficient information to understand the reason for expanding the zoning districts for this use
- An expansion of this use into all of the commercial zones would change the character of the built environment in a negative way

Electric Fencing  
August 22, 2019

#### **NEXT STEPS**

The Planning Commission will be asked to decide if the request to initiate a code amendment should be granted at the September 12, 2019 hearing.

#### **ATTACHMENTS**

- Letter dated July 8, 2019 from John Watt
- Municipal Code sections on electric fences
- Agenda Item Commentary front page for September 3, 2015 Council meeting



July 8<sup>th</sup>, 2019

Director Matthew Brinkley  
City of Medford Planning Dept

200 South Ivy Street, Lausmann Annex, Room 240  
Medford, Oregon 97501  
Phone: 541-774-2380

John Watt  
President & CEO

Sean Tate  
Vice President of Business  
Development & Public Affairs

Scott Lubich  
Vice President of Operations

Cathy Watt  
Chief Financial Officer

Kim Jones  
Corporate Counsel

Al Densmore  
Senior Account Executive  
Client Management

Greg Lemhouse  
Senior Account Executive  
Client Management

Dave Dotterer  
Senior Account Executive  
Project Development

Dear Director Matthew Brinkley:

Our firm has been retained by Electric Guard Dog, LLC to assist them in their efforts requesting a text amendment to the City of Medford code regarding the allowance of electric fences in all Commercial and Industrial Zones with some reasonable limitations.

We do not believe this request is a leap from what is already permitted within the city and we are very willing to work with staff and the Planning Commission to find a solution to allow electric fences in these areas. We are proposing the below as a starting point to further discussions:

Text Amendment for 9.561:

*(1) Electric fences shall only be permitted around outdoor storage areas, including but not limited to vehicle storage areas in all Commercial and Industrial Zones or where needed to control livestock, with the following exceptions:*

*a. Electric fences shall not be permitted within the Central Business Overlay Zone or P-1 zone.*

We appreciate your consideration of our request and look forward to working with you and your staff.

John Watt  
President/CEO  
JWA Public Affairs

## Exhibit B

### 9.560 Hazardous Fences and Walls

Pursuant to and in conformance with Medford Code Section 10.731-10.733, the following shall be prohibited:

- (1) Electric fencing, except as regulated by Section 9.561;
- (2) Barbed wire, except at a level of 6 feet or more from the ground;
- (3) Broken glass, barbs or similar hazardous material imbedded in the fence or wall.

All new fences exceeding 6 feet in height, including replacing existing fences, require a building permit with the fee based on the valuation and Medford Code Section 9.270, Table 9-A.

[Amd. Sec. 11, Ord. No. 2011-63, Apr. 7, 2011; Amd. Sec. 1, Ord. No. 2015-88, Sept. 3, 2015.]

## 9.561 Electric Fences

It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section. The construction and use of electric fences shall be allowed in the city only as provided in this section, and section 10.731 through 10.735, subject to the following standards:

- (1) Electric fences shall only be permitted around outdoor storage areas, including vehicle storage areas in the following zones: C-H, I-L, I-G, and I-H, or where needed to control livestock.
- (2) Electric fences shall only be installed under a permit issued by the Building Safety Department, and if an alarm is included, shall also have a Burglar Alarm permit issued under Medford Municipal Code 8.605 through 8.695.
- (3) The electric charge produced by the fence upon contact shall be non-lethal, and shall not exceed the energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standard No. 60335-2-76, 2002 edition. All electrical components shall bear the label of a testing agency recognized by the State of Oregon Department of Consumer and Business Services, Building Codes Division.
  - (3.1) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery may be charged either by a solar panel, or a commercial trickle charger, or a combination of both.
- (4) No electric fence shall be installed or used unless it is separated from the abutting property or right-of-way by a non-electric fence or wall. When abutting a residential property, the non-electric fence or wall shall be of solid construction.
  - (4.1) The non-electric fence shall be installed under the regulations and height limitations in Medford Municipal Code 10.731 through 10.735.
  - (4.2) The non-electric fence shall be a height equal to, or greater than the highest level of electrification, but in no case less than 6 feet in height. Electric fences shall not exceed the height of the legally permitted non-electric surrounding fence. Electric fences shall not be located in the front yard setback.
  - (4.3) A separation shall be maintained between the electric fence and a surrounding non-electric fence or wall, adequate to allow maintenance of landscaping, but no less than 12 inches, and no electric fence shall be installed within 24 inches of a property line.
  - (4.4) When an electric fence is installed within a required buffer yard as defined in Medford Municipal Code 10.790, the non-electric fence shall be constructed of a material and design that is sight-obstructing, and compatible with adjacent uses, per the standards of that section. The installation of the electric fence shall not interfere

with or cause the removal of the required buffer yard plantings.

(5) Electric fences shall be clearly identified with warning signs in English and Spanish that read: "Warning-Electric Fence" or an equivalent, together with a pictorial warning, at intervals of not to exceed forty feet.

(6) Emergency Access. Fire department access shall be provided in accordance with the Fire Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Medford Fire Marshal.

(7) Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under Medford Municipal Code 5.530.

[Added, Sec. 2, Ord. No. 2015-88, Sept. 3, 2015.]

## 10.732 Fencing of Lots

(1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the approving authority. (Effective Dec. 1, 2013.)

(2) Fencing located in the side or rear yards (when not a through-lot) shall not exceed eight (8) feet in height. Height shall be measured as follows:

(a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.

(b) In other required yards, it shall be measured from the highest adjacent finished ground level.

(3) No fencing shall conflict with the site distance requirements of Section 10.735, Clear View of Intersecting Streets.

(4) All fencing shall comply with Section 9.560, Hazardous Fences Prohibited, of the City Code.

(5) Gates on primary vehicle entrances adjacent to public streets shall be set back a minimum of 20 feet from the right-of-way. Gates on secondary entrances (e.g., stored vehicles, etc.) may be set back less than 20 feet if approved by the Engineering Division. Gates provided with a remotely operated opening mechanism may be set back 20 feet from the nearest existing or planned vehicular travel lane as determined by the City Engineer.

[Amd. Sec. 3, Ord. No. 7786, Dec. 15, 1994; Amd. Sec. 8, Ord. No. 7940, Aug. 3, 1995; Amd. Sec. 2, Ord. No. 8010, Dec. 21, 1995; Amd. Sec. 12, Ord. No. 8013, Jan. 4, 1996; Amd. Sec. 19, Ord. No. 2013-131, Sept. 5, 2013; Amd. Sec. 19, Ord. No. 2018-133, Dec. 6, 2018.]



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**  
www.ci.medford.or.us

Exhibit C  
Item No: 60.3

**DEPARTMENT:** City Manager's Office  
**PHONE:** 541-774-2351  
**STAFF CONTACT:** Chris Reising, Deputy City Manager for Development Services

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** September 3, 2015

**COUNCIL BILL 2015-88**

An ordinance amending Section 9.560 of the Medford Code and adding Section 9.561 pertaining to fences, walls and electric fences.

**ISSUE STATEMENT & SUMMARY:**

An ordinance amending Medford Municipal Code section 9.560 Hazardous Fences, and adding a new section 9.561 Electric Fences.

**BACKGROUND:**

Medford has prohibited so-called hazardous fences since the early 1980's. The purpose of this ordinance was 2-fold; first for safety of the public and secondly for aesthetic considerations. New technology renders the safety concerns moot. The newer single-strand electric fences are non-lethal and integrated with alarm systems. Aesthetic issues are secondary to loss-prevention concerns in industrial zones. The revision of the ordinance will assist building owners in securing against theft.

- A. **History:** City Council and staff were approached in 2013 by an electric fence contractor with a request to review and revise the ordinance. Since the original ordinance contained in chapter 9 rather than chapter 10, the revisions are not a part of the development code.
- B. **Analysis:** The exception to the ordinance proposed will only affect properties in the C-H, I-L, I-G, and I-H, zones or where needed to control livestock (nearly non-existent in the City).
- C. **Financial and/or Resource Considerations:** None.
- D. **Timing Issues:** None.

**STRATEGIC PLAN:**

Theme: Safe Community

Goal 1: Ensure a safe community by protecting people, property and the environment.

Theme: Responsive Leadership

GOAL 14: In an open and transparent manner effectively deliver municipal services that Medford citizens need, want and are willing to support.

**COUNCIL OPTIONS:**

1. Approve the ordinance revisions.
2. Approve the ordinance revisions with modifications.
3. Deny the ordinance revisions.

**STAFF RECOMMENDATIONS:**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION:**

I move to approve the ordinance amending Medford Municipal Code section 9.560 relating to hazardous fences.

**EXHIBITS:**

A copy of the proposed ordinance revisions.  
Ordinance

# PLANNING COMMISSION MINUTES



**MEDFORD**  
OREGON

August 22, 2019

5:30 P.M.

Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon

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The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8<sup>th</sup> Street, Medford, Oregon on the above date with the following members and staff in attendance:

### Commissioners Present

Mark McKechnie, Chair (left at 7:15 p.m.)  
Joe Foley, Vice Chair  
David Culbertson (left at 7:05 p.m.)  
Bill Mansfield  
David McFadden  
E.J. McManus  
Jeff Thomas

### Staff Present

Kelly Evans, Assistant Planning Director  
Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Debbie Strigle, Recording Secretary  
Dustin Severs, Planner III  
Steffen Roennfeldt, Planner III

### Commissioner Absent

Patrick Miranda, Excused Absence  
Jared Pulver, Unexcused Absence

10. Roll Call
20. Consent Calendar / Written Communications (voice vote). None.
30. Approval or Correction of the Minutes from August 8, 2019 hearing  
30.1 The minutes for August 8, 2019, were approved as submitted.
40. Oral Requests and Communications from the Public. None.
50. Public Hearings

Motion: Take agenda item 50.7 out of order and placing it before agenda item 50.4.

Moved by: Chair McKechnie

Seconded by: Joe Foley

Voice Vote: Motion passed, 7-0-0.

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

---

**Continuance Requests**

**50.1 ZC-18-189** Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400). Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs. **The applicant has requested to continue this item to the Thursday, September 26, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the September 26th hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on September 26th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued ZC-18-189, per the applicant's request, to the Thursday, September 26, 2019, Planning Commission meeting.

Moved by: Vice Chair Foley

Seconded by: Commissioner Culbertson

Voice Vote: Motion passed, 7-0-0.

**50.2 ZC-18-178** Consideration of a request for a zone change of an approximately 91.5 gross acre parcel located at the terminus of Cadet Drive from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre) (371W15C TL 300); Applicant: Mike & Gayle Jantzer; Agent: Richard Stevens & Associates Inc.; Planner: Liz Conner. **The applicant requests this item be continued to Thursday, September 12, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the September 12th hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on September 12th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued ZC-18-178, per the applicant's request, to the Thursday, September 12, 2019, Planning Commission meeting.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 7-0-0.

Old Business

50.3 ZC-19-011 Consideration of a request for a zone change of three contiguous parcels totaling 5.26 acres located north of Barnett Road and east of Murphy Road, from MFR-30 (Multiple Family, thirty dwelling units per gross acre) to C-S/P (Commercial, Service & Professional Office) (371W28DC TL 400, 500 & 600); Applicant, Mahlum Architects; Planner, Dustin Severs.

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

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

Dustin Severs, Planner III reported that the Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

a. Steve Schwaeber, Mahlum Architects, 1231 NW Hoyt, Suite 102, Portland, Oregon, 97209. Mr. Schwaeber reported that they understand the need for traffic assessment and controls in the community. They request from the Planning Commission that the project be seen completely separate entity from the mitigation requirements.

Mr. Schwaeber reserved rebuttal time.

b. Jason Stranberg, 185 Mistletoe Road, Ashland, Oregon, 97520. Mr. Stranberg reserved the right to comment on any discussion tonight.

c. Shahrzad Sheibani, 1518 E. Barnett Road, Medford, Oregon, 97504. Ms. Sheibani is representing Oregon Retina Center. The future traffic barrier will create a hardship for their patients. She would like the City's Transportation department evaluate the safety issue of the barrier. She submitted a one day 160 signature petition into the record.

d. Justin Spaulding, 435 Briscoe Place, Ashland, Oregon, 97520. Mr. Spaulding stated there is not a good area for his patients to make a U-turn safely. He has concerns that the barrier create potential traffic problems that have not been accounted for at this point in time.

Commissioner McFadden asked, does Mr. Spaulding understand that the project being discussed this evening will delay any action on the median. The agreement has been made if the median is necessary.

Chair McKechnie commented that Public Works had revised their recommendation that no work will be done to the median at this time.

e. Keith Russell, Asante Director of Real Estate, 2650 Siskiyou Boulevard, Medford, Oregon, 97504. Mr. Russell responded that Commissioner McFadden made the rebuttal for the applicant.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of ZC-19-011 per the staff report dated August 15, 2019, including Exhibits A-1 through N.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Vice Chair Foley noted that the applicant will invest money to the City. It is the City's decision if something needs to be done at that intersection. It has nothing to do with this project directly.

Commissioner Thomas thanked the people that came to the last and this meeting to share their concerns. He was glad there was a continuance so Public Works could come up with a compromise to move this into the future to work with the stakeholders and partners to come up with a solution to other businesses and residential partners.

Roll Call Vote: Motion passed, 7-0-0.

### New Business

#### TAKEN OUT OF ORDER

**50.7 PUD-19-002** Consideration of a request for a revision to 'the Village' area of Cedar Landing Planned Unit Development (PUD). The PUD revision contains amendments to the site design including an increase in multi-family units from 100 to 120, vehicular parking standards, and eliminating the previously approved single family & congregate care uses. Cedar Landing PUD is located on approximately 116 acres on the north and south side of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential - 2.5 to 4 dwelling units per gross acre / Planned Development) zoning district. Applicant & Agent: Koble Creative Architecture; Planner: Steffen Roennfeldt.

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

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

Steffen Roennfeldt, Planner III reported that the project description mentioned elimination of the congregate care uses that is not true.

The correct project description is in the published staff report. The Planned Unit Development approval criteria can be found in the Medford Land Development Code Section 10.190. The Revision or Termination of a Planned Unit Development can be found in the Medford Land Development Code Section 10.198. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

Commissioner Mansfield asked, why a private road instead of a dedicated street? Mr. Roennfeldt responded that PUDs allow for private streets and deferred the question to the applicant.

Commissioner Foley stated that reading through the staff report and conditions of approval there seemed to be more unanswered questions than normal. There are items that the applicant was supposed to comment on and they have not. What is going on with that? Mr. Roennfeldt stated that staff was expecting more items to arrive between the times the staff report was written and today that did not happen. Mr. Roennfeldt deferred the question to the applicant.

Commissioner Thomas reported that is a huge concern for him. He cannot support this application without those questions being answered.

Chair McKechnie asked, is the new commercial building and apartment buildings three stories? Mr. Roennfeldt replied that is correct.

Commissioner McKechnie asked, is the amenities building two or three stories? Mr. Roennfeldt responded it is two stories.

Commissioner McKechnie asked, what is the rationale approving the reduction in back up from 24 to feet? Mr. Roennfeldt stated that the proposed parking stalls are 19 feet deep which is standard but the code allows for a reduction in parking depth up to 17 feet if it overhangs landscaping.

a. Terry Amundson, Koble Creative Architects, 2117 NE Oregon Street, Portland, Oregon, 97232. Mr. Amundson stated that the primary change from the previous approved PUD is to do some of the items that have been incorporated into the multifamily residential criteria now. Keeping all the parking behind the buildings not between the buildings and the street.

They combined the commercial with residential to limit the footprint to provide needed parking, landscape and buffer area. The mixed-use approach allows them to better blend the building with the surrounding residential area so all the buildings have a residential character with a pitched roof. That is the reason for the height request.

They had a neighborhood presentation meeting on March 13, 2019. The primary feedback was in relation to the 120 units versus 100 units. The concerns were parking and traffic impacts.

b. Joe Westerman, 7420 SW Hunziker Street, Suite A, Tigard, Oregon 97223-8242. Mr. Westerman is the owner, builder and manager of Cedar Links. They build high quality, safe, well lighted, well landscaped properties. They added extra units because they want full time, on-site management. It makes sense to have the height because they need parking, landscaping and movement.

Mr. Amundson reserved rebuttal time.

Vice Chair Foley is concerned about the drive lanes in the parking lot being tight for full size vehicles. He is nervous with the reduction and other issues that were raised in the staff report relating to landscaping and overhangs of the balconies. There were questions raised in the staff report that did not get answered. Mr. Amundson responded that the landscape plans are extensive and part of why they request the reduction to 20 feet. The applicant is opened to a condition of approval that states the balconies or anything else cannot extend into the setback.

Vice Chair Foley read the comment that he was referring to that "the applicant has submitted a landscape plan (Exhibit B) which does not seem to meet street frontage landscaping requirements in MLDC 10.797. No calculations addressing the parking area landscaping in MLDC 10.746 were included, either. It will be a condition of approval to all applicable landscaping standards..." Mr. Roennfeldt reported that it is a typical condition of approval. Missing was the calculation for the parking lot landscaping which is also typical to take care after the fact and the same is true for the balconies. It is reviewed at the time of building permit issuance.

Commissioner Thomas believes landscaping is a big deal based on what the residents are being told. It not being there he does not see how it can be approved when they do not know what it is going to look like.

Mr. Amundson did not realize the calculations were not submitted with the landscape plans for the interior landscaping. Their intent has always been to meet the landscaping criteria.

Chair McKechnie asked, how wide are the spaces between the parking rows? Mr. Amundson reported they are fully landscaped and believes they are 4 feet wide.

Chair McKechnie stated that if the applicant is required to maintain the 24 foot drive aisle they could do that without modifying the plan. They may have to change some of the plant materials. Mr. Amundson responded that they are erring towards more pervious and landscape area versus impervious.

Chair McKechnie stated that in the applicant's design narrative they mentioned meandering walkways. Where are those located? Mr. Amundson stated that there is circulation through the site north to south and east to west. It does not meander aggressively through the site.

Chair McKechnie commented that looking at the plan for buildings D and C they have a change of plane every 40 feet but he sees dimensions of 70 feet. He does not see any horizontal changes in those areas. Mr. Amundson stated that the balconies meet the criteria for the change in plane.

Vice Chair Foley asked about the bike parking. Mr. Amundson reported they have not located those locations.

Commissioner Thomas stated that a lot of homes have been bought and sold in the last six to twelve months along Farmington Avenue. Were those residents informed that the PUD across from them was changing and invite them what it would look like? Mr. Westerman reported that they had a neighborhood discussion about everything. Mr. Amundson stated not aside from the neighborhood.

Commissioner McFadden asked, how is the building height comparing to the natural grade with home? Mr. Amundson will look that up and answer during his rebuttal.

c. Jim Wilson, 2774 Farmington Avenue, Medford, Oregon, 97504. Mr. Wilson read his submitted letter with his concerns. He opposes the proposed revisions to The Village area of the Cedar Landing Planned Unit Development.

d. Tim Partch, 2430 Herrington Way, Medford, Oregon 97504. Mr. Partch has concerns with the design, location, number of proposed apartment units in the Cedar Links community. How does a 40 foot height represent residential character?

e. Kathy Partch, 2430 Herrington Way, Medford, Oregon 97504. Ms. Partch has the same above concerns along with traffic impacts.

f. David Erickson, 2822 Farmington Avenue, Medford, Oregon, 97504. Mr. Erickson has concerns with the impact and speeding of traffic on Farmington Avenue.

g. Kevin Geller, 3089 Sycamore Way, Medford, Oregon, 97504. Mr. Geller agrees with the previous speakers. He has concerns with the infrastructures.

h. James Greathouse, 2868 Wilkshire Drive, Medford, Oregon, 97504. Mr. Greathouse submitted a letter dated August 22, 2019, that conveys pertinent and serious information. He would like the Planning Commission to reject the proposed project as presented in favor of the previously approved multifamily condominium project as approved in 2016.

i. Heather Kile, 2823 Farmington Avenue, Medford, Oregon, 97504. Ms. Kile submitted a letter earlier with her ideas clearly stated. She is concerned there is no need for a traffic impact study for Farmington Avenue. She also has concerns with the wetlands.

Commissioner Culbertson left at 7:05 p.m.

Mr. Amundson reported that the proposed property was previously targeted for commercial and multifamily. Their understanding from that was what is desired. They did sketches and preliminary layouts to convey their concept of centralizing the parking so it was not around the perimeter of the site. Combining residential and commercial so the commercial was less a strip mall based configuration so that all the structures visually and architecturally tied together. There was support for that. The biggest issues during the neighborhood presentation were traffic and parking which they have addressed. That being said, if there are truly gaps in landscaping that the Commission, as a group, is concerned about and balconies and bicycle parking being clearly and thoroughly addressed and expanded upon would lend itself towards approval, they would be willing to hold the record open. There is not an intent to redesign or reconfigure the site. They are willing to supplement landscape screening, work with balconies for clarity. He is not yet asking to hold the record open but they are not against that if it will benefit them in the long run.

Chair McKechnie stated that it would not hurt. There is a previous approved plan that went through negotiations between neighborhoods and the developer at the time. It had a combination of multifamily units, commercial, amenities and a concept for parking that was approved. The revision to a PUD is to offer additional benefit over a standard development. The issue is whether he proposed development offers the same, more or less number of amenities. According to the neighbors it is offering less amenities. Some Commissioners have concerns with gaps in what is being proposed. He feels there is concern that a standard cover condition may be too broad that staff will address to the Commission's satisfaction. He heard Mr. Amundson wants to keep the record open and thinks it is an excellent idea. The simplest way to do this is to continue the public hearing that leaves the record open. Mr. Amundson stated that he would like to do that but would like to hear the additional questions that have been generated.

Chair McKechnie commented that the proposed buildings have not been characterized charitably. Compared to the previous plan they look monolithic. He needs to look carefully at the Medford code for multifamily development and provide more interest in elevations, plans, entries characterized from the streets and parking. On record is 100 units and he understands that 100 to 120 units is important for management purposes. For him the density is not as big an issue as it needs to prove to the Commission they have added more amenities than the previous approved plan.

Vice Chair Foley echoed Chair McKechnie's comments but is concerned with the parking.

Commissioner Thomas commented that he is concerned about the surrounding neighbors that made lifetime investments based on what was currently on the books and that has changed. Maybe have a response to the wetlands and ponds.

Mr. Mitton asked, is the applicant requesting a continuance? Mr. Amundson stated yes.

Vice Chair Foley asked, does Mr. Amundson want to continue to the next meeting or beyond? Mr. Amundson asked if he needed to decide that now. Mr. Amundson would like to continue the hearing to Thursday, September 26, 2019.

Motion: The Planning Commission continued PUD-19-002, per the applicant's request, to the Thursday, September 26, 2019 Planning Commission meeting.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 7-0-0.

The Planning Commission recessed at 7:15 p.m. and reconvened at 7:25 p.m.

#### TAKEN OUT OF ORDER

**50.4 ZC-19-012** Consideration of a request for a change zone of a 0.155-acre portion of a single 4.4-acre parcel located at 4088 Table Rock Road from I-G (General Industrial) to I-L (Light Industrial) (372W01D901). Applicant: JBR Table Rock, LLC; Planner; Dustin Severs.

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

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

Dustin Severs, Planner III reported that the Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

The public hearing was opened.

a. Calvin Martin, JBR Table Rock Road, 100 E. Main Street, "A", Medford, Oregon, 97501. Mr. Martin reported that there was a mutual fence line that both property owners thought it was their property line. When they gave land to the County for the widening of Table Rock Road and improvements they found through the survey the fence was off. They have submitted a property line adjustment but is waiting for the zone change approval.

Mr. Martin reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of ZC-19-012 per the staff report dated August 15, 2019, including Exhibits A through G.

Moved by: Commissioner McFadden    Seconded by: Commissioner Thomas

Roll Call Vote: Motion passed, 5-0-0.

**50.5 SV-19-046** Consideration of a request for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (371W32AA400) (This segment of the Larson Creek Trail is already under construction in a nearby location); Applicant & Agent: City of Medford; Planner: Steffen Roennfeldt.

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

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

Steffen Roennfeldt, Planner III reported that the Street Vacation approval criteria can be found in the Medford Land Development Code Section 10.228(D). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

The public hearing was opened.

Alex Georgevitch, City Engineer was in the audience but did not speak.

The public hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are met or are not applicable, forwards a favorable recommendation to the City Council for approval of SV-19-046 per the staff report dated August 8, 2019, including Exhibits A through M.

Moved by: Commissioner McFadden                      Seconded by: Commissioner McManus

Roll Call Vote: Motion passed, 5-0-0.

**50.6 GLUP-19-002 / ZC-19-010** Request for a minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres, located at 709 N Phoenix Road, currently containing the "Court House Family Fitness", from Urban Residential (UR) to Commercial (CM); along with an associated request to rezone the parcel from SFR-4, Single Family Residential - 2.5 to 4 dwelling units per gross acre) to C-C (Community Commercial) (371W27701); Applicant: North Phoenix Property Holding LLC; Agent: CSA Planning Ltd.; Planner: Steffen Roennfeldt.

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

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

Steffen Roennfeldt, Planner III reported that the General Land Use Plan approval criteria can be found in the Medford Land Development Code Section 10.222(B). The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report and reported that staff received a letter from David Cuttrell this afternoon that just stated "I object".

Commissioner McFadden stated that he did not see in the staff report when the property was annexed into the City. He feels the reason it has the wrong GLUP designation the City probably enclaved it in with the Southeast Plan. Therefore, it did not get changed until they wanted to improve it. Mr. Roennfeldt responded that it has always been commercially developed and before the Southeast Plan.

The public hearing was opened.

a. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Woerner reported that this property has been developed with a commercial recreational facility since before it was annexed into the City. The property owner wants to put in a metric measured swimming pool. The bank was nervous with a conditional use permit and wanted alternate uses. The applicant does agree with the restrictions on the sewage and trip cap.

Mr. Woerner reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission forwards a favorable recommendation for approval of GLUP-19-002 to the City Council per the staff report dated August 15, 2019, including Exhibits A through R.

The Planning Commission also adopts the findings as recommended by staff and directs staff to prepare the final order for approval of ZC-19-010 per the staff report dated August 15, 2019, including Exhibits A through R, provided the City Council approves the GLUP amendment

Moved by: Commissioner McFadden

Seconded by: Commissioner McManus

Roll Call Vote: Motion passed, 5-0-0.

**50.8 DCA-17-104** A code amendment to Chapters 2, 6, and 10 of the Municipal Code to permit temporary mobile food vendors to sell from the street (the public right-of-way) and add provisions for mobile food vendor pods. Applicant: City of Medford; Planner, Carla Paladino.

Carla Paladino, Principal Planner reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218(B). The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

Commissioner McFadden asked, what City standards are in place for selling other items (i.e. hats, blankets, etc.) than food? Ms. Paladino responded that the special use regulations break down the temporary mobile units such as food and medical vendors. As things occur they have been added to the code.

Vice Chair Foley stated that in the right-of-way they can only take one parking space. How will that work? He is thinking of the Buttercloud truck. Ms. Paladino stated that was a comment that came from Public Works. She has not measured a space but they may be larger than 20 feet.

Vice Chair Foley supports additional fees.

Vice Chair Foley asked, how is the City going to ensure the mobility of the trucks and semi-permanent pods? What mechanisms will be in place to enforce that? Ms. Paladino responded that there are design standards. It will be up to the property owner how they manage it.

Mr. Mitton reported that Vice Chair Foley's questions are dealt with Code Enforcement on a complaint basis.

Ms. Paladino stated that the semi-permanent food pods are a fixture on that lot. If they are connected to utilities they are probably not moving.

Commissioner McManus agrees with the fees especially with the food trucks in the right-of-way. A right-of-way cleaning fee would be appropriate downtown. He is concerned with the size of trucks

in the right-of-way. Trucks can average 28 feet with the combustible tanks in the back. Is the intent of a food trailer to unhook and leave it for those hours? Some of the trailers draw some of their power from the vehicle. Ms. Paladino replied yes. She can clarify that language before it goes to the City Council.

Commissioner McManus thinks the 10 feet clearance is ambiguous. He sees challenging from a code enforcement perspective. Ms. Paladino showed the Fire Department's regulations. It is a radius of 10 feet.

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

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are met, forwards a favorable recommendation for adoption of DCA-17-104 to the City Council per the staff report dated August 15, 2019, including Exhibits A through K and recommendations made from tonight's discussion.

Ms. Paladino summarized the comments. The Commission would like to forward in the recommendation that fees be adjusted specifically for the on-street and maybe for more than that. The on-street vending encroachment of the space. If there is a car and trailer they can take more than one space. The 10 foot radius for separation.

Commissioner Mansfield commented that his objection is twofold. This creates a cluttered appearance. His principal problem is the unfairness that is created when permitting these people to use all right-of-way at a low cost. He realizes there is a business tax paid. They do not have to pay the real property taxes and the brick and mortar investment that the other legitimate business owners do. For that reason he is voting no.

Moved by: Commissioner McFadden

Seconded by: Commissioner McManus

Roll Call Vote: Motion passed, 3-2-0, with Commissioner Mansfield and Commissioner Thomas voting no.

## 60. Reports

### TAKEN OUT OF ORDER

#### 60.2 Transportation Commission

Ms. Paladino reported that the Transportation Commission is meeting next Wednesday at 12:30 p.m. in City Hall room 330. They will discuss concurrency.

**Planning Commission Minutes  
August 22, 2019**

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60.1 Site Plan and Architectural Commission

Kelly Evans, Assistant Planning Director reported that the Site Plan and Architectural Commission met on Friday, August 16, 2019. They approved plans for the construction of a convenience store, drive-thru coffee kiosk, retail space and gas station at McAndrews and Crater Lake Avenue.

60.3 Planning Department

Ms. Evans there is a study session scheduled for Monday, August 26, 2019. Discussion will be on electric fencing and Wildfire Risk Reduction Program.

There will be a joint study session with the Planning Commission, Site Plan and Architectural Commission and the Landmarks and Historic Preservation Commission on Tuesday, October 22, 2019. Discussion will be on findings.

There is business scheduled for Thursday, September 12, 2019, Thursday, September 26, 2019 and Thursday, October 10, 2019.

Last week the City Council approved the GLUP change for Rogue Valley Transportation District, housekeeping amendments, the vacation for the pedestrian easement through St. Mary's and adopt the resolution of the Circle K project on Springbrook and McAndrews.

70. Messages and Papers from the Chair. None.

80. City Attorney Remarks. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

101. The meeting was adjourned at approximately 8:20 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Richards  
Recording Secretary

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Mark McKechnie  
Planning Commission Chair

Approved: September 12, 2019



**STAFF REPORT – 3<sup>RD</sup> CONTINUANCE REQUEST**  
for a Type-III quasi-judicial decision: Zone Change

Project Jantzer Zone Change  
Applicant: Mike & Gayle Jantzer; Agent: Richard Stevens & Associates

File no. ZC-18-178

To Planning Commission *for September 12, 2019 hearing*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director

Date August 5, 2019

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**BACKGROUND**

**Proposal**

Consideration of a request for a zone change of an approximately 91.5 gross acre parcel located at the terminus of Cadet Drive from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre) (371W15C TL 300).

**Request**

The applicant has requested that the item be continued to September 26, 2019, in order to allow time for jurisdictional transfer.

**EXHIBITS**

- A Continuanace request received September 4, 2019  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JULY 25, 2019**  
**AUGUST 22, 2019**  
**SEPTEMBER 12, 2019**

# Continuance Request

To:  Landmarks and Historic Preservation Commission  
 Planning Commission  
 Site Plan and Architectural Commission

RE: Project Name: Jantzer Zone Change  
File No(s): ZC-18-178

I am the  applicant  authorized agent for the above referenced project. Please continue the public hearing for the above referenced file to either:

the September 26<sup>th</sup>, 2019 meeting,  
(hearing date)

or

for a period of \_\_\_\_\_ calendar days.

Reason for request: Right of Way jurisdictional  
exchange

This request is made pursuant to ORS 227.178(5).

Thank you,

Clark Stevens 9/4/19  
Signature Date

Clark Stevens  
Print Name



Project Name:

**Zone Change  
 SFR-00 to SFR-4**

Map/Taxlot:

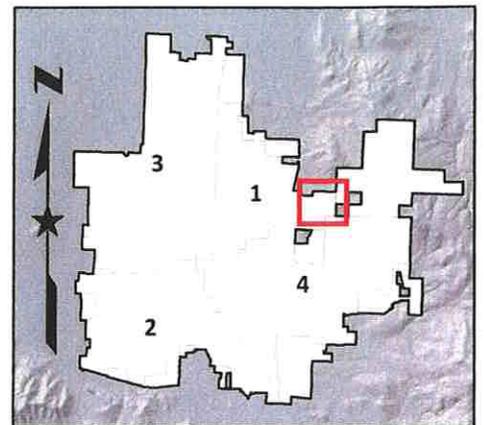
**371W15C TL 300**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

07/02/2019





## STAFF REPORT

for a Type-IV and Type-III quasi-judicial and legislative decisions: **Minor General Land Use Plan Map Amendment and Zone Change.**

**Project** Hong (Kevin) Wu  
Applicant: Hong (Kevin) Wu  
Agent: Richard Stevens and Associates

**File no.** GLUP-19-003 & ZC-19-013

**To:** Planning Commission *for September 12, 2019 hearing*

**From:** Steffen Roennfeldt, Planner III

**Reviewer:** Kelly Evans, Assistant Planning Director.

**Date** September 5, 2019

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### BACKGROUND

#### Proposal

Request for a minor General Land Use Plan (GLUP) amendment from (UH) Urban High Density Residential to SC (Service Commercial) and to change the zoning from MFR-20 (Multiple Family Residential - 15 to 20 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on a 0.61 acre parcel located at 2217 Barnett Road (371W29DC980).

#### Vicinity Map



### Subject Site Characteristics

GLUP	UH	Urban High Density Residential
Zoning	MFR-20	Multiple Family Residential – 15 to 20 dwelling units per gross acre
Use	Vacant	

### Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre)
	Use:	Vacant
<i>South</i>	Zone:	MFR-30 (Multiple Family Residential – 20 to 30 dwelling units per gross acre)
	Use:	Apartment Complex
<i>East</i>	Zone:	MFR-20
	Use:	Vacant
<i>West</i>	Zone:	C-C
	Use:	Commercial

### Related Projects

None.

### Applicable Criteria

#### Minor Comprehensive Plan Amendment

For the applicable criteria, the Medford Municipal Code Section 10.222(B) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

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

### **Zone Change Approval Criteria - Section 10.204(B) of the Medford Land Development Code (MLDC)**

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

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

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

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

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

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

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

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

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

- b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
  - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:
  - (i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;
  - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;
  - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

### **Corporate Names**

According to the Oregon Secretary of State, Richard Stevens and Associates, Inc. is registered at 100 E Main St Suite O in Medford, OR with Clark Stevens as the Registered Agent, President and Secretary.

## Authority

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

## ISSUES AND ANALYSIS

### Background

The subject site used to be developed with one single family structure and several detached accessory structures. A demolition permit was issued in 2018 and all structures have since been removed from the site.



Figure 1 - 2016 Aerial

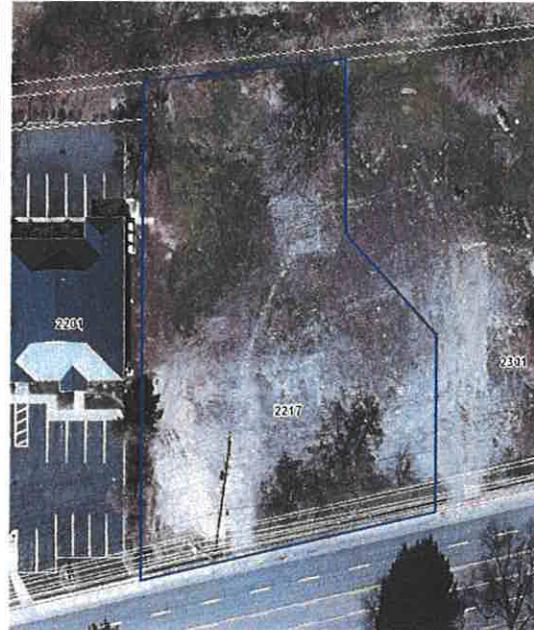


Figure 2 - 2019 Aerial

### Project Summary

The applicant is requesting a change of the General Land Use Plan (GLUP) map designation from UH (Urban High Density Residential) to SC (Service Commercial) for the subject site. Additionally, a change in zone from MFR-20 to C-S/P (Service Commercial and Professional Office) is proposed.

## Facility Adequacy

### *Transportation Impact Analysis*

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

Per the applicant's findings and the Public Works Staff Report (Exhibits E and G, respectively), a Transportation Impact Analysis is not required as the proposal is likely to generate less than 250 net ADT. No significant impacts to the transportation system are expected.

### *Facility Adequacy*

Per the agency comments submitted to staff (Exhibits G to M), it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

## Committee Comments

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

No other issues were identified by staff.

## FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions for the GLUP Map change (Exhibit E) and the Zone Change (Exhibit F) and recommends the Commission adopt the findings with the following additions:

### **Comprehensive Plan Amendment**

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

**Findings:** Policy 1-5 of the Economic Opportunities Goals and Policies section of the Economic Element of the Comprehensive Plan states, "The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in the City of Medford and the region," and implementing strategy 1-5(b) reads, "Reduce projected deficits in employment lands by changing GLUP map designations within the existing Urban Growth Boundary." As explained in the applicant's findings, there is a small imbalance of UH and SC designations (per File No. CPA-14-114) which this application will help to adjust.

**Conclusions:** The proposed change is consistent with the pertinent Comprehensive Plan goals, policies and implementation strategies that seek to actively stimulate economic development and growth that will provide opportunities to diversity and strengthen the mix of economic activity in the City of Medford, as the proposed change the amount of employment lands within the City.

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

**Findings:** The proposed change from residential to commercial will increase the amount of employment lands within the City while maintaining the opportunity to develop the site with high density residential units.

**Conclusions:** The proposed change responds to a demonstrated need for adequate employment opportunities while maintaining residential development options.

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

**Findings:** Per the applicant's comments submitted to staff, it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

**Conclusions:** Sufficient facilities exist or can and will be made available to accommodate the proposed classification change.

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

**Findings:** Development in this zone is proposed to be suitable for locations adjacent to residential neighborhoods. The property is appropriately located for the requested Service Commercial GLUP map change.

**Conclusions:** The requested change in GLUP map designation will help maximize the efficiency of land uses within the urbanizable area by providing a better balance of available employment and residential GLUP types.

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

**Findings:**

**Environmental:** The subject site is already within the UGB, and this has already met tests concerning environmental impacts; a change of designation does not affect suitability for urbanization.

**Energy:** A designation change to SC would not pose any discernable energy consequences, as the site is located within the UGB, and thus has already met tests

concerning environmental impacts; change of designation does not affect suitability for urbanization.

**Economic:** The proposed change will increase the amount of employment lands within the City, thereby responding to a demonstrated need for adequate employment opportunities.

**Social:** The proposed change will increase the amount of employment lands within the City, thereby responding to a demonstrated need for adequate employment opportunities.

**Conclusions:** The proposed change will have positive Environmental, Energy, Economic and Social consequences overall.

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

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

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

**Conclusions:** The proposed change will increase the amount of employment lands within the City, thereby responding to a demonstrated need for adequate employment opportunities.

7. *All applicable Statewide Planning Goals.*

**Findings:** All applicable Statewide Planning Goals were addressed in the applicant's findings (Exhibit E).

**Conclusions:** The proposed change can be found to be consistent with the applicable Statewide Planning Goals.

### **Zone Change**

1. *GLUP/TSP Consistency*

**Findings:** The proposed zone change is dependent on the GLUP map change approval by City Council. If City Council will approve the GLUP map change, the proposed zone of C-S/P will be consistent with the GLUP map designation of SC.

A transportation impact analysis was not required as part of this application. The suggested zone change is found to have a negligible effect on the capacity of the local street system and is found to be consistent with the TSP.

**Conclusions:** There is adequate evidence in the record to demonstrate that the proposal is consistent with the GLUP map designation and the TSP.

2. *Locational Standards*

Not applicable

3. *Compliance with Category A facilities*

**Findings:** The agency comments included as Exhibit G to M, demonstrate that Category A facilities are adequate to serve the property at the time of issuance of a building permit for vertical construction.

**Conclusion:** There is adequate evidence in the record to demonstrate that there are adequate Category A public facilities available.

**RECOMMENDED ACTION**

**Minor Comprehensive Plan (GLUP Map) Amendment**

Forwarded a favorable recommendation for approval of GLUP-19-003 to the City Council per the Staff Report dated September 5, 2019, including Exhibits A to N.

**Zone Change**

Adopt the findings as recommended by staff direct staff to prepare a Final Order for approval of ZC-19-013 per the Staff Report dated September 5, 2019, including Exhibits A to N, provided the City Council approves the GLUP amendment.

**EXHIBITS**

- A Assessor's Map, received June 27, 2019
- B GLUP Map, received June 27, 2019
- C Zoning Map, received June 27, 2019
- D Map of Survey, received June 27, 2019
- E Applicant's Findings of Fact for GLUP Map change, received June 27, 2019
- F Applicant's Findings of Fact for Zone Change, received June 27, 2019
- G Public Works Department Staff Report (GLUP), dated August 14, 2019
- H Public Works Department Staff Report (Zone Change), dated August 14, 2019
- I Medford Fire Rescue Land Development Report, dated August 12, 2019

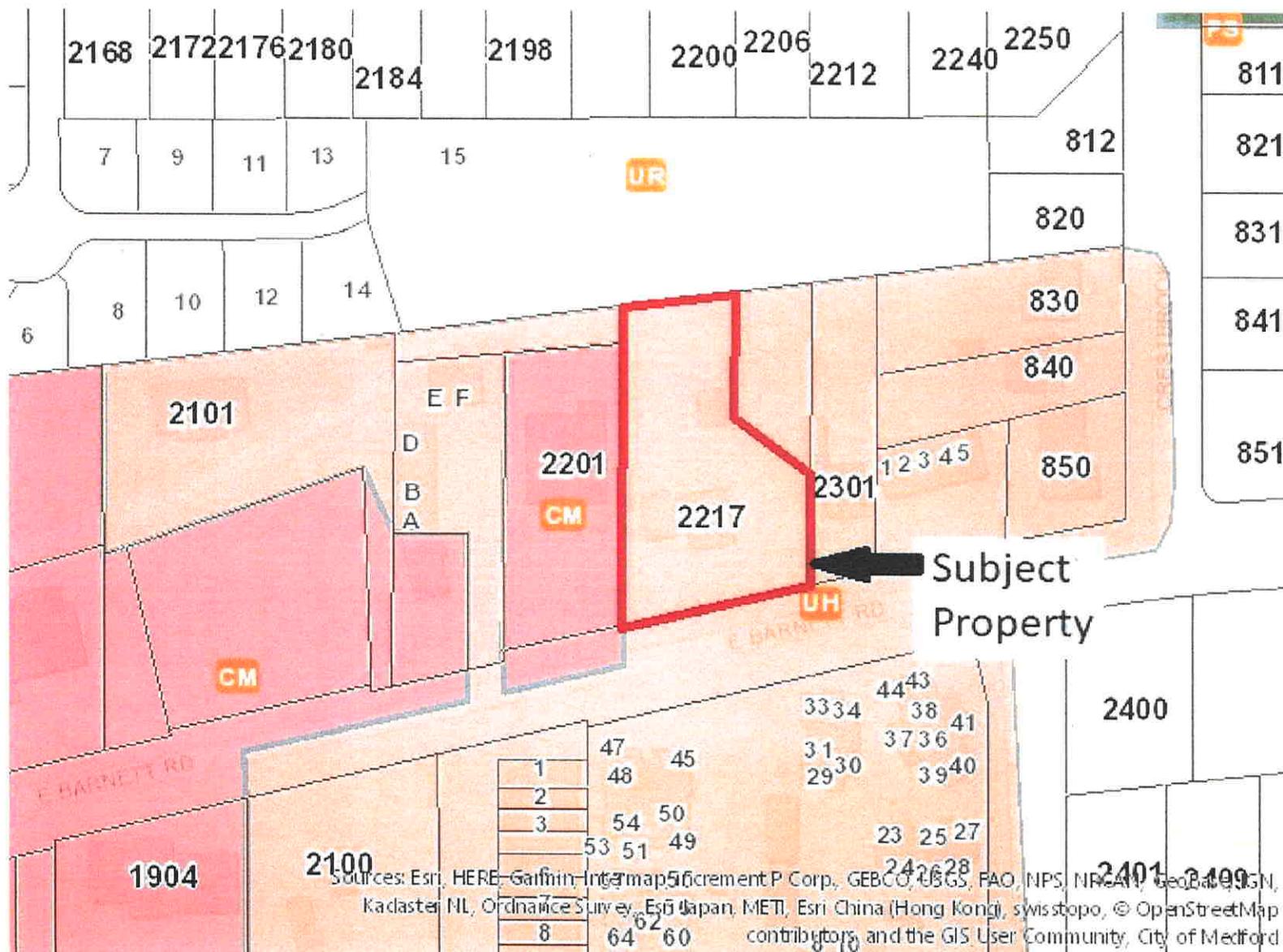
- J Medford Building Department Report, dated August 14, 2019
- K Water Commission Memo, dated August 14, 2019
- L City Surveyor Report, dated July 31, 2019
- M E-Mail from ODFW, received August 12, 2019
- N Legal Description, received June 27, 2019  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**SEPTEMBER 5, 2019**



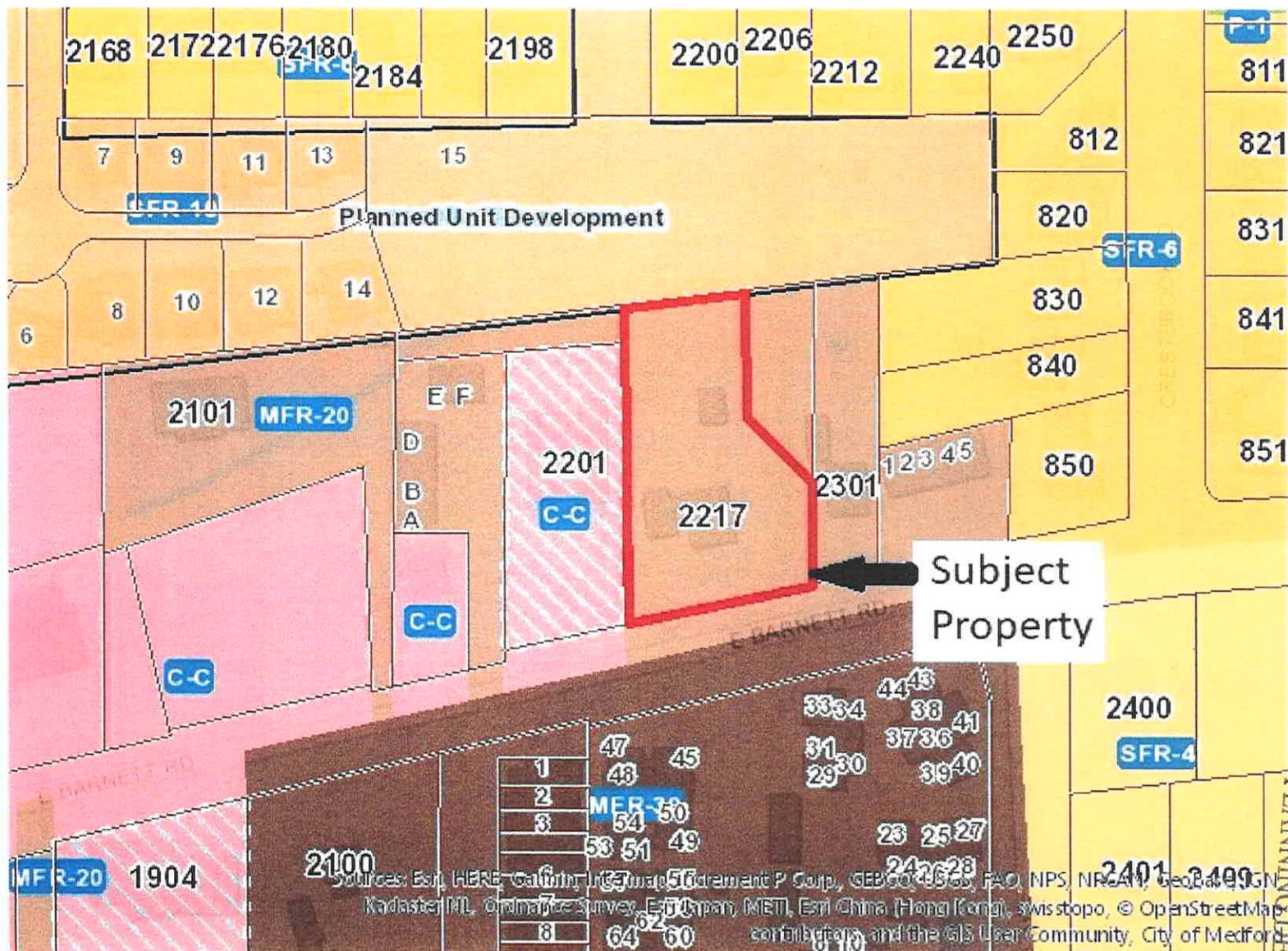
GLUP Map



Subject Property

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PLANNING DEPT.

Exhibit C: Zoning Map

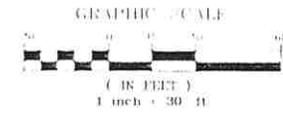


Subject Property

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# MAP OF SURVEY PROPERTY LINE ADJUSTMENT

BETWEEN TAX LOTS 4200 (9700) & 4300 (9800)  
LOCATED IN THE SW1/4 SE1/4 OF SECTION 29,  
AND THE NW1/4 NE1/4 OF SECTION 32,  
T37S, R01W, W.M., JACKSON COUNTY, OREGON  
CITY OF MEDFORD



- LEGEND:**
- FOUND MONUMENT - AS SHOWN
  - SET 5/8"X30" REBAR WITH YELLOW PLASTIC CAP MARKED "RHINE-CROSS GROUP LLC"
  - PROPERTY BOUNDARY LINE
  - - - FENCE LINE
  - (XXX XX) RECORD DATA PER S/N 295
  - (XXX XX) RECORD DATA PER S/N 8005
  - (XXX XX) RECORD DATA PER S/N 16916
- BASIS OF BEARING: OREGON COORDINATE REFERENCE SYSTEM (OCRS)  
GRANTS PASS - ASHLAND ZONE

**APPROVALS:**

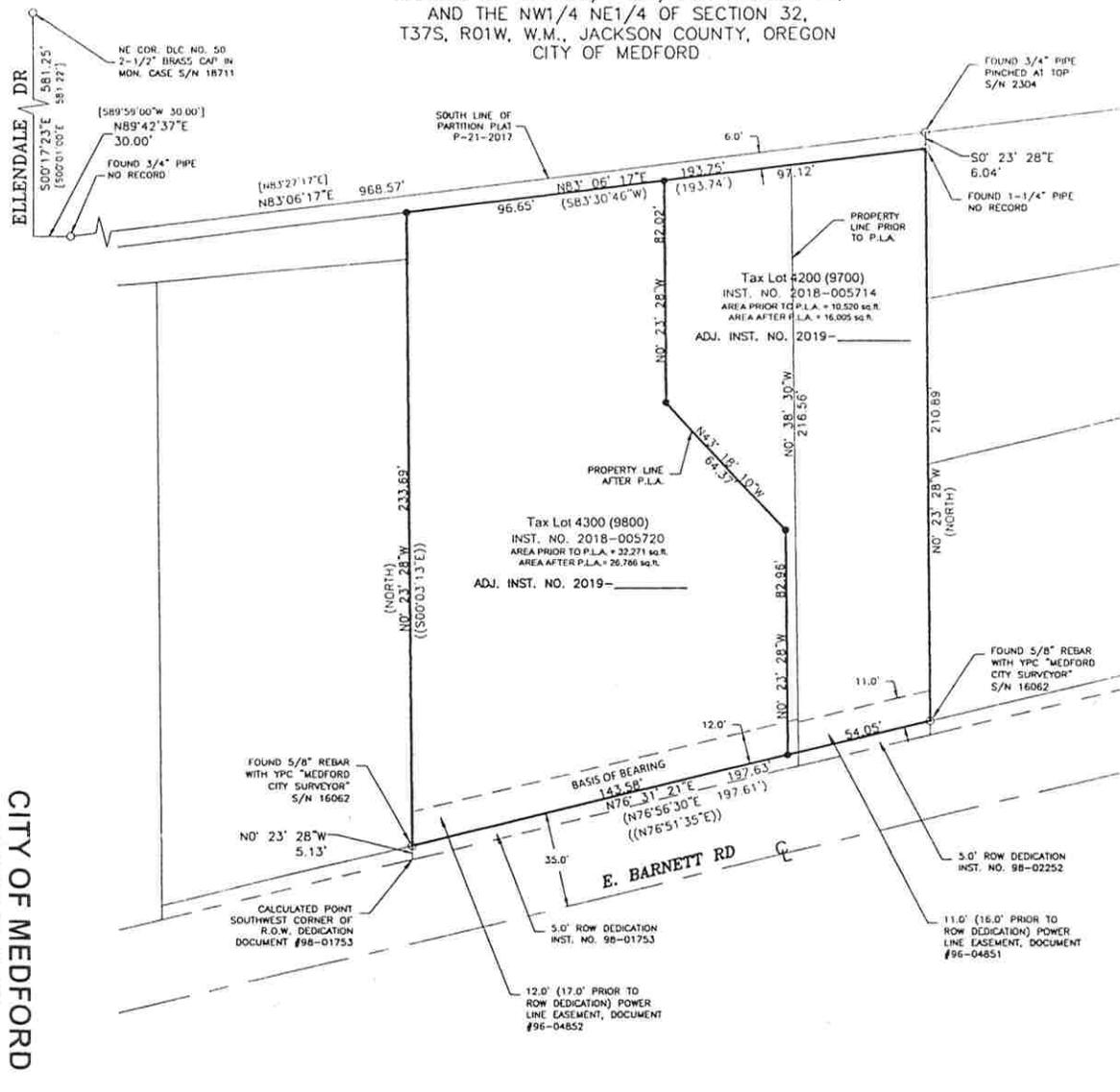
CITY SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_  
CITY PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

**NARRATIVE:**

THIS SURVEY WAS DONE TO SATISFY THE REQUIREMENTS OF THE APPROVAL OF PROPERTY LINE ADJUSTMENT BY CITY OF MEDFORD PLANNING (FILE #PLA-18-121). FOUND AND HELD MONUMENTS PER SURVEY NUMBER 15/NI 295, 2304, & 16062 AND RECORD DIMENSIONS PER S/N 295 AND DEED INST. NO. 2018-005720 & 2018-005714 WERE USED TO ESTABLISH THE BOUNDARIES OF THE PARCELS AS SHOWN ON THIS MAP OF SURVEY. THE SOUTH LINE WAS ESTABLISHED BY HOLDING FOUND MONUMENTS PER S/N 16062 FOR THE RIGHT OF WAY OF E. BARNETT RD. THE EAST AND WEST LINES WERE RE-ESTABLISHED USING RECORD DEED AND SURVEY INFORMATION, WITH FOUND MONUMENTS PER S/N 2304 & 16062. THE NORTH LINE WAS ESTABLISHED BY HOLDING A FOUND 3/4" PIPE AT THE NORTHEAST CORNER OF THE SURVEYED PROPERTIES, AND A FOUND 3/4" PIPE FOUND ON THE EAST SIDE OF ELLENDALE DRIVE. THIS PIPE IS NOT ON RECORD, HOWEVER IT MATCHES EXISTING TIES FROM S/N 16916 TO THE NE COR. OF D.L.C. NO. 50. AN APPARENT 6.0' GAP EXISTS BETWEEN THESE SURVEYED PROPERTIES AND THE SOUTH LINE OF PARTITION PLAT P-21-2017. THIS 6' GAP WAS OBSERVED ON S/N 2304 AS A "6" STRIP FOR DITCH", HOWEVER IN RESEARCHING SURROUNDING DEEDS IT APPEARS THIS STRIP WAS NEVER CONVEYED TO ANY OF THE SURROUNDING PROPERTIES.

AT THE TIME OF THIS SURVEY, JACKSON COUNTY IS UPDATING THE TAX MAPS AND NUMBERS FOR THIS AREA. THEREFORE, BOTH THE OLD TAX LOT NUMBERS (4200 & 4300) AND THE NEW TAX LOT NUMBERS (9700 & 9800) ARE BEING REFERENCED IN THIS SURVEY.

BASIS OF BEARINGS IS PER THE OREGON COORDINATE REFERENCE SYSTEM - GRANTS PASS TO ASHLAND ZONE HOLDING THE TWO FOUND MONUMENTS ON THE NORTH SIDE OF E. BARNETT RD. EQUIPMENT USED: A TRIMBLE R10 GPS ROVER AND TRIMBLE S6 TOTAL STATION.



REGISTERED PROFESSIONAL LAND SURVEYOR  
*Marcus D. Cross*  
OREGON JULY 6, 2010  
MARCUS D. CROSS 55506PLS  
RENEW: 12-31-2019

SURVEY FOR: KEVIN WU  
2201 E. BARNETT RD  
MEDFORD, OR 97504  
DATE: FEBRUARY 2019 PROJECT NO. 1706

**R-C RHINE-CROSS GROUP**  
ENGINEERING - SURVEYING - PLANNING  
112 N 5th St - Suite 200 - P.O. BOX 909  
KLAMATH FALLS, OREGON 97601

Phone: (541) 851-9405 Fax: (541) 273-9280 admin@rcgrp.com

37-1W-32A-4200 (37-1W-29DC-9700)  
37-1W-32A-4300 (37-1W-29DC-9800)

Page 94

FILE # GLUP-19-003/ZC-19-013

13

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SHEET 1 OF 1

GLUP

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JUN 27 2019

PLANNING DEPT.

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

IN THE MATTER OF AN APPLICATION FOR )	
A CHANGE IN GENERAL LAND USE PLAN )	
(GLUP) MAP DESIGNATION FROM UH TO )	
SC FOR A 0.61 ACRE PARCEL, LOCATED )	
ON THE NORTH SIDE OF E BARNETT. )	FINDINGS OF FACT
ROAD, BETWEEN ELLENDALE DRIVE AND )	
CRESTBROOK ROAD; KEVIN WU, )	
APPLICANT; RICHARD STEVENS & )	
<u>ASSOCIATES, INC.; AGENTS</u> )	

I. RECITALS PERTAINING TO THE PROPERTY:

**APPLICANT:** Hong (Kevin) Wu  
2201 E Barnett Road  
Medford, OR 97504

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

**PURPOSE OF APPLICATION:**

The applicant is requesting a change of General Land Use Plan (GLUP) map designation from UH (Urban High-Density Residential) to SC (Service Commercial) for a 0.61-acre parcel located at 2217 E Barnett Road and described as T-37 R-1W SEC-32A, Tax Lot 4300, within the Medford city limits. The proposed change will help to address a deficit in available SC lands resulting from the recently approved Urban Growth Boundary (UGB) expansion; it will help to balance the supply of available UH and SC lands; it will increase the efficiency of land uses in the area; and it will lead to a more economical and efficient use of existing public facilities in the vicinity.

CITY OF MEDFORD  
EXHIBIT # E  
FILE # GLUP-19-003/ZC-19-013

7

## **II. APPLICABLE CRITERIA:**

Comprehensive Plan Amendments to change General Land Use Plan (GLUP) Map Designation must be based on information and findings addressing the Criteria for Plan Amendments in the Goals, Policies, and Implementation Element of the Medford Comprehensive Plan, as follows:

1. A significant change in one or more Goals, Policies, or Implementation Strategies of the *Medford Comprehensive Plan*.
2. A demonstrated need for the change to accommodate unpredicted population trends to satisfy urban housing needs, or to assure adequate employment opportunities.
3. The orderly and economic provision of key public facilities.
4. The maximum efficiency of land uses within the urbanizable area.
5. The environmental, energy, economic, and social (ESEE) consequences.
6. The compatibility of the proposed change with other elements of the *Medford Comprehensive Plan*.
7. All applicable Statewide Planning Goals.

## **III. FINDINGS IN COMPLIANCE WITH THE CRITERIA FOR PLAN AMENDMENTS TO CHANGE GENERAL LAND USE PLAN MAP DESIGNATION, IN THE MEDFORD COMPREHENSIVE PLAN:**

The Criteria for Plan Amendments, found in the Goals, Policies, and Implementation Element of the Medford Comprehensive Plan, establishes different sets of criteria for various categories of Comprehensive Plan amendments, noting:

*“Because of the important functional difference among various Comprehensive Plan components, no common set of criteria can be used to assess all proposed Plan amendments.”*

The section goes on to note that:

*“While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final*

*action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.”*

*General Land Use Plan Map Designations; Amendments Shall be Based on the following:*

- 1. A significant change in one or more Goals, Policies, or Implementation Strategies of the Medford Comprehensive Plan.*
- 2. A demonstrated need for the change to accommodate unpredicted population trends to satisfy urban housing needs, or to assure adequate employment opportunities.*
- 3. The orderly and economic provision of key public facilities.*
- 4. The maximum efficiency of land uses within the urbanizable area.*
- 5. The environmental, energy, economic, and social (ESEE) consequences.*
- 6. The compatibility of the proposed change with other elements of the Medford Comprehensive Plan.*
- 7. All applicable Statewide Planning Goals.*

**A significant change in one or more Goals, Policies, or Implementation Strategies of the Medford Comprehensive Plan:**

The City of Medford continues to have a goal of providing land to accommodate its 20-year land need for housing and employment as required under Oregon Revised Statute (ORS) 197.296. While the City has not recently changed Goals, Policies, or Implementation Strategies relevant to the proposed change in GLUP map designation, the recent analysis completed through the process of expanding the City's UGB demonstrates a very small imbalance in the number of acres of available land for Urban High-Density Residential (UH) and Service Commercial (SC) designations. As discussed in detail below, the proposed GLUP map amendment will help to adjust this imbalance.

**FINDING:**

**The recent analysis of available lands completed through the UGB amendment process demonstrates an imbalance between the available UH and SC land categories. The City of Medford's Goal of**

providing land to accommodate its 20-year land need has not changed, however, the understanding of what exactly that need is, as it relates to each of the GLUP map designations is now better understood thanks to the UGB amendment process. The proposed change of GLUP map designation will help the City in meeting its goal of providing land to accommodate its 20-year land need.

**A demonstrated need for the change to accommodate unpredicted population trends to satisfy urban housing needs, or to assure adequate employment opportunities:**

The City of Medford has recently expanded its UGB to provide an adequate land supply for both residential and employment growth over the next 20 years. During that process, the City investigated its land supply, compared it against growth projections, and determined how much land was needed. According to the City's projections, there was a need for a total of 120 acres of UH land and a total of 222 acres of SC land<sup>1</sup>. The final area for UGB expansion included a total of 121 buildable acres of UH land and a total of 220 buildable acres of SC land<sup>2</sup>. As shown in Table 1.1 below, the area added to the UGB created a 1-acre surplus of UH land and left an 2-acre deficit in the supply of SC land.

Table 1.1 UH and SC Land Supply Before Amendment

	Acres of Additional Land Needed	Acres of Land Provided	Acres in Surplus (Deficit)
UH	120	121	1
SC	222	220	(2)

The proposed Comprehensive Plan Amendment will change 0.61 net acre (approximately 0.77 gross acre) from the UH to the SC GLUP map designation. As shown in Table 1.2 below, the proposed change will help to address the existing deficit in SC land and help to balance the supply of UH and SC lands in the urban area. Since SC land can be developed with either (or both) commercial or residential uses, not only will the application help to address the forecasted need for these two land types, it will also provide flexibility in the use of the subject property, which may help to encourage infill development and increased density in a developed portion of the urban area.

<sup>1</sup> Pages 98 & 101 of the City of Medford Planning Commission staff report for file no. CPA-14-114 (attached for reference)

<sup>2</sup> Page 45 of the Jackson County Planning Commission packet for file no. 439-16-00008-LRP (attached for reference)

Table 1.2 UH and SC Land Supply After Proposed Amendment

	Acres of Additional Land Needed	Acres of Land Provided	Acres Added (Subtracted) by Proposed Amendment	Acres in Surplus (Deficit)
UH	120	121	(1)	0
SC	222	220	1	(1)

**FINDING:**

**The proposed change in GLUP map designation will help to provide adequate residential and employment lands by decreasing the existing deficit in SC land supply and by helping to balance the supply of SC and UH lands.**

**The orderly and economic provision of key public facilities:**

The subject property is located on Barnett Road between Ellendale Drive and Crestbrook Road. The area is developed with a mix of commercial and residential development. To the east and southeast are existing single-family residences. Across Barnett Road, to the south, the properties are developed with high-density residential uses. To the west and southwest there is a mix of commercial development, including a dental office abutting the subject property on the west side. The area has been experiencing new development and redevelopment, leading to an increased diversification of the uses and an increase in both commercial and residential densities.

As discussed individually below, the area is currently served with existing key public facilities that can be utilized most efficiently by accommodating both commercial and residential uses in this area.

By appropriately locating a mix of both commercial and residential lands in this area, the City will have an opportunity to attract new business and infill development along this major transportation corridor which includes existing transit facilities. The nearest bus stop is located approximately 175 feet from the property. This amendment will not change the demand for commercial development, it will only have the effect of helping to accommodate that demand using existing infrastructure rather than forcing it to be met with the addition of new greenfield development outside of the existing urban area which requires the extension of facilities and services and leads to less orderly and more expensive provisions for key public facilities.

### Sanitary Sewer:

Sanitary sewer service is provided by The City of Medford. There is a 21-inch sanitary sewer main line in Barnett Road adjacent to the subject property. High-density residential developments tend to have a higher demand for sanitary sewer capacity than do most commercial uses. The proposed change of GLUP designation for this less than one-acre property will have a negligible effect on sewer capacity in the vicinity or throughout the system.

### Water Service:

Water service is provided by the Medford Water Commission, which is currently serving the subject property and vicinity. There is an existing 12-inch main line along the south end of the subject property in Barnett Road. The site was previously developed with a single-family home served by a 1" service line and meter. The site will be redeveloped with commercial and/or residential uses permitted in the Service Commercial GLUP map designation and the existing water service and meter will be upgraded if necessary. Adequate water service lines are available to continue to serve future uses on the subject site.

Water service for fire protection is also currently available in the vicinity of the site with existing fire hydrants to the east, west, and across Barnett Road from the subject property.

### Storm Drainage:

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 any new development is proposed. The proposed change in GLUP map designation will have no greater impact on the availability of storm water facilities in the vicinity.

### Transportation:

The subject property is 0.61 acre in area. The existing zoning, MFR-20, allows for residential redevelopment at a maximum density of 20 dwelling units (DU) per gross acre. The 0.77-gross acre parcel could be developed with as many as 15 DU ( $0.77 \text{ acre} \times 20 \text{ DU/acre} = 15.4 \text{ DU}$ ). Apartments are expected to generate 6.65 average daily trips (ADT) per unit. The 15 DU would produce 100 ADT ( $15 \text{ DU} \times 6.65 \text{ ADT/DU} = 99.75 \text{ ADT}$ ). Properties zoned C-S/P (the only zone allowed in the requested SC GLUP map designation) are anticipated to generate 500 ADT per acre. The 0.61-acre site will produce 305 ADT if zoned C-S/P ( $0.61 \text{ acre} \times 500 \text{ ADT/acre} = 305 \text{ ADT}$ ). The net increase in traffic is the difference between what the current zoning could produce and what the proposed zoning will produce. The net increase from the proposed

GLUP map amendment and concurrent zone change is 205 ADT (305 ADT - 100 ADT = 205 ADT). Since this number is below the threshold of 250 ADT, no traffic analysis is required.

The applicant submits that this requested GLUP map amendment and associated zone change will have a negligible effect on the capacity of the existing local street system as demonstrated by the fact that the proposed GLUP map amendment, change of zoning and future development of the property will produce traffic that is below the thresholds to require a TIS.

**FINDING:**

**Based upon the information contained herein the City of Medford can find that the key public facilities necessary to develop the approximately 0.61-acre subject property with uses permitted in the Service Commercial GLUP map designation, which includes: sanitary sewer, water service, storm sewer, and transportation infrastructure, are available in the vicinity and immediately adjacent to the site. It is demonstrated that there will be no significant impact to these facilities for the proposed uses. The ability to use existing infrastructure for the development of the subject property to meet a portion of the City's commercial land need will lead to the orderly and economical use of existing key public facilities.**

**The maximum efficiency of land uses within the urbanizable area:**

As discussed above, per the recently approved UGB amendment process, the City has identified a small surplus of available UH land and an approximately 2-acre deficit in the amount of available SC land. This is not to say that there was an error in the UGB amendment process, but rather, the UGB amendment process operated on a very large scale, with a vast number of rules and other considerations that needed to be navigated. Now that the UGB amendment has been approved the City can look at opportunities to fine-tune the availability of the different GLUP designations as needed to achieve the best balance of available land types.

Given this small discrepancy in the available UH and SC land supply, the City can consider the benefits associated with approving the proposed GLUP map amendment and providing for a mix of both commercial and residential development along this major transportation corridor, in an area of continued diversification of uses and increased densities for both commercial and residential development. The proposed amendment will help to support the continued development of an activity center or "node" that can be leveraged in creating better opportunities for alternative modes of transportation; including walking, biking, and transit. The corridor is developed as a

transit route and the nearest bus stop is located approximately 175 feet from the property.

The map designations contained in the General Land Use Plan Element of the Comprehensive Plan indicates that the permitted zoning district within the Service Commercial designation is: C-S/P, consistent with the provisions of Section 10.326 of the Medford Land Development Code. MLDC Section 10.326 indicates that the C-S/P zone provides land for professional offices, hospitals, and limited service commercial uses. This district is intended to be customer-oriented, however, retail uses are limited. Development in this zone is expected to be suitable for locations adjacent to residential neighborhoods. The property is appropriately located for the requested SC GLUP map designation and concurrently requested C-S/P zone.

**FINDING:**

**The City of Medford can find that the requested change in GLUP map designation from UH to SC will help to maximize the efficiency of land uses within the urbanizable area by providing a better balance of available employment and residential GLUP types in the UGB and by supporting the continued development of activity centers along a major transportation route.**

**The environmental, energy, economic, and social (ESEE) consequences:**

As discussed throughout these findings, the City of Medford recently completed a boundary expansion for its UGB. The approved expansion was the second phase of a two-step UGB amendment process. The first phase of the process was the "ISAs" or internal study areas. The first phase was done consistent with ORS 197.296(6)(b), which requires that cities, before considering expanding their UGBs must consider changes to existing land use designations for the purpose of efficiently utilizing lands within the current urban area. The proposed GLUP map amendment, like Phase I of the UGB amendment process, will help to more efficiently utilize lands within developed portions of the UGB. The proposed change in GLUP map designation from UH to SC will help to facilitate the redevelopment of the property – which until recently contained a single-family home – with both commercial and high-density residential uses. There continues to be a demand for new commercial development in and around Medford. This demand can either be met by developing/redeveloping lands within the existing urbanizable area, nearer the core of the city, or it can be met by adding new areas into the city along the edges of the existing urban area.

Environmental: Infill development and redevelopment, in general, is much less impactful on the environment as it occurs in areas with existing urban development and it does not require the conversion of resource lands or natural areas. Infill

development and redevelopment along with a development pattern with a mix of uses also reduce pollution by reducing vehicle miles traveled.

Energy: Infill development and redevelopment, in general, is more energy efficient as it occurs in areas nearer the core of the city, helping to reduce energy consumption by reducing vehicle miles traveled. In addition, it requires less energy to reuse existing infrastructure than it does to develop new infrastructure to serve development occurring beyond the current extent of urbanization.

Economic: Infill development and redevelopment, in general, is more economical as it uses/reuses existing infrastructure and services rather than requiring these services to be extended. As discussed in greater detail above, there is existing infrastructure for water, sanitary sewer, storm sewer, and transportation available to this property. There is a cost associated with the development of all these existing facilities that had to be paid when these utilities and this property were developed. Now that these facilities are in place, it is much more economical to use this existing site rather than construct a new facility that would require the extension of these services.

Social: The environmental, energy, and economic benefits discussed above are all social benefits as well. That is, there are social benefits realized by reducing environmental impacts, reducing energy consumption, and by reducing costs. The additional social benefit that infill development and redevelopment provide is the reduction in dilapidated or blighted properties in the community. The property contained a single-family residence in poor repair until it was recently removed. By encouraging redevelopment of the site, the City can help attract new investment in older portions of the community rather than pushing a disproportional share of new investment into new development along the periphery of the urban area.

#### **FINDING:**

**The City of Medford can find that by promoting infill development and redevelopment and the expanded use of existing infrastructure, the proposed change in GLUP map designation will have positive ESEE consequences overall. The benefits of infill development and redevelopment include but are not limited to: reduced cost by utilizing existing infrastructure, using less land and preserving open space and resource lands, and less energy consumption and less pollution based on reduced vehicle miles travelled.**

**The compatibility of the proposed change with other elements of the Medford Comprehensive Plan and all Applicable Statewide Planning Goals:**

One purpose of the Medford Comprehensive Plan is to implement the Statewide Planning Goals. This creates a large amount of overlap between various elements of the Comprehensive Plan and the corresponding Statewide Goals, for example, since the Economic Element of the Comprehensive Plan implements Goal 9, a finding of consistency with the Economic Element will also demonstrate consistency with Statewide Planning Goal 9. This being the case, the corresponding Comprehensive Plan elements and State Goals will be discussed together.

**Goal #1: Citizen Involvement (Citizen Involvement Element):**

The City of Medford has adopted a comprehensive citizen involvement program, involving the CCI (Committee for Citizen Involvement (the Planning Commission is also the CCI)), citizen recommendations, communications involving questionnaires and public notice for all land use actions that is consistent with state law, and in compliance with this goal. The proposed GLUP map amendment is being processed consistent with the process and procedures in place regarding citizen involvement.

**FINDING:**

**The City of Medford, by and through the public notification program and Committee for Citizen Involvement, has provided adequate notice and has allowed for adequate citizen participation of all facets of the planning process. This application, by virtue of complying with the notice program administered by the City, is consistent with this Goal.**

**Goal #2: Land Use Planning (Implementation Element):**

The City of Medford has adopted a long-range Comprehensive Plan and implementation strategy (The Medford Land Development Code) that is consistent with the requirements of Goal #2. The policy and framework for the land use decisions in Medford must comply with the Comprehensive Plan. The City, in reviewing this application under the provisions of the Criteria for Plan Amendments in the Goals, Policies, and Implementation element of the Comprehensive Plan, are demonstrating compliance with Goal 2.

**FINDING:**

The City of Medford will review this application for a Comprehensive Plan Amendment (change of GLUP map designation) consistent with the Criteria for Plan Amendments in the Goals, Policies, and Implementation element of the Comprehensive Plan, demonstrating compliance with Goal 2.

Goal #3: Agricultural Lands:

Not applicable.

**FINDING:**

This property is urbanizable land within the city limits of the City of Medford and is not agricultural land.

Goal #4: Forest Lands:

Not applicable.

**FINDING:**

This property is urbanizable land within the city limits of the City of Medford and is not forest land.

Goal #5: Open Space, Scenic and Historic Areas; Natural Resources (Environmental and Implementation Elements):

Not applicable.

**FINDING:**

This property is not identified as being open space, a scenic or historic area or resource, and it is not identified as either a natural resource or an area contributing to natural resource protection. The proposed change in GLUP map designation from UH to SC for this single piece of previously developed property will have no effect on open space, scenic and historic areas, or natural resources.

Goal #6: Air, Water and Land Resource Quality (Environmental and Implementation Elements):

The purpose of this goal is to maintain and improve the quality of air, water and land resources of the state.

The subject property is located within the Bear Creek/Larson Creek sub-watershed, a portion of the larger Bear Creek water shed. All development in the City of Medford is required to provide storm water detention and water quality controls. The Subject property will be required to adhere to applicable drainage and water quality controls at the time of redevelopment. The property, when redeveloped, will be subject to criteria in the Comprehensive Plan and Land Development Code that are designed to provide for adequate levels of service and to protect air, water, and land resource quality.

**FINDING:**

**Since the subject property, when redeveloped, will be subject to criteria in the Comprehensive Plan and Land Development Code that are designed to provide for adequate levels of service and to protect the air, water, and land resource quality, the City of Medford can find that conformance with the specific implementing ordinances will demonstrate compliance with this Goal.**

Goal #7: Areas Subject to Natural Hazards (Environmental and Implementation Elements):

A portion of the site is located in a flood hazard zone based upon a review of the FEMA mapping available through Medford GIS data. The subject property will be required to adhere to applicable floodplain development standards at the time of redevelopment. The property, when redeveloped, will be subject to criteria in the Comprehensive Plan and Land Development Code that are designed to provide for adequate mitigation for floodplain development.

The site is not subject to mudslide, landslide, wildfire, or any other natural hazard.

**FINDING:**

**Since the subject property, when redeveloped, will be subject to criteria in the Comprehensive Plan and Land Development Code that are designed to provide for adequate mitigation measures for floodplain development, and the subject property is not in any mudslide, landslide, wildfire, or other natural hazard area, the City of Medford can find that conformance**

**with the specific implementing ordinances will demonstrate compliance with this Goal.**

Goal #8: Recreational Needs (Public Facilities and Implementation Elements):

Parks, Recreation, and Leisure Services are included in the Public Facilities Element of the Medford Comprehensive Plan. The most current planning document for Medford's parks and recreation system is the 2016-2025 Medford Leisure Services Plan. The plan describes and maps the various recreational areas and facilities that are available or can be made available for the recreational needs of the people and visitors to the city. This site is not identified as either an existing or future park site and there are no additional park land needs identified near this property.

**FINDING:**

**Not Applicable: The subject property is not identified in the 2016-2025 Medford Leisure Services Plan as an existing or future park site and there are no additional park land needs identified near this property.**

Goal #9: Economic Development (Population, Land Use, Economic, and Public Facilities Elements):

The City of Medford has an adopted and acknowledged Economic Element which is intended to implement Goal 9. The City is required to provide an adequate supply of land to accommodate employment growth over the next 20 years. The City has recently expanded its UGB to provide the required supply of employment land. During the UGB amendment process, the City investigated its land supply, compared it against growth projections, and determined how much land was needed. According to the City's projections, there was a need for a total of 222 acres of SC land. The final area for UGB expansion included a total of 220 buildable acres of SC land. The area added to the UGB created a 2-acre deficit in the supply of SC land.

The proposed Comprehensive Plan Amendment will change approximately 1 gross acre from the UH to the SC GLUP map designation. The proposed change will help to address the existing deficit in SC land and help to balance the supply of UH and SC lands in the urban area. In this way, the application will help to assure adequate employment opportunities while not decreasing the availability of land for residential development (SC land is available for residential development to MFR-30 densities).

The proposed amendment is also consistent with the following Goals, Policies, and Implementation Strategies of the Economic Element:

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

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

*Implementation 1-1(d): Participate in joint public/private business development programs to identify opportunities for growth of existing businesses and the attraction of new firms.*

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

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

*Policy 1-9: The City of Medford shall re-evaluate existing industrial and commercial GLUP map designations to better fit current business practices.*

**FINDING:**

**This property is currently designated for residential uses and will continue to be available for residential development while also being made available for employment uses. The proposed change in GLUP map designation will help to assure adequate employment opportunities by decreasing the existing deficit in SC land supply.**

**Goal #10: Housing (Environmental, Population, Land Use, and Housing Elements):**

The City of Medford has an adopted and acknowledged Housing Element which is intended to implement Goal 10. The City is required to provide an adequate supply of land to accommodate residential growth over the next 20 years. The City has recently expanded its UGB to provide the required supply of residential land. During the UGB amendment process, the City investigated its land supply, compared it against growth projections, and determined how much land was needed. According to the City's projections, there was a need for a total of 120 acres of UH land. The final area for UGB expansion included a total of 121 buildable acres of UH land. The area added to the UGB created a 1-acre surplus in the supply of UH land.

The proposed Comprehensive Plan Amendment will change approximately 1 gross acre from the UH to the SC GLUP map designation. The proposed change will help to address an existing deficit in SC land while not decreasing the availability of land for residential development (SC land is available for residential development to MFR-30 densities).

**FINDING:**

**This property is currently designated for residential uses and will continue to be available for residential development while also being made available for employment uses.**

**Goal #11: Public Facilities and Services (Public Facilities Element):**

The purpose of this goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Sanitary sewer service is provided by The City of Medford. There is a 21-inch sanitary sewer main line in Barnett Road adjacent to the subject property. High-density residential developments tend to have a higher demand for sanitary sewer capacity than do most commercial uses. The proposed change of GLUP designation for this less than one-acre property will have a negligible effect on sewer capacity in the vicinity or throughout the system.

Water service is provided by the Medford Water Commission, which is currently serving the subject property and vicinity. There is an existing 12-inch main line along the south end of the subject property in Barnett Road. The site was previously developed with a single-family home served by a 1" service line and meter. The site will be redeveloped with commercial and/or residential uses permitted in the Service Commercial GLUP map designation and the existing water service and meter will be upgraded if necessary. Adequate water service lines are available to continue to serve future uses on the subject site.

Water service for fire protection is also currently available in the vicinity of the site with existing fire hydrants to the east, west, and across Barnett Road from the subject property.

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 any new development is proposed. The proposed change in GLUP map designation will have no greater impact on the availability of storm water facilities in the vicinity.

**FINDING:**

**The application will not place a burden on public agencies to provide or extend public services. Based upon the information contained herein, the City of Medford can find that there is available infrastructure for sanitary sewer, water service, and storm sewer in the vicinity and immediately adjacent to the site.**

**Goal #12: Transportation (Public Facilities Element):**

The subject property is 0.61 acre in area. The existing zoning, MFR-20, allows for residential redevelopment at a maximum density of 20 dwelling units (DU) per gross acre. The 0.77-gross acre parcel could be developed with as many as 15 DU (0.77 acre x 20 DU/acre = 15.4 DU). Apartments are expected to generate 6.65 average daily trips (ADT) per unit. The 15 DU would produce 100 ADT (15 DU x 6.65 ADT/DU = 99.75 ADT). Properties zoned C-S/P (the only zone allowed in the requested SC GLUP map designation) are anticipated to generate 500 ADT per acre. The 0.61-acre site will produce 305 ADT if zoned C-S/P (0.61 acre x 500 ADT/acre = 305 ADT). The net increase in traffic is the difference between what the current zoning could produce and what the proposed zoning will produce. The net increase from the proposed GLUP map amendment and concurrent zone change is 205 ADT (305 ADT - 100 ADT = 205 ADT). Since this number is below the threshold of 250 ADT, no traffic analysis is required.

The applicant submits that this requested GLUP map amendment and associated zone change will have a negligible effect on the capacity of the existing local street system as demonstrated by the fact that the proposed GLUP map amendment, change of zoning and future development of the property will produce traffic that is below the thresholds to require a TIS.

**FINDING:**

**The City of Medford can find that the proposed GLUP change will not result in an addition of more than 249 ADT to the transportation system. Per the Medford Land Development Code, an increase of 249 ADT or less does not require traffic analysis and is viewed as being consistent with the City's Transportation System Plan.**

**Goal #13: Energy Conservation (Environmental Element):**

The goal is simply to "Conserve Energy".

The proposed change in GLUP map designation from UH to SC will help to facilitate the redevelopment of this approximately 0.61-acre site in a developed portion of the urban area with utility and street infrastructure in place. Infill development and redevelopment, in general, is more energy efficient as it occurs in areas nearer the core of the city, helping to reduce energy consumption by reducing vehicle miles traveled. In addition, it requires less energy to reuse existing infrastructure than it does to develop new infrastructure to serve development occurring beyond the current extent of urbanization.

The net ESEE impact of the proposed GLUP map designation is positive. There continues to be a demand for new commercial development in and around Medford. This demand can either be met by developing/redeveloping lands within the existing urbanizable area, nearer the core of the city, or it can be met by adding new areas into the city along the edges of the existing urban area.

**FINDING:**

**The City of Medford can find that by promoting infill development, the proposed change in GLUP map designation will help to conserve energy. The benefits of infill development and the reuse of existing development include but are not limited to: Reduced cost by utilizing existing infrastructure, using less land and preserving open space and resource lands, and less energy consumption and less pollution based on reduced vehicle miles travelled.**

**Goal #14: Urbanization (Population, Land Use, Housing, Economic, Public Facilities, GLUP, and Implementation Elements):**

The goal is to "Provide for an orderly and efficient transition from rural to urban land use."

Goal 14 provides that urban growth boundaries shall be established to identify and separate urbanizable from rural land. Consistent with ORS 197.296(6)(b), cities, before considering expanding their UGBs must consider changes to existing land use designations for the purpose of efficiently utilizing lands within the current urban area. During Phase I of its Urban Growth Boundary (UGB) amendment process, the City identified lands which could be re-designated to more efficiently meet future needs for residential development and employment.

The proposed GLUP map amendment, like Phase I of the UGB amendment process, will help to more efficiently utilize lands within developed portions of the UGB. The proposed change in GLUP map designation from UH to SC will help to facilitate the

redevelopment of the subject property to meet a portion of the City's commercial land need.

The City of Medford has recently expanded its UGB to provide an adequate land supply for both residential and employment growth over the next 20 years. During that process, the City investigated its land supply, compared it against growth projections, and determined how much land was needed. According to the City's projections, there was a need for a total of 120 acres of UH land and a total of 222 acres of SC land. The final area for UGB expansion included a total of 121 buildable acres of UH land and a total of 220 buildable acres of SC land. The area added to the UGB created a 1-acre surplus of UH land and left an 2-acre deficit in the supply of SC land.

The proposed Comprehensive Plan Amendment will change 0.61 net acre (approximately 0.77 gross acre) from the UH to the SC GLUP map designation. The proposed change will help to address the existing deficit in SC land and help to balance the supply of UH and SC lands in the urban area. Since SC land can be developed with either (or both) commercial or residential uses, not only will the application help to address the forecasted need for these two land types, it will also provide flexibility in the use of the subject property, which may help to encourage infill development and increased density in a developed portion of the urban area.

**FINDING:**

**The application does not include a change to an urban growth boundary but rather it provides for the efficient use of land already within the UGB.**

**CONCLUSIONARY FINDING:**

**Reviewing the above discussion and findings, the City of Medford can find that the application for a GLUP map designation change from UH to SC can be found to be consistent with the applicable Statewide Planning Goals and Comprehensive Plan elements regarding citizen involvement; land use planning; air, water and land resource quality; areas subject to natural hazards; economic development; housing; public facilities and services; transportation; energy conservation; and urbanization, and that Statewide Planning Goals 3, 4, 5 & 8 do not apply to this application.**

#### IV. SUMMARY AND CONCLUSIONS:

In order for a Comprehensive Plan Amendment to change General Land Use Plan (GLUP) Map Designation to be approved, the Planning Commission must find that the request is supported by information and findings addressing the Criteria for Plan Amendments in the Goals, Policies, and Implementation Element of the Medford Comprehensive Plan.

A review of the application and these Findings of Fact demonstrates that this application complies with the applicable standards of the Medford Comprehensive Plan. This application is for a change in GLUP map designation, from UH to SC.

With this information provided, the applicants respectfully request that the City of Medford designate the subject property, (37-1W-32A, Tax Lot 4300), as Service Commercial (SC) on the General Land Use Plan (GLUP) map for the City of Medford, Oregon.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Clark Stevens". The signature is written in black ink and is positioned above the printed name of the firm.

RICHARD STEVENS & ASSOCIATES, INC.

The Housing Element also included a calculation for needed public and semi-public land. These uses include parks, schools, churches, and fraternal lodges. The study concluded that there are roughly 17 acres of public and semi-public land for every 1,000 people in the existing UGB. The study assumed a need of 11.6 acres of public and semi-public land for every 1,000 people added to the population of Medford. Given the projected population increase of 35,591 people a total of 426 acres is needed for public and semi-public uses over the 20-year planning period. This land was allocated to the three residential land types based on the percentage of dwelling units needed for each type. The inclusion of the public and semi-public land need is summarized in *Table 9.3*.

*Table 9.3. Public and Semi-Public Lands (adapted from Housing Element Tables 40 & 41)*

	<b>Public and Semi-Public</b>	<b>Total Acres Needed</b>
UR	298	763
UM	29	68
UH	99	164
<b>Total</b>	<b>426</b>	<b>996</b>

When the supply of residential land was changed through UGBA Phase 1 (see *Tables 7.1* and *7.2*) the amount of land needed in each of the residential GLUP designations was also changed. With more of the high-density and medium-density need being met within the existing UGB, fewer acres of each of those land types are needed to be added. Conversely, since some of the low-density residential land supply has been displaced from within the existing UGB, a greater amount must now be added through the UGB amendment process. While UGBA Phase 1 resulted in a 58-acre conversion of land from residential to employment GLUP designations the total residential land need only increased by 36 acres. This is due to the fact that some of this land was not identified as meeting any portion of the future residential land need (because it was classified as developed) but it is now being counted toward meeting the employment land need (because it is expected to redevelop as commercial). *Table 9.4* shows the amount of residential land needed both before and after UGBA Phase 1.

*Table 9.4. Residential Land Need before and after UGBA Phase 1*

	<b>Needed Acres Before SALs</b>	<b>Needed Acres After SALs</b>
UR	763	885
UM	68	27
UH	164	120
<b>Total</b>	<b>996</b>	<b>1,032</b>

### Employment

The City adopted the Economic Element of the Comprehensive Plan in December 2008. The Economic Element built on the conclusions of the Population Element (adopted

Table 9.7. Employment Land Need after UGBA Phase 1 (net acres)

	Supply Before SALs	Supply After SALs	Demand	Deficit
SC	172	174	352	177
GI & HI	641	519	597	78
CM	265	443	697	254
<b>Total</b>				<b>509</b>

The number of net acres needed is then converted to gross acres in order to account for roads and other infrastructure resulting in a total employment land need of 637 gross acres.

Table 9.8. Net-to Gross Conversion of Employment Land Need after UGBA Phase 1

	Deficit in Net Acres	Deficit in Gross Acres
SC	177	222
GI & HI	78	97
CM	254	318
<b>Total</b>		<b>637</b>

The Planning Commission also used the public hearings process to more fully develop findings for Goal 14 locational factor 3, which requires the City to consider the comparative environmental, social, economic, and energy (ESEE) consequences of different boundary location alternatives. Based on these findings, and the revised land need figures, the Commission chose to alter staff's recommendation by removing the land recommended in staff's "Alternative 1" and most of the land recommended in staff's "Alternative 2". The Commission also chose to add approximately 180 gross acres south of Cherry Lane, north of Barnett Road, and east of the current UGB, to the recommendation.

The Council received testimony that convinced it to reverse the Planning Commission's recommendation. After reviewing four restoration options at a February 25, 2016 study session and at its regular meeting on March 17, the Council selected the option presented by CSA Planning.

In addition to expanding the urban growth boundary and assigning GLUP map designations to the areas added to the UGB, the City proposes to amend the Street Functional Classification Plan of the Transportation Element of the Comprehensive Plan to include the expansion areas and portions of the Urbanization and GLUP Elements of the Comprehensive Plan to accommodate the UGB amendment. The recommended changes are shown in Exhibit A.

**MAP AMENDMENT SUMMARY**

		Number of Acres
<b>Total Expansion Proposal</b>		<b>4,046</b>
Developed or Unbuildable Land		511
Prescott Park and Chrissy Park		1,877
Land for Future Development (Residential + Employment)		1,658
<b>Residential Land Amount</b>		<b>1,039</b>
Low-Density Residential	UR	891
Medium-Density Residential	UM	27
High-Density Residential	UH	121
<b>Employment Land Amount</b>		<b>618</b>
Service Commercial	SC	220
Commercial	CM	300
General Industrial	GI	92
Heavy Industrial	HI	6

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

IN THE MATTER OF AN APPLICATION FOR )	
A CHANGE IN ZONING DESIGNATION FOR )	
A 0.61 ACRE PARCEL, LOCATED ON THE )	
NORTH SIDE OF BARNETT ROAD, )	FINDINGS OF FACT
BETWEEN ELLENDALE DRIVE AND )	
CRESTBROOK ROAD; KEVIN WU, )	
APPLICANT; RICHARD STEVENS & )	
<u>ASSOCIATES, INC., AGENTS</u> )	

I. RECITALS PERTAINING TO THE PROPERTY:

**APPLICANT:** Hong (Kevin) Wu  
2201 E Barnett Road  
Medford, OR 97504

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

**PURPOSE OF APPLICATION:**

The applicant is requesting a change of Zoning designation from City of Medford Multiple-Family Residential – 20 dwelling units per gross acre (MFR-20) to City of Medford Service Commercial and Professional Office (C-S/P) zoning for a 0.61-acre parcel located at 2217 Barnett Road and described as T-37 R-1W SEC-32A, Tax Lot 4300, within the Medford city limits. The General Land Use Plan (GLUP) map designation for the subject property is to be concurrently changed from Urban High-Density Residential (UH) to Service Commercial (SC) to help balance the supply of available UH and SC lands; to increase the efficiency of land uses in the area; and to encourage a more economical and efficient use of existing public facilities in the vicinity.

Attachments:

- Exhibit A: A copy of the legal description for this property
- Exhibit B: An assessor's map with the site indicated
- Exhibit C: A current zoning map for the vicinity
- Exhibit D: A current GLUP map for the vicinity
- Exhibit E: Copy of recent Property Line Adjustment (PLA) Map

**II. APPLICABLE CRITERIA:**

In order to approve a Zoning Amendment and change the Zoning Map, the applicant must submit findings addressing Sections 10.204 of the Land Development Code. A review of Section 10.204(D) indicates that an application for a Zone Change must contain the following:

- 1. A vicinity map drawn to scale of 1"=1000' 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 10.204(B), Zone Change Criteria.*

**FINDING:**

**This application for a change in zoning designation from MFR-20 to C-S/P, with the information presented in support of the application, is consistent with the criteria for submission as required above, accompanied with the applicable maps, the legal description of the area to be changed, the names and addresses of all adjacent properties within 200 feet typed on mailing labels, and findings consistent with the requirements of Section 10.204(B).**

**III. FINDINGS IN COMPLIANCE WITH SECTION 10.204(B) OF THE  
MEDFORD LAND DEVELOPMENT CODE:**

Section 10.204(B) 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.*

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

In addition, 10.204(B)(3) states:

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

**10.204(B)(1) CONSISTENCY WITH TRANSPORTATION SYSTEM PLAN AND THE  
GENERAL LAND USE PLAN MAP DESIGNATION**

Discussion regarding TSP:

The adopted Medford Transportation Plan (TSP) addresses Chapter 660, Division 12 of the Oregon Administrative Rules which provides for implementation of the Statewide Transportation Goal (Goal 12), Transportation Planning Rule (TPR). It is also designed to explain how local governments and state agencies are responsible for transportation planning to address all modes of travel including vehicles, transit, bicycles and pedestrians. The TPR envisions development of local plans that will provide changes in land use patterns and transportation systems that make it more convenient for people to walk, bicycle, use transit, and drive less.

The TSP identifies both existing and future needs and includes improvements to meet those needs. In order to achieve those needs, the TSP has established the City's goals, policies, and implementation measures in order for the City to develop and maintain its transportation system for both the short and long-term needs. Like other portion of the Comprehensive Plan, the TSP is implemented through the Development Code. Sections 10.460 and 10.461 address the requirement for a traffic analysis letter (TIA) when an application has the potential of generating more than 250 net average daily trips (ADT).

The subject property is 0.61 acre in area. The existing zoning, MFR-20, allows for residential redevelopment at a maximum density of 20 dwelling units (DU) per gross acre. The 0.77-gross acre parcel could be developed with as many as 15 DU (0.77 acre x 20 DU/acre = 15.4 DU). Apartments are expected to generate 6.65 average daily trips (ADT) per unit. The 15 DU would produce 100 ADT (15 DU x 6.65 ADT/DU = 99.75 ADT). Properties zoned C-S/P (the only zone allowed in the requested SC GLUP map designation) are anticipated to generate 500 ADT per acre. The 0.61-acre site will produce 305 ADT if zoned C-S/P (0.61 acre x 500 ADT/acre = 305 ADT). The net increase in traffic is the difference between what the current zoning could produce and what the proposed zoning will produce. The net increase from the proposed GLUP map amendment and concurrent zone change is 205 ADT (305 ADT - 100 ADT = 205 ADT). Since this number is below the threshold of 250 ADT, no traffic analysis is required.

The applicant submits that this requested zone change will have a negligible effect on the capacity of the existing local street system as demonstrated by the fact that the proposed change of zoning and future development of the property will produce traffic that is below the thresholds to require a TIS.

#### Discussion regarding GLUP:

The General Land Use Plan (GLUP) map designation for the subject property is to be concurrently changed from Urban High-Density Residential (UH) to Service Commercial (SC). The map designations contained in the General Land Use Plan Element of the Comprehensive Plan indicates that the permitted zoning district within the Service Commercial designation is C-S/P, consistent with the provisions of Section 10.326 of the Medford Land Development Code.

#### FINDING:

**The net increase from the proposed zone change is 205 ADT. Since this number is below the threshold of 250 ADT, no traffic analysis is required, the requested zone change is found to have a negligible effect on the capacity of the existing local street system and requested zone change is found to be consistent with the TSP.**

**The subject property General Land Use Plan Map designation is to be concurrently changed to Service Commercial. The C-S/P zoning requested is found to be consistent with the General Land Use Plan Map.**

**10.204(B)(2) CONSISTENCY WITH ADDITIONAL LOCATIONAL STANDARDS:**

There are no additional locational standards applicable to the C-S/P zone listed in Section 10.204(2) (2)(a), (2)(b), or (2)(c). However, MLDC Section 10.326 indicates that development within the C-S/P zone is expected to be suitable in locations adjacent to residential neighborhoods.

**FINDING:**

**Not applicable. There are no additional locational standards applicable to the C-S/P zone listed in Section 10.204(2) (2)(a), (2)(b), or (2)(c).**

**10.204(B)(3) COMPLIANCE WITH URBAN SERVICES AND FACILITIES**

The Medford Comprehensive Plan, Public Facilities Element, provides the list of Category "A" services and facilities to be considered. These are:

- Water Service
- Sanitary Sewer and Treatment
- Storm Drainage and
- Streets, Transportation Facilities

**Water Service:**

Water service is provided by the Medford Water Commission, which is currently serving the subject property and vicinity. There is an existing 12-inch main line along the south end of the subject property in Barnett Road. The site was previously developed with a single-family home served by a 1" service line and meter. The site will be redeveloped with commercial and/or residential uses permitted in the C-S/P zone and the existing water service and meter will be upgraded if necessary. Adequate water service lines are available to continue to serve future uses on the subject site.

Water service for fire protection is also currently available in the vicinity of the site with existing fire hydrants to the east, west, and across Barnett Road from the subject property.

### Sanitary Sewer:

Sanitary sewer service is provided by The City of Medford. There is a 21-inch sanitary sewer main line in Barnett Road adjacent to the subject property. High-density residential developments tend to have a higher demand for sanitary sewer capacity than do most commercial uses. The proposed zone change for this less than one-acre property will have a negligible effect on sewer capacity in the vicinity or throughout the system.

The sanitary sewer collection system is adequate to accommodate the types of uses permitted in the proposed C-S/P zone. The sewer system is available in condition, capacity and location for the use of the system for commercial uses.

### Storm Drainage:

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 any new development is proposed. The proposed zone change will have no greater impact on the availability of storm water facilities in the vicinity.

### Transportation:

The subject property is 0.61 acre in area. The existing zoning, MFR-20, allows for residential redevelopment at a maximum density of 20 dwelling units (DU) per gross acre. The 0.77-gross acre parcel could be developed with as many as 15 DU ( $0.77 \text{ acre} \times 20 \text{ DU/acre} = 15.4 \text{ DU}$ ). Apartments are expected to generate 6.65 average daily trips (ADT) per unit. The 15 DU would produce 100 ADT ( $15 \text{ DU} \times 6.65 \text{ ADT/DU} = 99.75 \text{ ADT}$ ). Properties zoned C-S/P (the only zone allowed in the requested SC GLUP map designation) are anticipated to generate 500 ADT per acre. The 0.61-acre site will produce 305 ADT if zoned C-S/P ( $0.61 \text{ acre} \times 500 \text{ ADT/acre} = 305 \text{ ADT}$ ). The net increase in traffic is the difference between what the current zoning could produce and what the proposed zoning will produce. The net increase from the proposed GLUP map amendment and concurrent zone change is 205 ADT ( $305 \text{ ADT} - 100 \text{ ADT} = 205 \text{ ADT}$ ). Since this number is below the threshold of 250 ADT, no traffic analysis is required.

The applicant submits that this requested zone change will have a negligible effect on the capacity of the existing local street system as demonstrated by the fact that the proposed change of zoning and future development of the property will produce traffic that is below the thresholds to require a TIS.

**FINDING:**

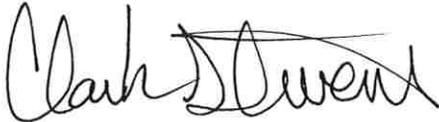
**Based upon the information contained herein there are adequate Category "A" public facilities available and sufficient capacity exists to extend these facilities to serve the proposed zoning and use of the site as C-S/P.**

**IV. 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 change of zoning. A review of the application and the above Findings of Fact with the supporting documentation attached, 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 TSP.

With this in mind, the applicant respectfully requests that the City of Medford designate the subject property, T.37S-R.1W-SEC.32A, Tax Lot 4300 as C-S/P on the Official Zoning Map for the City of Medford, Oregon.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Clark Stewart". The signature is written in a cursive style with a large initial "C" and a long horizontal stroke extending to the right.

Richard Stevens & Associates, Inc.



## **PUBLIC WORKS DEPARTMENT STAFF REPORT**

### **2217 East Barnett Road (TL 9800)**

**Project:** Request for a minor General Land Use Plan (GLUP) amendment from (UH) Urban High Density Residential to SC (Service Commercial) on a 0.61 acre parcel.

**Location:** Located at 2217 Barnett Road (371W29DC9800).

**Applicant:** Applicant: Hong (Kevin) Wu; Agent: Richard Stevens & Associates; Planner: Steffen Roennfeldt.

#### **I. Sanitary Sewer Facilities**

There is sufficient capacity in the sanitary sewer to allow the zone change without conditions.

#### **II. Storm Drainage Facilities**

The subject property currently drains to the northwest. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development. This site may be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

#### **III. Transportation System**

The potential of the proposed application is less than 250 net average daily trips, which is the code standard at which a Transportation Impact Analysis (TIA) is required. Therefore, no TIA is needed for the proposed GLUP and Zoning map amendments. Public Works may require a limited TIA to study driveway safety at the time of site plan review if the application proposes driveway access to East Barnett Road.

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

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs

The above report is based on the information provided with the General Land Use Plan Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.



## **PUBLIC WORKS DEPARTMENT STAFF REPORT**

### **2217 East Barnett Road (TL 9800)**

**Project:** Request for a change the zoning from MFR-20 (Multiple Family Residential - 15 to 20 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on a 0.61 acre parcel.

**Location:** Located at 2217 Barnett Road (371W29DC9800).

**Applicant:** Applicant: Hong (Kevin) Wu; Agent: Richard Stevens & Associates; Planner: Steffen Roennfeldt.

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 services and facilities under its jurisdiction meet those requirements. The services and facilities that Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

#### **I. Sanitary Sewer Facilities**

There is sufficient capacity in the sanitary sewer to allow the zone change without conditions.

#### **II. Storm Drainage Facilities**

The subject property currently drains to the northwest. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development. This site may be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

#### **III. Transportation System**

The potential of the proposed application is less than 250 net average daily trips, which is the code standard at which a Transportation Impact Analysis (TIA) is required. Therefore, no TIA is needed for the proposed GLUP and Zoning map amendments. Public Works may

require a limited TIA to study driveway safety at the time of site plan review if the application proposes driveway access to East Barnett Road.

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

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 8/12/2019
Meeting Date: 8/14/2019

LD File #: GLUP19003 Associated File ZC19013 #1:

Planner: Steffen Roennfeldt

Applicant: Hong (Kevin) Wu

Project Location: 2217 Barnett Road (371W29DC9800);

ProjectDescription: Request for a minor General Land Use Plan (GLUP) amendment from (UH) Urban High Density Residential to SC (Service Commercial) and to change the zoning from MFR-20 (Multiple Family Residential - 15 to 20 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on a 0.61 acre parcel

Specific Development Requirements for Access & Water Supply

Conditions

Table with 3 columns: Reference, Description, Conditions. Row 1: Approved, Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # 7
GLUP-19-003
ZC-19-013



# MEDFORD

BUILDING SAFETY

## MEMORANDUM

To: Steffen Roennfeldt, Planning Department  
From: Chad Wiltrout, Building Department (541) 774-2363  
CC: Hong (Kevin) Wu, Applicant; Richard Stevens & Associates, Agent  
Date: August 14, 2019  
Subject: GLUP-19-003/ZC-19-013

*Please Note:*

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

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

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

*General Comments:*

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. Building Department has no comments for this application.

CITY OF MEDFORD  
EXHIBIT # 2  
File # GLUP-19-003  
2e-19-013



BOARD OF WATER COMMISSIONERS

**Staff Memo**

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

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

**SUBJECT:** GLUP-19-003 & ZC-19-013

**PARCEL ID:** 371W29DC TL 9800

**PROJECT:** Request for a minor General Land Use Plan (GLUP) amendment from (UH) Urban High Density Residential to SC (Service Commercial) and to change the zoning from MFR-20 (Multiple Family Residential - 15 to 20 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on a 0.61 acre parcel located at 2217 E. Barnett Road (371W29DC9800); Applicant: Hong (Kevin) Wu; Agent: Richard Stevens & Associates; Planner: Steffen Roennfeldt.

**DATE:** August 14, 2019

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 ¾-inch water meter which is located approximately mid-lot along E Barnett Road currently serves the existing home at 2217 E Barnett Road (TL 4300). This water meter is required to be protected in place so it can be used for future business or reserved for dedicated landscape irrigation use.

**COMMENTS**

1. The MWC system does have adequate capacity to serve this property.
2. Off-site water line installation is not required.
3. On-site water facility construction is not required.
4. MWC-metered water service does exist to this property. (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 12-inch water line located on the north side of E Barnett Road.



0 25 50 100 Feet  
Scale: 1" = 100'

**Water Facility Map**  
City of Medford  
Planning Application:  
GLUP-19-003 & ZC-19-013

July 17, 2019

**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



This map is provided as a digital publication prepared by Medford Water Commission. It is not a substitute for a professional engineering or architectural drawing. For more information, please contact the City of Medford, Planning Department, 1000 N. Main Street, Medford, OR 97504. Phone: 541.754.2200. Fax: 541.754.2201. Email: medford@medfordwater.com



Page 130

**Edgemont Dr**  
Dr 1958

6" GV5332 6" GV5339  
H2099 Elev: 1490 ft

Scale: 1" = 100'



# MEDFORD PLANNING

## MEMORANDUM

Subject Legal Description  
File no. GLUP-19-003/ZC-19-013  
To Jon Proud, Engineering  
From Steffen Roennfeldt, Planning Department  
Date July 31, 2019

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. GLUP-19-003/ZC-19-013  
Applicant: Hong Kevin Wu  
Agent: Richard Stevens & Associates

Steffen-

The attached description instrument # 2019-018370 appears to be the correct legal description of the property when compared to the attached Exhibit B and the tax assessors map and filed survey number 22851.

cp

Attachments:

Vicinity Map, Legal description

CITY OF MEDFORD

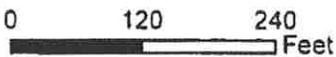
File #

GLUP-19-003  
ZC-19-013



Project Name:  
**2217 E. Barnett Road**

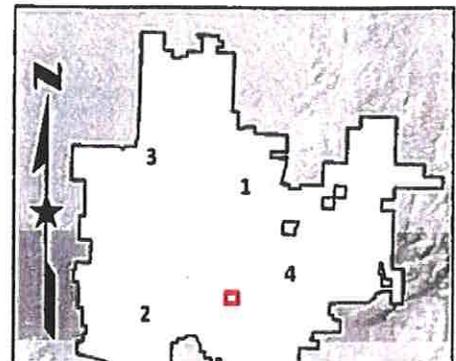
Map/Taxlot:  
**371W29DC TL 9800**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

07/03/19



RECEIVED

JUN 27 2019

PLANNING DEPT.

LEGAL DESCRIPTION

Property Line Adjustment, City of Medford File # 18-XXXXXXX  
Adjusted Tax Lot 4300

A parcel of land situated in the NW1/4 NE1/4 of Section 32, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, within the City of Medford, said parcel being more particularly described as follows:

Commencing at the northeast corner of Donation Land Claim No. 50 in T37S, R1W, W.M., in Jackson County, Oregon; thence along the center line of Ellendale Drive South  $00^{\circ}26'09''$  East, 954.83 feet to the centerline of Barnett Road; thence along the centerline of Barnett Road North  $76^{\circ}31'21''$  East, 826.69 feet, thence leaving said centerline of Barnett Road North  $13^{\circ}28'39''$  West, 30.00 feet to the southwest corner of the right of way dedication description per Document #98-01753; thence along the westerly line of said right of way dedication description per Document #98-01753 North  $00^{\circ}23'28''$  West, 5.13 feet to the True Point of Beginning of this description, thence North  $00^{\circ}23'28''$  West, 233.52 feet, thence North  $83^{\circ}05'29''$  East, 96.65 feet, thence South  $00^{\circ}23'28''$  East, 81.87 feet; thence South  $43^{\circ}18'10''$  East, 64.37 feet, thence South  $00^{\circ}23'28''$  East, 82.96 feet to a point on the northerly line of the right of way description per Document #98-01753, thence along the northerly line of said right of way dedication description per Document #98-01753 South  $76^{\circ}31'21''$  West, 143.58 feet to the Point of Beginning.

Said parcel containing 26,770 sq. ft., more or less. Basis of Bearings is grid north on the Oregon Coordinate Reference System (OCRS) Grants Pass - Ashland Zone

CITY OF MEDFORD  
EXHIBIT # \_\_\_\_\_  
FILE # GLUP-19-003/ZC-19-013

6

**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

Rhine Cross Group, LLC  
112 N. 5<sup>th</sup> St – Suite 200  
Klamath Falls, OR 97601



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

**UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO THE FOLLOWING  
ADDRESS:**

LiJun Zhao, Et. Al.  
1780 Kensington Place  
McKinleyville, CA 95519

---

**PROPERTY LINE ADJUSTMENT DEED**

Hong Wu, as to an undivided 25% interest, LiJun Zhao, as to an undivided 50% interest, and Jiaqing Wu, as to an undivided 25% interest, as tenants by the common, Grantor, conveys to Hong Wu, as to an undivided 25% interest, LiJun Zhao, as to an undivided 50% interest, and Jiaqing Wu, as to an undivided 25% interest, as tenants by the common, Grantee, the real property situated in the SE1/4 of Section 29, and the NE1/4 of Section 32, Township 37 South, Range 01 West, W.M., Jackson County, Oregon, described in Exhibit "B" attached hereto.

This instrument is executed to accomplish a property line adjustment between Grantor's parcel described in Exhibit "A" attached hereto ("Grantor's Parcel"), as vested in Grantor pursuant that certain Statutory Warranty Deed recorded as Instrument No. 2018-005720, Jackson County Official Records, and Grantee's parcel described in Exhibit "A" attached hereto ("Grantee's Parcel"), as vested in Grantee pursuant to that certain Statutory Warranty Deed recorded as Instrument No. 2018-005714, Jackson County Official Records. The purpose of this adjustment is to enlarge Grantee's Parcel and reduce Grantor's Parcel by the sale of the property described in Exhibit "B" attached hereto. No new parcel shall be created by the execution of this instrument. The post adjustment size and configuration of Grantee's Parcel and Grantor's Parcel shall be as described in Exhibit "C" attached hereto.

Grantor's Parcel Tax Lot: 37-1W-32A-4300 (37-1W-29DC-9800)

Grantee's Parcel Tax Lot: 37-1W-32A-4200 (37-1W-29DC-9700)

The value for this conveyance is: \$1 and other true and valuable consideration

DW 6-26-19

GRANTEE:

[Signature]

LiJun Zhao  
[Signature]

Hong Wu  
[Signature]

Jiaqing Wu

STATE OF OREGON )

)

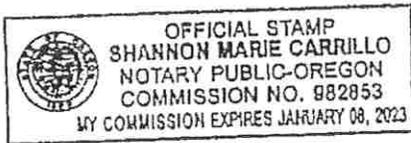
County of Jackson )

BEFORE ME, the undersigned authority, on this day personally appeared LiJun Zhao, Hong Wu, and Jiaqing Wu, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 18<sup>th</sup> day of June 2019.

(SEAL)

Shannon Marie Carrillo  
NOTARY PUBLIC, STATE OF OREGON  
Print name: Shannon Marie Carrillo  
My commission expires: 01-08-23



June 2019

Grantee's Parcel

Tax Lot 37-1W-32A-4200 (37-1W-29DC-9700)

BEGINNING AT THE NORTHEAST CORNER OF DONATION LAND CLAIM NO. 50 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND RUNNING THENCE SOUTH 0°01' EAST ALONG THE CENTER OF CRESTBROOK ROAD A DISTANCE OF 954.83 FEET TO AN INTERSECTION WITH THE TANGENT OF BARNETT ROAD; THENCE NORTH 76°56'30" EAST ALONG SAID CENTER LINE OF BARNETT ROAD A DISTANCE OF 826.69 FEET; THENCE NORTH 13°03'30" WEST 30.00 FEET TO A 5/8" X 30" IRON BAR MONUMENT; THENCE NORTH 76°56'30" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF BARNETT ROAD A DISTANCE OF 147.61 FEET TO A POINT FOR THE TRUE POINT OF BEGINNING. FROM THIS TRUE POINT OF BEGINNING THENCE CONTINUE ALONG THE NORTHERLY RIGHT OF WAY LINE OF BARNETT ROAD A DISTANCE OF 50.00 FEET; THENCE NORTH 215.89 FEET; THENCE SOUTH 83°30'46" WEST 50.00 FEET; THENCE SOUTH 219.5 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD AN OREGON MUNICIPAL CORPORATION IN INSTRUMENT RECORDED JANUARY 21, 1998 AS DOCUMENT NO. 98-02252, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.

DWL 2.26.19

EXHIBIT C

New Legal Descriptions

POST Lot Line Adjustment

Grantor's Parcel

Property Line Adjustment, City of Medford File PLA#18-121  
Adjusted Tax Lot 4300 (9800)

A parcel of land situated in the SE1/4 of Section 29, and the NE1/4 of Section 32, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, within the City of Medford, said parcel being more particularly described as follows:

Commencing at the northeast corner of Donation Land Claim No. 50 in T37S, R1W, W.M., in Jackson County, Oregon; thence along the center line of Ellendale Drive South 00°26'09" East, 954.83 feet to the centerline of Barnett Road; thence along the centerline of Barnett Road North 76°31'21" East, 826.69 feet; thence leaving said centerline of Barnett Road North 13°28'39" West, 30.00 feet to the southwest corner of the right of way dedication description per Document #98-01753; thence along the westerly line of said right of way dedication description per Document #98-01753 North 00°23'28" West, 5.13 feet to the True Point of Beginning of this description, thence North 00°23'28" West, 233.69 feet; thence North 83°06'17" East, 96.65 feet; thence South 00°23'28" East, 82.02 feet; thence South 43°18'10" East, 64.37 feet; thence South 00°23'28" East, 82.96 feet to a point on the northerly line of the right of way description per Document #98-01753; thence along the northerly line of said right of way dedication description per Document #98-01753 South 76°31'21" West, 143.58 feet to the Point of Beginning.

Said parcel containing 26,786 sq.ft., more or less. Basis of Bearings is grid north on the Oregon Coordinate Reference System (OCRS) Grants Pass - Ashland Zone.

DWL 26.19

**Steffen K. Roennfeldt**

---

**From:** Laura E Street <Laura.E.Street@state.or.us>  
**Sent:** Monday, August 12, 2019 4:31 PM  
**To:** Steffen K. Roennfeldt  
**Subject:** ODFW comments for 2217 E Barnett Road

<EXTERNAL EMAIL>

RE: Comments for a General Land Use Plan Amendment  
File No: GLUP-19-003/ZC-19-013

Hi Steffen,

Please be sure the applicant is aware of and abides by the Medford Riparian Ordinance is association with this change in zoning. Future development should not include the removal of riparian vegetation along Lazy Creek.

Cheers,

Laura Street  
Assistant District Fisheries Biologist  
Rogue Watershed District  
1495 E Gregory Road  
Central Point, OR 97502  
541-826-8774 x 224

ODFW MEDFORD  
FILE # GLUP - 19-003  
ZC - 19-013

RECEIVED

JUN 27 2019

PLANNING DEPT.

LEGAL DESCRIPTION

Property Line Adjustment, City of Medford File # 18-XXXXXXX  
Adjusted Tax Lot 4300

A parcel of land situated in the NW1/4 NE1/4 of Section 32, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, within the City of Medford, said parcel being more particularly described as follows:

Commencing at the northeast corner of Donation Land Claim No. 50 in T37S, R1W, W.M., in Jackson County, Oregon; thence along the center line of Ellendale Drive South 00°26'09" East, 954.83 feet to the centerline of Barnett Road; thence along the centerline of Barnett Road North 76°31'21" East, 826.69 feet; thence leaving said centerline of Barnett Road North 13°28'39" West, 30.00 feet to the southwest corner of the right of way dedication description per Document #98-01753; thence along the westerly line of said right of way dedication description per Document #98-01753 North 00°23'28" West, 5.13 feet to the **True Point of Beginning** of this description, thence North 00°23'28" West, 233.52 feet; thence North 83°05'29" East, 96.65 feet; thence South 00°23'28" East, 81.87 feet; thence South 43°18'10" East, 64.37 feet; thence South 00°23'28" East, 82.96 feet to a point on the northerly line of the right of way description per Document #98-01753; thence along the northerly line of said right of way dedication description per Document #98-01753 South 76°31'21" West, 143.58 feet to the Point of Beginning.

Said parcel containing 26,770 sq. ft., more or less. Basis of Bearings is grid north on the Oregon Coordinate Reference System (OCRS) Grants Pass – Ashland Zone.

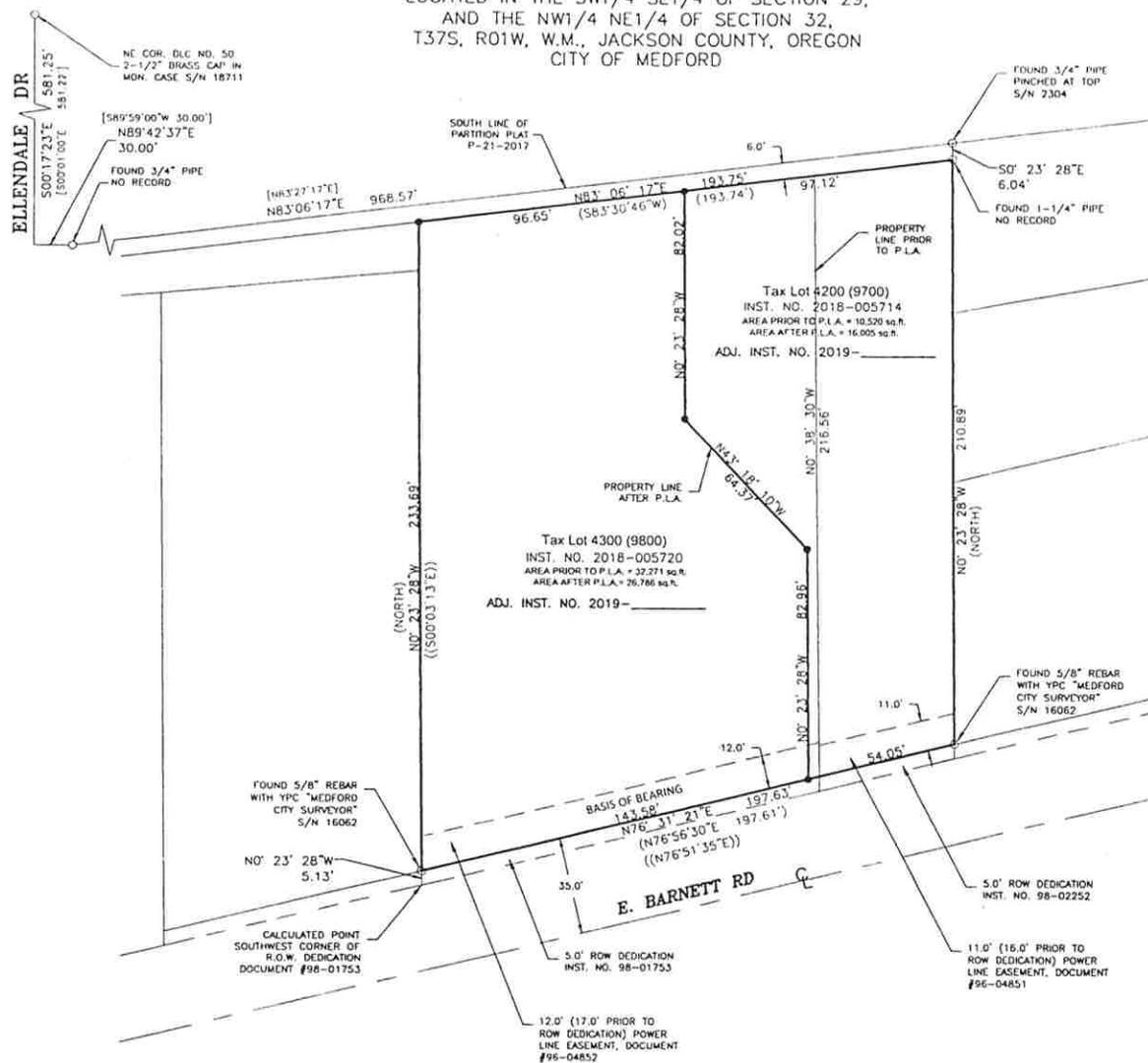
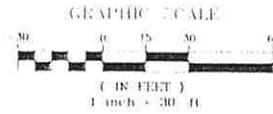
CITY OF MEDFORD  
EXHIBIT # N  
FILE # GLUP-19-003/ZC-19-013

6

# MAP OF SURVEY

## PROPERTY LINE ADJUSTMENT

BETWEEN TAX LOTS 4200 (9700) & 4300 (9800)  
 LOCATED IN THE SW1/4 SE1/4 OF SECTION 29,  
 AND THE NW1/4 NE1/4 OF SECTION 32,  
 T37S, R01W, W.M., JACKSON COUNTY, OREGON  
 CITY OF MEDFORD



**LEGEND:**

- FOUND MONUMENT - AS SHOWN
- SET 5/8"X30" REBAR WITH YELLOW PLASTIC CAP MARKED "RHINE-CROSS GROUP LLC"
- PROPERTY BOUNDARY LINE
- - - FENCE LINE
- (XXX XX) RECORD DATA PER S/N 295
- ((XXX XXX)) RECORD DATA PER S/N 8005
- [XXX XX] RECORD DATA PER S/N 16916
- BASIS OF BEARING: OREGON COORDINATE REFERENCE SYSTEM (OCRS)  
GRANTS PASS - ASHLAND ZONE

**APPROVALS:**

CITY SURVEYOR _____	DATE _____
CITY PLANNING DIRECTOR _____	DATE _____

**NARRATIVE:**

THIS SURVEY WAS DONE TO SATISFY THE REQUIREMENTS OF THE APPROVAL OF PROPERTY LINE ADJUSTMENT BY CITY OF MEDFORD PLANNING (FILE #PLA-18-12). FOUND AND HELD MONUMENTS PER SURVEY NUMBER (S/N) 295, 2304, & 16062 AND RECORD DIMENSIONS PER S/N 295 AND DEED INST. NO. 2018-005720 & 2018-005714 WERE USED TO ESTABLISH THE BOUNDARIES OF THE PARCELS AS SHOWN ON THIS MAP OF SURVEY. THE SOUTH LINE WAS ESTABLISHED BY HOLDING FOUND MONUMENTS PER S/N 16062 FOR THE RIGHT OF WAY OF E. BARNETT RD. THE EAST AND WEST LINES WERE RE-ESTABLISHED USING RECORD DEED AND SURVEY INFORMATION WITH FOUND MONUMENTS PER S/N 2304 & 16062. THE NORTH LINE WAS ESTABLISHED BY HOLDING A FOUND 3/4" PIPE AT THE NORTHEAST CORNER OF THE SURVEYED PROPERTIES, AND A FOUND 3/4" PIPE FOUND ON THE EAST SIDE OF ELLENDALE DRIVE. THIS PIPE IS NOT OF RECORD, HOWEVER IT MATCHES EXISTING TIES FROM S/N 16916 TO THE NE COR. OF D.C. NO. 50. AN APPARENT 6.0' GAP EXISTS BETWEEN THESE SURVEYED PROPERTIES AND THE SOUTH LINE OF PARTITION PLAT P-21-2017. THIS 6' GAP WAS OBSERVED ON S/N 2304 AS A '6' STRIP FOR DITCH', HOWEVER IN RESEARCHING SURROUNDING DEEDS IT APPEARS THIS STRIP WAS NEVER CONVEYED TO ANY OF THE SURROUNDING PROPERTIES.

AT THE TIME OF THIS SURVEY, JACKSON COUNTY IS UPDATING THE TAX MAPS AND NUMBERS FOR THIS AREA. THEREFORE, BOTH THE OLD TAX LOT NUMBERS (4200 & 4300) AND THE NEW TAX LOT NUMBERS (9700 & 9800) ARE BEING REFERENCED IN THIS SURVEY.

BASIS OF BEARINGS IS PER THE OREGON COORDINATE REFERENCE SYSTEM - GRANTS PASS TO ASHLAND ZONE HOLDING THE TWO FOUND MONUMENTS ON THE NORTH SIDE OF E. BARNETT RD. EQUIPMENT USED WAS A TRIMBLE R10 GPS ROVER AND TRIMBLE S6 TOTAL STATION.

SHEET 1 OF 1

37-1W-32A-4200 (37-1W-29DC-9700)  
 37-1W-32A-4300 (37-1W-29DC-9800)

REGISTERED <b>PROFESSIONAL                  LAND SURVEYOR</b> <i>Marcus D. Cross</i> OREGON JULY 6, 2010 MARCUS D. CROSS 55506PLS RENEWS: 12-31-2019	SURVEY FOR: KEVIN WU 2201 E. BARNETT RD MEDFORD, OR 97504
	DATE: FEBRUARY 2019      PROJECT NO. 1706
<b>R-C</b> RHINE-CROSS GROUP ENGINEERING - SURVEYING - PLANNING 112 N 5th St - Suite 200 - P.O. BOX 990 KLAMATH FALLS, OREGON 97601 Phone: (541) 851-9405    Fax: (541) 273-9200    admin@rc-gp.com	

**RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:**

Rhine Cross Group, LLC  
112 N. 5<sup>th</sup> St – Suite 200  
Klamath Falls, OR 97601



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

**UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO THE FOLLOWING  
ADDRESS:**

LiJun Zhao, Et. Al.  
1780 Kensington Place  
McKinleyville, CA 95519

---

**PROPERTY LINE ADJUSTMENT DEED**

Hong Wu, as to an undivided 25% interest, LiJun Zhao, as to an undivided 50% interest, and Jiaqing Wu, as to an undivided 25% interest, as tenants by the common, Grantor, conveys to Hong Wu, as to an undivided 25% interest, LiJun Zhao, as to an undivided 50% interest, and Jiaqing Wu, as to an undivided 25% interest, as tenants by the common, Grantee, the real property situated in the SE1/4 of Section 29, and the NE1/4 of Section 32, Township 37 South, Range 01 West, W.M., Jackson County, Oregon, described in Exhibit "B" attached hereto.

This instrument is executed to accomplish a property line adjustment between Grantor's parcel described in Exhibit "A" attached hereto ("Grantor's Parcel"), as vested in Grantor pursuant that certain Statutory Warranty Deed recorded as Instrument No. 2018-005720, Jackson County Official Records, and Grantee's parcel described in Exhibit "A" attached hereto ("Grantee's Parcel"), as vested in Grantee pursuant to that certain Statutory Warranty Deed recorded as Instrument No. 2018-005714, Jackson County Official Records. The purpose of this adjustment is to enlarge Grantee's Parcel and reduce Grantor's Parcel by the sale of the property described in Exhibit "B" attached hereto. No new parcel shall be created by the execution of this instrument. The post adjustment size and configuration of Grantee's Parcel and Grantor's Parcel shall be as described in Exhibit "C" attached hereto.

Grantor's Parcel Tax Lot: 37-1W-32A-4300 (37-1W-29DC-9800)

Grantee's Parcel Tax Lot: 37-1W-32A-4200 (37-1W-29DC-9700)

The value for this conveyance is: \$1 and other true and valuable consideration

*DW 6.26.19*

**ORS 93.040(1):** BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010

Dated June 18, 2019.

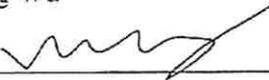
GRANTOR:



LiJun Zhao



Hong Wu



Jiaqing Wu

GRANTEE:

[Signature]

LiJun Zhao  
[Signature]

Hong Wu  
[Signature]

Jiaqing Wu

STATE OF OREGON )

)

County of Jackson )

BEFORE ME, the undersigned authority, on this day personally appeared LiJun Zhao, Hong Wu, and Jiaqing Wu, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 18<sup>th</sup> day of June 2019.

(SEAL)

Shannon Marie Carrillo  
NOTARY PUBLIC, STATE OF OREGON  
Print name: Shannon Marie Carrillo  
My commission expires: 01-08-23



June 2019

EXHIBIT A

Prior Legal Descriptions

PRIOR to Lot Line Adjustments

Grantor's Parcel

Tax Lot 37-1W-32A-4300 (37-1W-29DC-9800)

Parcel II: BEGINNING AT THE NORTHEAST CORNER OF DONATION LAND CLAIM NO. 50 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND RUNNING THENCE SOUTH 0°01' EAST ALONG THE CENTER OF CRESTBROOK ROAD A DISTANCE OF 954.83 FEET TO AN INTERSECTION WITH THE TANGENT OF BARNETT ROAD; THENCE NORTH 76°56'30" EAST ALONG SAID CENTER LINE OF BARNETT ROAD A DISTANCE OF 826.69 FEET; THENCE NORTH 13°03'30" WEST 30.00 FEET TO A 5/8" X 30" IRON BAR MONUMENT FOR THE TRUE POINT OF BEGINNING.

FROM THIS TRUE POINT OF BEGINNING THENCE NORTH 76°56'30" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF BARNETT ROAD A DISTANCE OF 197.61 FEET; THENCE NORTH 215.89 FEET; THENCE SOUTH 83°30'46" WEST 193.74 FEET; THENCE SOUTH 238.65 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE NORTH-EAST CORNER OF DONATION LAND CLAIM NO. 50 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, AND RUNNING THENCE SOUTH 0°01' EAST ALONG THE CENTER OF CREST-BROOK ROAD A DISTANCE OF 954.83 FEET TO AN INTERSECTION WITH THE TANGENT OF BARNETT ROAD; THENCE NORTH 76°56'30" EAST ALONG SAID CENTER LINE OF BARNETT ROAD A DISTANCE OF 826.69 FEET; THENCE NORTH 13°03'30" WEST 30.00 FEET TO A 5/8" X 30" IRON BAR MONUMENT; THENCE NORTH 76°56'30" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF BARNETT ROAD A DISTANCE OF 147.61 FEET TO A POINT FOR THE TRUE POINT OF BEGINNING.

FROM THIS TRUE POINT OF BEGINNING THENCE CONTINUE ALONG THE NORTHERLY RIGHT OF WAY LINE OF BARNETT ROAD, A DISTANCE OF 50.00 FEET; THENCE NORTH 215.89 FEET; THENCE SOUTH 83°30'46" WEST 50.00 FEET; THENCE SOUTH 219.5 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD, AN OREGON MUNICIPAL CORPORATION IN INSTRUMENT RECORDED JANUARY 16, 1998 AS DOCUMENT NO. 98-01753

DW 6.26.19

Grantee's Parcel

Tax Lot 37-1W-32A-4200 (37-1W-29DC-9700)

BEGINNING AT THE NORTHEAST CORNER OF DONATION LAND CLAIM NO. 50 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND RUNNING THENCE SOUTH 0°01' EAST ALONG THE CENTER OF CRESTBROOK ROAD A DISTANCE OF 954.83 FEET TO AN INTERSECTION WITH THE TANGENT OF BARNETT ROAD; THENCE NORTH 76°56'30" EAST ALONG SAID CENTER LINE OF BARNETT ROAD A DISTANCE OF 826.69 FEET; THENCE NORTH 13°03'30" WEST 30.00 FEET TO A 5/8" X 30" IRON BAR MONUMENT; THENCE NORTH 76°56'30" EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF BARNETT ROAD A DISTANCE OF 147.61 FEET TO A POINT FOR THE TRUE POINT OF BEGINNING. FROM THIS TRUE POINT OF BEGINNING THENCE CONTINUE ALONG THE NORTHERLY RIGHT OF WAY LINE OF BARNETT ROAD A DISTANCE OF 50.00 FEET; THENCE NORTH 215.89 FEET; THENCE SOUTH 83°30'46" WEST 50.00 FEET; THENCE SOUTH 219.5 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF MEDFORD AN OREGON MUNICIPAL CORPORATION IN INSTRUMENT RECORDED JANUARY 21, 1998 AS DOCUMENT NO. 98-02252, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.

DW 6.26.19

EXHIBIT B

**Property Line Adjustment, City of Medford File PLA#18-121  
Conveyance Description from Tax Lot 4300 (9800) to Tax Lot 4200 (9700)**

A parcel of land situated in the SE1/4 of Section 29, and the NE1/4 of Section 32, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, within the City of Medford, said parcel being more particularly described as follows:

Commencing at the northeast corner of Donation Land Claim No. 50 in T37S, R1W, W.M., in Jackson County, Oregon; thence along the center line of Ellendale Drive South 00°26'09" East, 954.83 feet to the centerline of Barnett Road; thence along the centerline of Barnett Road North 76°31'21" East, 826.69 feet; thence leaving said centerline of Barnett Road North 13°28'39" West, 30.00 feet to the southwest corner of the right of way dedication description per Document #98-01753; thence along the westerly line of said right of way dedication description per Document #98-01753 North 00°23'28" West, 5.13 feet; thence along the northerly line of said right of way dedication description per Document #98-01753 North 76°31'21" East, 143.58 feet to the **True Point of Beginning** of this description, thence North 00°23'28" West, 82.96 feet; thence North 43°18'10" West, 64.37 feet; thence North 00°23'28" West, 82.02 feet; thence North 83°06'17" East, 47.10 feet; thence South 00°38'30" East, 216.56 feet to the northeast corner of said right of way description per Document #98-01753; thence along the northerly line of said right of way dedication description per Document #98-01753 South 76°31'21" West, 4.02 feet to the Point of Beginning.

Said parcel containing 5485 sq.ft., more or less. Basis of Bearings is grid north on the Oregon Coordinate Reference System (OCRS) Grants Pass – Ashland Zone.

DW 6.26.19

EXHIBIT C

New Legal Descriptions

POST Lot Line Adjustment

Grantor's Parcel

**Property Line Adjustment, City of Medford File PLA#18-121  
Adjusted Tax Lot 4300 (9800)**

A parcel of land situated in the SE1/4 of Section 29, and the NE1/4 of Section 32, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, within the City of Medford, said parcel being more particularly described as follows:

Commencing at the northeast corner of Donation Land Claim No. 50 in T37S, R1W, W.M., in Jackson County, Oregon; thence along the center line of Ellendale Drive South 00°26'09" East, 954.83 feet to the centerline of Barnett Road; thence along the centerline of Barnett Road North 76°31'21" East, 826.69 feet; thence leaving said centerline of Barnett Road North 13°28'39" West, 30.00 feet to the southwest corner of the right of way dedication description per Document #98-01753; thence along the westerly line of said right of way dedication description per Document #98-01753 North 00°23'28" West, 5.13 feet to the **True Point of Beginning** of this description, thence North 00°23'28" West, 233.69 feet; thence North 83°06'17" East, 96.65 feet; thence South 00°23'28" East, 82.02 feet; thence South 43°18'10" East, 64.37 feet; thence South 00°23'28" East, 82.96 feet to a point on the northerly line of the right of way description per Document #98-01753; thence along the northerly line of said right of way dedication description per Document #98-01753 South 76°31'21" West, 143.58 feet to the Point of Beginning.

Said parcel containing 26,786 sq.ft., more or less. Basis of Bearings is grid north on the Oregon Coordinate Reference System (OCRS) Grants Pass – Ashland Zone.

**Grantee's Parcel**  
**Property Line Adjustment, City of Medford File PLA#18-121**  
**Adjusted Tax Lot 4200 (9700)**

A parcel of land situated in the SE1/4 of Section 29, and the NE1/4 of Section 32, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon, within the City of Medford, said parcel being more particularly described as follows:

Commencing at the northeast corner of Donation Land Claim No. 50 in T37S, R1W, W.M., in Jackson County, Oregon; thence along the center line of Ellendale Drive South 00°26'09" East, 954.83 feet to the centerline of Barnett Road; thence along the centerline of Barnett Road North 76°31'21" East, 826.69 feet; thence leaving said centerline of Barnett Road North 13°28'39" West, 30.00 feet to the southwest corner of the right of way dedication description per Document #98-01753; thence along the westerly line of said right of way dedication description per Document #98-01753 North 00°23'28" West, 5.13 feet; thence along the northerly line of said right of way dedication description per Document #98-01753 North 76°31'21" East, 143.58 feet to the **True Point of Beginning** of this description, thence North 00°23'28" West, 82.96 feet; thence North 43°18'10" West, 64.37 feet; thence North 00°23'28" West, 82.02 feet; thence North 83°06'17" East, 97.12 feet; thence South 00°23'28" East, 210.89 feet to the northeast corner of the right of way description per Document #98-02252; thence along the northerly line of said right of way dedication description per Document #98-02252 and also the northerly line of said Document #98-01753 South 76°31'21" West, 54.05 feet to the Point of Beginning.

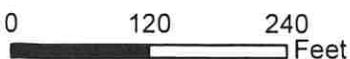
Said parcel containing 16,005 sq.ft., more or less. Basis of Bearings is grid north on the Oregon Coordinate Reference System (OCRS) Grants Pass – Ashland Zone.

*DW 6-26-19*



Project Name:  
**2217 E. Barnett Road**

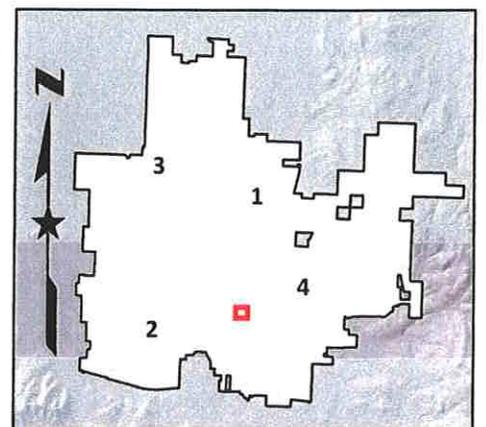
Map/Taxlot:  
**371W29DC TL 9800**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

07/03/19





## STAFF REPORT

for a Type-III quasi-judicial decision: Land Division and Exception

Project Summerfield at Southeast Park, Phases 19 & 20  
Applicant: Crystal Springs Development Group, a Joint Venture  
Agent: Neathamer Surveying

File no. LDS-19-067 and E-19-048

To Planning Commission *for 09/12/2019 hearing*

From Kelly Evans, Assistant Planning Director *ke*

Date September 5, 2019

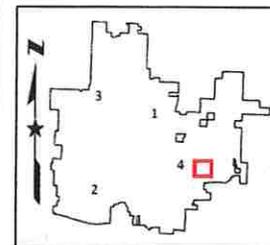
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### BACKGROUND

#### Proposal

Consideration of a request for approval of Summerfield at Southeast Park, Phases 19 and 20, a 44-lot residential subdivision on 15.23 gross acres and an Exception to allow through lots between Shamrock Drive and Sunleaf Avenue. The site is located at the easterly termini of Sunleaf Avenue and Shamrock Drive south of Cherry Lane, and is zoned SFR-4/SE/RZ (Single Family Residential, four dwelling units per gross acre/Southeast Plan Overlay/Restricted Zoning Overlay). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 16 - 21 (LDS-17-051). (371W27DA TL 200, 300, 1100 & 1200)

#### Vicinity Map



### Subject Site Characteristics

GLUP	UR	Urban Residential
Zoning	SFR-4	Single-family Residential, 2.5 - 4 dwelling units per gross acre
Overlay	SE	Southeast Area Plan
	RZ	Restricted Zoning
SE Plan	2	Standard Lot
Use	Vacant	

### Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4/SE and SFR-00/SE
	SE Plan Sub-Area:	2
	SE Plan Category:	Standard Lot
	Use:	Single family dwellings - Vacant
<i>South</i>	Zone:	SFR-4/SE
	SE Plan Sub-Area:	9 and 11
	SE Plan Category:	Park and Small Lot
	Use:	Proposed Summerfield Phases 23 and 26
<i>East</i>	Zone:	SFR-4/SE
	SE Plan Sub-Area:	2
	SE Plan Category:	Standard Lot
	Use:	Vacant
<i>West</i>	Zone:	SFR-4/SE
	SE Plan Sub-Area:	2
	SE Plan Category:	Standard Lot
	Use:	Summerfield Phases 17 and 22A

### Related Projects

ZC-02-081	Zone Change from EFU to SFR-4/SE
ZC-03-180	Zone Change from EFU to SFR-4/SE
ZC-03-278	Zone Change from EFU to SFR-4/SE
ZC-06-277	Zone Change from SFR-10/SE to SFR-4/SE
LDS-06-278	Summerfield at Southeast Park, Phases 14-22 (expired)
E-06-274	Exception for length of residential lane (expired)
LDS-17-051	Summerfield at Southeast Park, Phases 16-21 (approved June 22, 2017)
E-17-052	Exception to length of residential lane (approved June 22, 2017)

### **Applicable Criteria**

#### **Medford Municipal Code §10.186(B) Exception Approval Criteria.**

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

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

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

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

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

#### **Medford Municipal Code §10.202(E) Land Division Approval Criteria.**

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles 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 Planning Commission 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 Oregon Secretary of State site lists John R. Hassen as the Authorized Representative and Michael T. Mahar as the Registrant for Crystal Springs Development Group Joint Venture.

### **Authority**

The Planning Commission is designated as the approving authority for Type III land use actions in Medford Land Development Code (MLDC) Section 10.110(D). The proposed Land Division and Exception applications are classified as Type III actions in MLDC 10.108.

## **ISSUES AND ANALYSIS**

### **Background**

A number of land use applications have been approved on the subject site. Summerfield at Southeast Park Phases 16 - 21, a 138-lot, 96 acre subdivision received Planning Commission approval in 2017; that approval is still valid. The applicant is proposing to revise tentative plat due to a change in the location of the required pedestrian pathway.

The various zone change approvals include conditions that restrict Average Daily Trips (ADT) until certain road improvements are completed.

### Project Summary

The applicant is proposing to create 44 residential lots for single family development and an Exception to allow through lots between residential streets. The distinction between the current proposal and the approved tentative plat is the location of the required multi-use path. The number of lots, 44, is not proposed to change and is within the required density range of 38 to 61.



### *Proposed Revision*

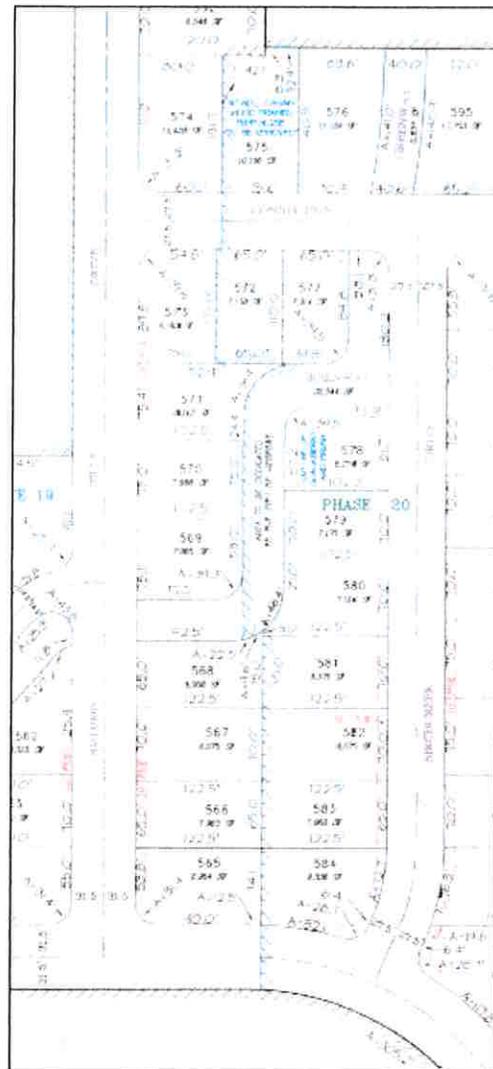
#### Relocating Multi-Use Path

The Southeast Plan includes a multi-use path system along certain greenways. Some of the pathways follow forks of Larson Creek, others follow drainage ways that are

dry for most of the year. This particular path, identified as G-3 on the Southeast Circulation Plan Map (Exhibit P) is proposed to follow a right-of-way.

The prior approvals showed the path running along the south side of Sunleaf Avenue and connecting to Connection Lane via an odd series of 90-degree turns between rear property lines. During the construction design phase, it was determined that retaining walls in excess of 15 feet in height would be required to construct the path as approved. This tunnel effect created safety and maintenance concerns.

The applicant now proposes to construct a 10-foot wide multi-use path along the north side of Shamrock Drive and the west side of Birch Creek Drive in lieu of sidewalk. The residences on the north side of Shamrock Drive will be required to take access from Sunleaf Avenue to limit vehicle conflicts with path users. Birch Creek Drive was chosen as the path location instead of Autumn Hills because it has a limited number of driveway crossings and less traffic to conflict with path users. The path will enter and exit the project site in a manner that will allow connection to the ultimate destination, Prescott Park. Neither the Parks Department nor the Public Works Department objects to the proposal (Exhibits L and I). Relocating the path from Sunleaf Avenue to Shamrock Drive results in through lots and the Exception request, which is discussed below.



## Southeast Plan

The subject site is located within the Southeast (SE) Overlay and is subject to the Overlay and the adopted Southeast Plan in addition to all other applicable City regulations. The site is designated as Sub-Area 2 within the Southeast Plan and as such, is designated for standard lot residential use (Exhibit O).

## Development Standards

Site Development Table

SFR-4 Zone	Lot Area (square feet)	Minimum Lot Width (Interior)	Minimum Lot Width (Corner)	Minimum Lot Depth	Minimum Lot Frontage
Standard	6,500 to 18,750	60 feet	70 feet	90 feet	30 feet
Shown	8,400 to 16,793	75 feet <i>(lowest)</i>	80 feet <i>(lowest)</i>	117 feet <i>(lowest)</i>	75 feet <i>(lowest)</i>

As shown in the Site Development Table above, it can be found that the lots shown on the tentative plat meet all the dimensional standards for the underlying zoning districts as found in Article V of the Medford Land Development Code.

## Access

The street circulation proposed is consistent with the Southeast Plan Circulation Map (Exhibit R), and conforms to the plats of land divisions already approved for adjoining properties. The report from the Public Works Department describes the required dedications and improvements for the proposal (Exhibit I).

## Street Trees and Planter Strip

As the proposed tentative plat is within the Southeast Plan Overlay, the applicant is required by MLDC 10.379 to submit a Streetscape and Planter Strip Plan. The applicant has submitted a Street Tree Master Plan that indicates a variety of tree species proposed for the planter strips throughout the subdivision (Exhibit E). The plan indicates that any additional plant material in the planter strip will be at the discretion of the adjacent property owner. The Street Tree Master Plan lists the variety of trees proposed in the development. It is stated that an appropriate sized underground irrigation system will be designed and as-built drawings shall be submitted. A condition is included that requires the CC&R's for each phase to contain provisions for the installation and maintenance of the planter strip vegetation, in compliance with MLDC 10.379(1)(b).

The Code requires the applicant to enter into an agreement that will guarantee the installation of street trees prior to issuance of the Certificate of Occupancy. A condition is included requiring the applicant to comply with MLDC 10.379(6) prior to approval of the final plat for each phase.

### Lighting Plan

The Southeast Plan requires the applicant to install pedestrian-scale street lights. A condition is included requiring the applicant to install pedestrian-scale street lighting within the subdivision in accordance with MLDC 10.380.

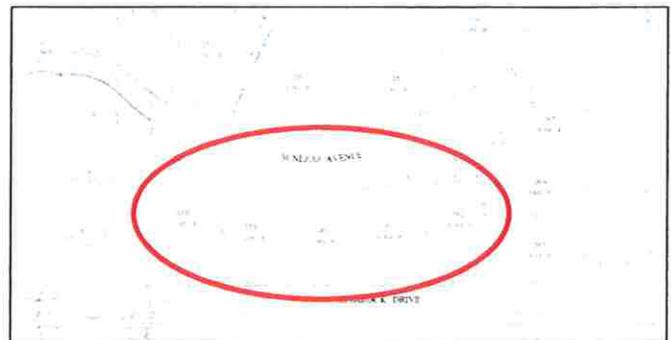
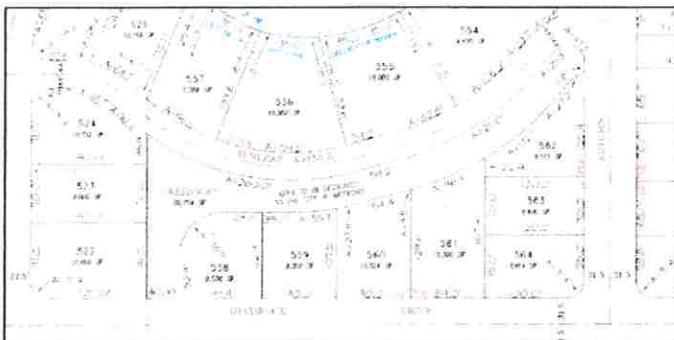
### Agency Comments

Per the agency comments submitted to staff (Exhibits I through N), it can be found that there are adequate facilities to serve the proposed development. Conditions of approval are included.

### Exception Application

In MLDC 10.704, through lots are defined as having both a front and rear lot line abutting a street. Through lots are only permitted when one of the streets is classified as an arterial or collector. In this case, relocating the path from Sunleaf Avenue to Shamrock Drive results in five through lots extending between two local streets, Lots 558 - 562, circled in Figure 5 below.

This is an unusual situation because the west end of Sunleaf Avenue has already been constructed and connected to Waterstone Drive. The applicant notes the design constraints because of the abutting development pattern. Staff does not object to the request.



No other issues were identified by staff.

## **FINDINGS AND CONCLUSIONS**

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

## **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare the final orders for approval of LDS-19-067 and E-19-048 per the staff report dated September 5, 2019, including Exhibits A through P.

## **EXHIBITS**

- A Conditions of Approval, dated September 5, 2019
- B Proposed Tentative Plat received June 28, 2019
- C Conceptual Grading & Drainage Plan received July 3, 2019
- D Conceptual Sanitary Sewer & Water Plan received July 3, 2019
- E Landscape Plan received June 28, 2019
- F Slope Analysis received June 28, 2019
- G Applicant's Findings of Fact and Conclusions of Law received June 28, 2019
- H Geotechnical and Geologic Investigation received June 28, 2019
- I Public Works Department Staff Report received August 21, 2019
- J Medford Water Commission Staff Memo received August 21, 2019
- K Medford Fire-Rescue Land Development Report received August 21, 2019
- L Parks and Recreation comments received August 21, 2019
- M Building Safety Department comments received August 21, 2019
- N Jackson County Roads comments received August 12, 2019
- O Southeast Plan Map
- P Southeast Plan Circulation Map  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**SEPTEMBER 12, 2019**

## **EXHIBIT A**

Summerfield at South East Park Phases 19 & 20  
Conditions of Approval  
September 5, 2019

### **DISCRETIONARY CONDITIONS**

1. The Planning Commission authorizes the maximum five-year approval period allowed under MLDC 10.202(D)(2).
2. Vehicular access to Shamrock Drive is prohibited for Lots 558 – 562.

### **CODE REQUIRED CONDITIONS**

3. Prior to approval of the final plat for each phase, the applicant shall provide evidence of compliance with MLDC 10.379(1)(b), regarding the installation and maintenance of the planter strip vegetation.
4. Prior to approval of the final plat for each phase, the applicant is required to comply with MLDC 10.379(6) regarding the provisions that guarantee the installation of street trees prior to the issuance of the Certificate of Occupancy.
5. Prior to approval of the final plat for each phase, the applicant shall comply with MLDC 10.380 regarding street lighting standards.
6. Prior to approval of the final plats for Phases 26, 27, 28 and 29, the applicant shall comply with MLDC 10.804(3) regarding mitigation for passive agriculture.
7. Prior to approval of the final plat for each phase, the applicant shall:
  - a. Comply with the report from the Public Works Department, received August 21, 2019 (Exhibit I);
  - b. Comply with the memorandum from the Medford Water Commission, received August 21, 2019 (Exhibit J);
  - c. Comply with the report from the Medford Fire Department, received August 21, 2019 (Exhibit K);
  - d. Comply with the memo from Medford Parks & Recreation, received August 21, 2019 (Exhibit L).



### REVISED TENTATIVE PLAT SUMMERFIELD AT SOUTH EAST PARK, PHASES 19 & 20

A replat of Reserve Acreage Phases 19 & 20 per Summerfield At South East Park, Phase 19 and Phase 20A, being located in the Northwest One-quarter of the Southeast One-quarter of Section 21, Township 37 S, Range 1 E, of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

#### PREPARED FOR:

Cystal Springs Development  
Group, A Joint Venture  
818 Aster Ocean Drive  
Medford, Oregon 97504

#### PROJECT INFORMATION

ZONING DISTRICT: SFR1-A/SEALZ  
OLUP DESIGNATION: UR  
SCHOOL DISTRICT: MEDFORD 344C  
IRRIGATION DISTRICT: MEDFORD/ITALENT  
AREA (APPROXIMATE): 0.23 ACRES  
PROPOSED CHANGING UNITS: 44 UNITS  
PROJECT IS NOT WITHIN A FEMA  
HARAZED 100-YEAR FLOODPLAIN

#### GENERAL SURVEY NOTES:

Contains: 1-foot contour interval; 2-foot index contour interval.  
All existing underground utilities, as depicted hereon, were located with reasonable accuracy, as marked on the ground by affected agencies and utility companies. Oregon Administrative Rules Chapter 103, Division 1, Definitions, 103-001-0000 (2), states: "reasonable accuracy" means a location within 24 inches of the outside lateral dimensions of both sides of an underground facility.

#### BASIS OF SURVEY

Block of Bearings is the centerline of Shamrock Drive, per Summerfield At South East Park, Phase 19, filed as Survey Number 27661 in the office of the Jackson County Surveyor.  
Elevations were established on digital level loops based on City of Medford Bench Mark No. B-221, with a published elevation of 178.980' being a found break cap in the southerly curb of Calle Vista Drive at the southwest corner of the intersection with North Shamrock Road.

#### 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 flowline placard.
- Indicates a utility marked sanitary sewer line.
- Indicates an existing sanitary sewer manhole.
- Indicates an existing sanitary sewer cleanout.
- Indicates an existing sanitary sewer lateral.
- Indicates a utility marked storm drain line.
- Indicates an existing storm drain manhole.
- Indicates an existing storm drain cleanout.
- Indicates an existing storm drain.
- Indicates an existing street light.
- Indicates an existing electric pedestal.
- Indicates an existing electric meter base.
- Indicates an existing electric meter line.
- Indicates an existing utility pole and guy anchor.
- Indicates an existing aerial utility line.
- Indicates an existing aerial electric line.
- Indicates a utility marked electric line.
- Indicates a utility marked cable tv line.
- Indicates a utility marked telephone line.
- Indicates an existing telephone pedestal.
- Indicates a utility marked water line.
- Indicates an existing water meter.
- Indicates an existing water valve.
- Indicates an existing water release valve.
- Indicates an existing domestic irrigation line.
- Indicates an existing tree with drip-line diameter shown to scale.
- Indicates a non-deciduous tree with drip-line diameter shown to scale.
- Indicates the elevation of the top of a utility riser to a water table.
- Indicates centerline of an existing fence line as related hereon.

#### ABBREVIATIONS:

- CLP: Indicates a chain line fence.
- CHP: Indicates an existing corrugated metal pipe.
- ES: Indicates the edge of a paved surface.
- MS: Indicates a manure hole.
- PP: Indicates an existing polyethylene vinyl chloride pipe.
- RC: Indicates an existing rebar-reinforced concrete pipe.
- TC: Indicates the top back of a curb line.
- SC: Indicates an existing sanitary sewer cleanout.
- SS: Indicates an existing sanitary sewer manhole.
- SSC: Indicates a Sanitary Sewer Cleanout.
- SSC: Indicates a Sanitary Sewer Cleanout.
- PLC: Indicates a Public Utility Cleanout.
- SDC: Indicates an existing storm sewer cleanout.
- SDC: Indicates an existing storm sewer curb inlet.
- SDC: Indicates a Storm Drain Cleanout.
- SSC: Indicates a Private Storm Drain Cleanout.
- MRV: Indicates a meter or release valve.
- MRV: Indicates a meter or release valve.
- MLC: Indicates a Meter Line Cleanout.
- MLC: Indicates an existing meter valve.
- MLC: Indicates a ground direction, northerly, northeasterly, southeasterly, easterly, southerly, southwesterly, westerly, or northwesterly, situations.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

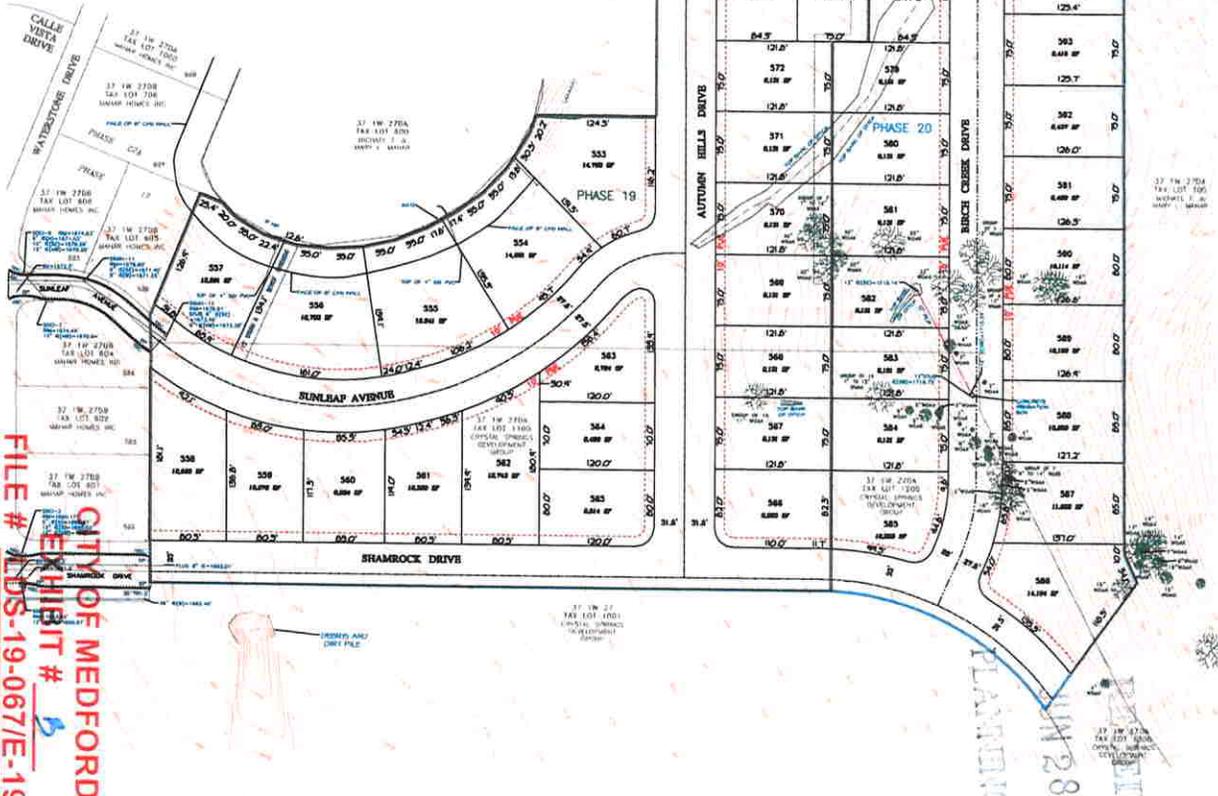
*Robert V. Neathamer*

OREGON  
JULY 19, 1994  
ROBERT V. NEATHAMER  
2675

Renewal Date 12/31/20

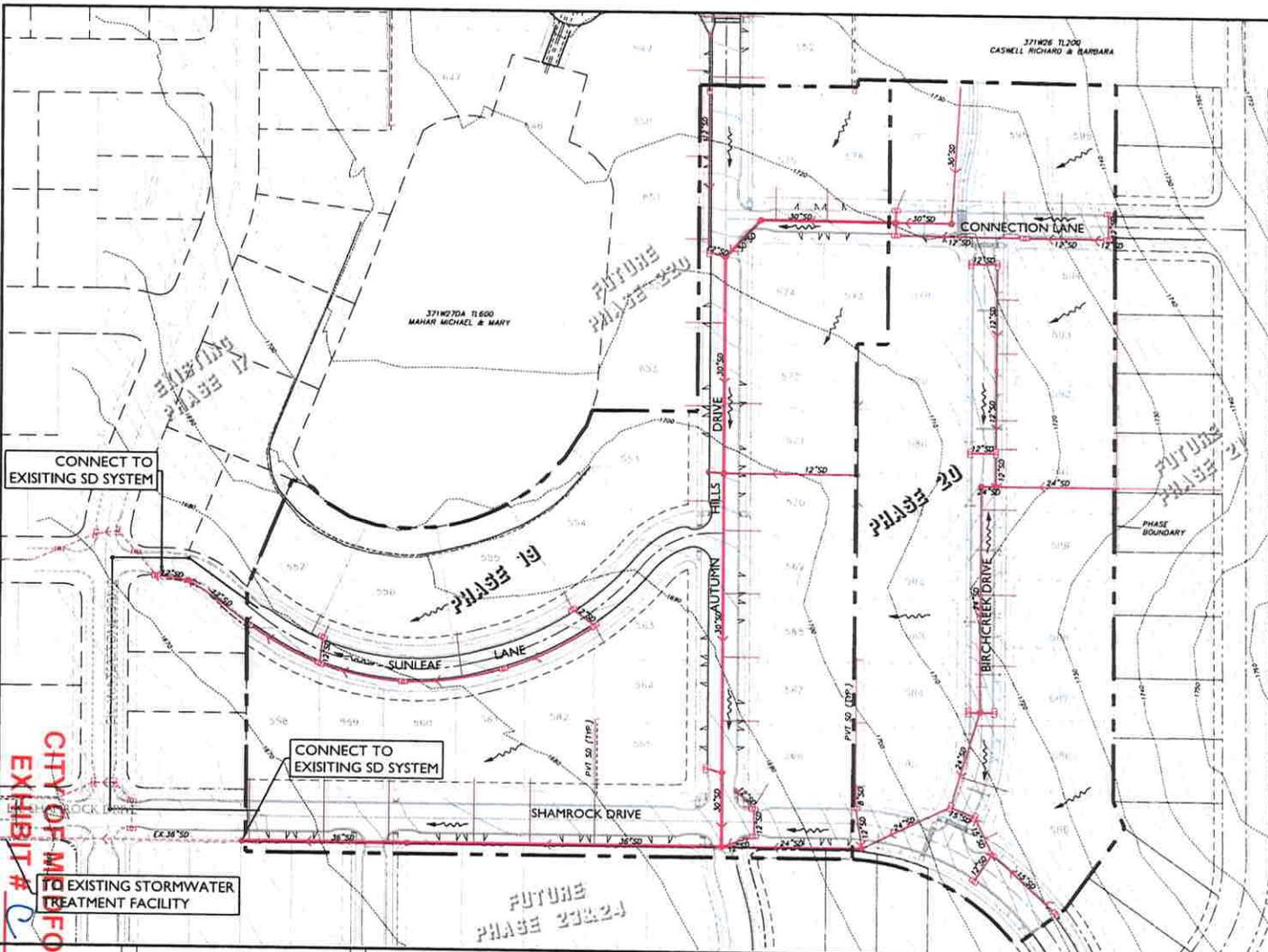
PREPARED BY: Neathamer Surveying, Inc.  
3126 State St, Suite 203  
P.O. Box 1504  
Medford, Oregon 97501  
Phone (541) 732-2889  
FAX (541) 732-1382

PLOT DATE: June 27, 2019 PROJECT NUMBER: 18204-19-02  
Sheet 1 of 1



FILE # 18204-19-067/E-19-0048  
CITY OF MEDFORD  
EXHIBIT # 8

FILE # LDS-19-067/E-19-048



- LEGEND**
- PROPOSED SD MANHOLE OR CLEANOUT
  - PROPOSED CURB INLET
  - PROPOSED CATCH BASIN
  - PROPOSED DITCH INLET
  - PROPOSED STORM MAIN
  - - - EXISTING STORM MAIN
  - ~ DRAINAGE DIRECTION

**CONTOURS**  
 CONTOUR INTERVAL = 2'  
 INDEX INTERVAL = 10'  
 INDEX CONTOUR — ELEV.

RECEIVED  
 JUN 28 2019  
 PLANNING DEPT.  
 RECEIVED  
 PLANNING DEPT.

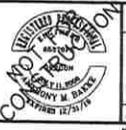
NORTH  
 GRAPHIC SCALE  
 1 INCH = 80 FEET

**EXHIBIT C.1**



DRAWN BY: JA	DATE: 06/19
CHECKED BY: MM, AMB	DATE: 06/19
APPROVED RVS:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:

NO	REVISION	DATE	BY

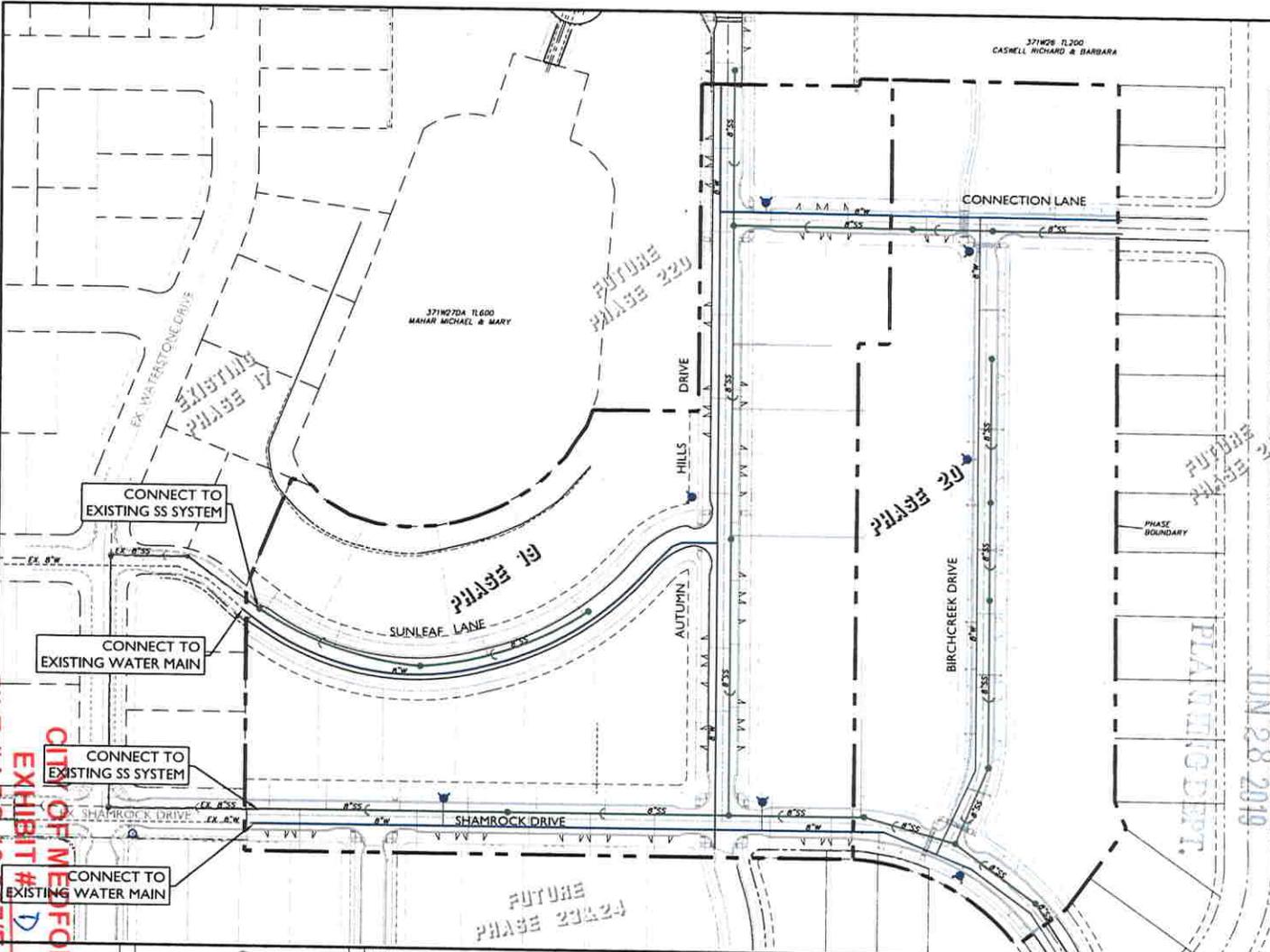


CITY OF MEDFORD - ENGINEERING DEPARTMENT	
SUMMERFIELD AT SOUTH EAST PARK PHASE 19 & 20	
CONCEPTUAL GRADING & DRAINAGE PLAN	PROJECT NO.
REV: CITY ENGINEER	DATE
DRAWING NO. <b>1 OF 2</b>	

NAME: SUM-PH19-CONCEPTS.DWG. PLOT DATE: 8-14-19

15

FILE # LDS-19-067/E-19-049



- LEGEND**
- EXISTING WATER MAIN
  - ⊕ EXISTING FIRE HYDRANT
  - PROPOSED WATER MAIN
  - ⊕ EXISTING FIRE HYDRANT
  - PROPOSED SEWER MANHOLE OR CLEANOUT
  - PROPOSED SANITARY SEWER MAIN
  - EXISTING SANITARY SEWER MAIN
  - EXISTING SEWER MANHOLE OR CLEANOUT

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PLANNING DEPT.  
JUN 28 2019

RECEIVED  
PLANNING DEPT.

RECEIVED  
PLANNING DEPT.

**NORTH**  
GRAPHIC SCALE  
( IN FEET )  
1 inch = 60 ft.

**EXHIBIT C2**



DRAWN BY: JA	DATE: 06/19
CHECKED BY: MWR, AMB	DATE: 06/19
APPROVED RVS:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:

NO.	REVISION	DATE	BY



CITY OF MEDFORD - ENGINEERING DEPARTMENT  
 SUMMERFIELD AT SOUTH EAST PARK  
 PHASE 19 & 20  
 CONCEPTUAL SEWER & WATER PLAN  
 PROJECT NO. \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_  
 REV. CITY ENGINEER DATE 2 OF 2  
 NAME: SW-MHS-CONCEPTS.DWG. PROJ: 19-08 PLOT DATE: 6-19-19

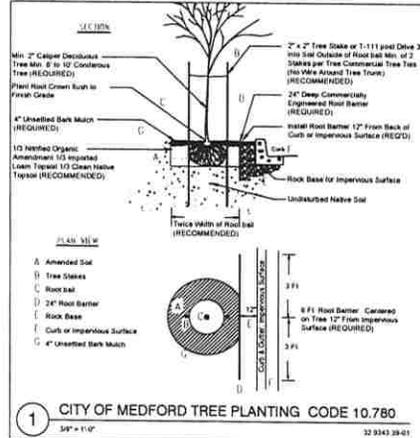
10

CITY OF MEDFORD



PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME	CONT
CER JAP	Laminaria japonicum / Japanese Red Pine	2" caliper
CLA LUT	Cladrastis lutea / American Yellowwood	2" caliper
CYR MEN	Cycnocarpus flexilis / Kentucky Coffee Tree	2" caliper
ROE PAN	Koeleria paniculata / Golden Rain Tree	2" caliper
PIS CHN	Pistacia chinensis / Chinese Pistache	2" caliper
PVR RED	Pinus radiata / Monterey / Redwood	2" caliper
QUE ROB	Quercus robur / English Oak	2" caliper
QUE RUB	Quercus rubra / Red Oak	2" caliper
SOP JPN	Sophora japonica / Princeton Upright / Princeton Upright Scholasticae	2" caliper
TIL GLE	Tilia cordata / Clematis / Greenleaf Linden	2" caliper
ZEL VIL	Zabrota vertice / Spotted Kauri	2" caliper



1 CITY OF MEDFORD TREE PLANTING CODE 10.780  
 32 9343 28-01

**galbraith**  
 ASSOCIATES  
 LANDSCAPE ARCHITECTURE  
 & SITE PLANNING  
 318 S. GRAPP STREET  
 MEDFORD, OR 97504  
 PH: 541.770.7864  
 FAX: 541.770.5364  
 (LICENSED LICENSE NO. 234 (C.A. 1986))

REGISTERED  
 264  
 LANDSCAPE ARCHITECT  
 JOHN S. GALBRAITH  
 LICENSE NO. 040779

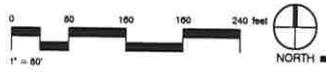
This document, and the ideas and designs incorporated herein, are the intellectual property of Galbraith & Associates, Inc. and to not be used, modified, or changed in whole or in part, for any other purpose without the written authorization of John Galbraith, Landscape Architect.

Street Tree Plan  
 For  
 Summer Phases 19-20  
 Medford, OR

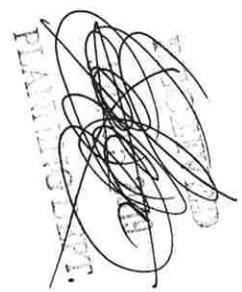
REVISIONS

NO.	DATE	BY
1	06-27-19	JG
2		

FOR STATUS



L1



APPROVED  
 6/27/2019

**SLOPE ANALYSIS  
SUMMERFIELD AT SOUTH  
EAST PARK, PHASES 16-21**

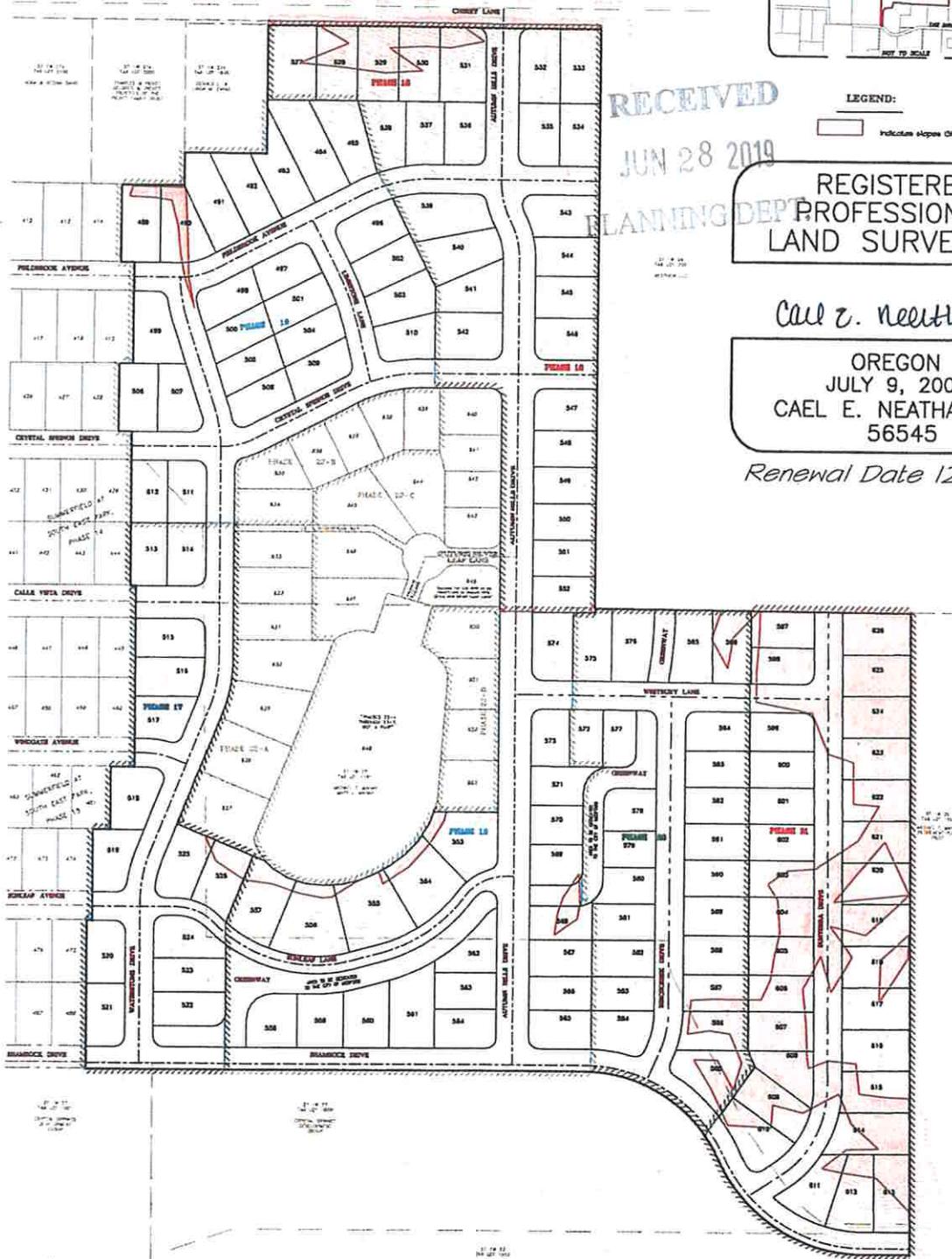
Located in the Northeast One-quarter and the Southeast One-quarter of  
Section 27, Township 37 South, Range 1 West of the Willamette  
Meridian in the City of Medford, Jackson County, Oregon.

PREPARED FOR:

MAHAR HOMES, INC.  
818 Alder Creek Drive  
Medford, Oregon 97504



**RECEIVED**  
*[Signature]*  
**PLANNING DEPT.**



**RECEIVED**  
**JUN 28 2019**  
**PLANNING DEPT.**

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Call E. Neethamer*  
**OREGON  
JULY 9, 2001  
CAEL E. NEATHAMER  
56545**

*Renewal Date 12/31/18*

**REDUCED SCALE**

**GENERAL SURVEY NOTES:**

Contours: 1-foot color band; 2-foot index contour band.  
There are no slopes that exist on the subject property that are  
greater than 25%.

**CITY OF MEDFORD  
EXHIBIT # F  
FILE # LDS-19-067/E-19-048**

PREPARED BY: **Neethamer Surveying, Inc.**  
3128 State St. Suite 203  
P.O. Box 1584  
Medford, Oregon 97501  
Phone (541) 752-2809  
FAX (541) 752-1332

PLAT DATE: April 14, 2017 PROJECT NUMBER: 18204-19  
Sheet 1 of 1

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**BEFORE THE CITY OF MEDFORD  
PLANNING COMMISSION**

**IN THE MATTER OF AN APPLICATION  
FOR THE REVISED TENTATIVE PLAT  
APPROVAL OF SUMMERFIELD AT  
SOUTH EAST PARK, PHASES 19 AND 20.**

RECEIVED  
JUN 28 2019  
PLANNING DEPT.

**APPLICANT:** Crystal Springs Development Group,  
a Joint Venture  
815 Alder Creek Drive  
Medford, OR 97504

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

**A. BACKGROUND INFORMATION**

The subject properties are located at Jackson County Assessor's Map Number 37 1W 27DA, Tax Lots 200, 300, 1100 and 1200. Pursuant to the City of Medford Zoning Map dated August 28, 2018, the properties have a zoning designation of Single Family Residential – 4 units/acre (SFR-4). Additionally, the property is located in the Southeast overlay with Restricted Zoning.

A land division application for the development known as Summerfield at South East Park, Phases 16-21 was submitted and approved with conditions on July 13, 2017 (File No. LDS-17-051). The approved tentative plat contained a proposed Greenway within Phases 19 and 20 which was generally consistent with the Greenway shown on the Southeast Circulation Plan Map adopted March 7, 2013. However, due to the lack of a naturally occurring water feature and through discussions with City staff, it was determined that a Greenway would be unnecessary and a larger pathway would provide the means of connectivity that would serve the original intent of the Greenway.

The proposal contained herein is a revised land division application for Phases 19 and 20 of the development which has been updated to reflect the decision to implement a larger pathway in lieu of the Greenway.

**B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION**

The purpose of this application is for the approval of a revised Tentative Plat for Summerfield at South East Park, Phases 19 and 20, consisting of 44 residential lots with detached, single-family dwelling units.

CITY OF MEDFORD  
EXHIBIT # 6 1 of 2  
FILE # LDS-19-067/E-19-048

Pursuant to the Medford Land Development Code (MLDC), Section 10.202(D)(2), the applicant respectfully requests the Planning Commission to authorize a five-year time period approval for the platting of Phases 19 and 20 of Summerfield at South East Park.

### C. APPROVAL CRITERIA

#### CITY OF MEDFORD LAND DEVELOPMENT CODE

#### SECTION 10.202 (E) – LAND DIVISION CRITERIA

Section 10.202 (E) of the Medford's Land Development Code (MLDC) states that:

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

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

## D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

### CRITERION NO. 1

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

#### FINDINGS OF FACT

The proposed development contained herein is substantially consistent with the already approved Phases 19 and 20, per LDS-17-051, including the total number of proposed lots. However, a 10-foot sidewalk pathway is being proposed along a portion of the north side of Shamrock Drive and the westerly side of Birch Creek Drive in lieu of the Greenway shown on the originally approved tentative plat. The pathway will continue northerly from Birch Creek Drive, ending on the northerly boundary of proposed Phase 20.

In order to accommodate the wider pathway, the northerly half right-of-way along a portion of Shamrock Drive and the westerly half right-of-way for Birch Creek Drive have been extended by one and a half feet, and the planter strips have been reduced to five feet. The resultant half street right-of-way width is 33 feet for Shamrock Drive and 29 feet for Birch Creek Drive. Their total right-of-way widths equate to 64.5 feet and 56.5 feet, respectively.

The surrounding lots that were impacted by the removal of the Greenway were adjusted, resulting in through lots which have frontage along Sunleaf Avenue (which has been widened from a residential lane to a minor residential street) and Shamrock Drive, a standard residential street. An application for an exception to allow through lots to be located between a minor residential and standard residential street, is being submitted concurrently with the subject land division application.

Other than said exception request, the development is consistent with the relevant design criteria specified in Article IV and V of the MLDC.

### CRITERION NO. 2

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

#### FINDINGS OF FACT

The proposed development provides a means of connectivity by extending the existing and proposed streets to adjacent lands, being consistent with the planned streets per the Southeast Circulation Plan Map. As a result, approval

of the land division contained herein will not prevent the development of the remainder of the property under the same owner, or the adjoining lands.

### CRITERION NO. 3

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

### FINDINGS OF FACT

The name of the subdivision, Summerfield at South East Park, Phases 19 and 20, is a name that has already been approved by the Planning Commission per the previous submittal (LDS-17-051). No new subdivision name is being proposed.

### CRITERION NO. 4

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

### FINDINGS OF FACT

The project is located within the Southeast Plan and is subject to the Southeast Circulation Plan Map, adopted March 7, 2013. The layout of the proposed streets is generally consistent with the adopted plan, with slight variations within the local streets. The proposed streets are designed to connect to the existing streets adjacent to the project.

As previously mentioned and pursuant to coordination with City staff, the Greenway shown on said Southeast Circulation Plan Map has been removed and a 10-foot sidewalk is being proposed on a portion of the northerly side of Shamrock Drive and the westerly side of Birch Creek Drive.

Also, Sunleaf Avenue has been widened from a residential lane to a minor residential street.

There are no other changes to the street layouts that were previously approved in LDS-17-051.

### CRITERION NO. 5

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

#### FINDINGS OF FACT

There are no private streets or alleys that are proposed to be held for private use.

### CRITERION NO. 6

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

#### FINDINGS OF FACT

There are no lands which adjoin the subject project that are zoned Exclusive Farm Use.

#### CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application complies with the applicable provisions of the city ordinances.

### E. ULTIMATE CONCLUSION

The Planning Commission concludes that the revised application for Summerfield at South East Park, Phases 19 and 20 is consistent with the relevant criteria for a land division found in Section 10.202(E) of Medford's Land Development Code and can therefore be approved.

Respectfully Submitted,

Neathamer Surveying, Inc.

  
Robert V. Neathamer, President

Agent for Applicant:  
Crystal Springs Development Group, a Joint Venture

Date: June 27, 2019

RECEIVED  
JUN 28 2019  
PLANNING DEPT.

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
BEFORE THE CITY OF MEDFORD  
PLANNING COMMISSION

IN THE MATTER OF AN  
APPLICATION FOR AN EXCEPTION  
TO ALLOW THROUGH LOTS TO BE  
LOCATED BETWEEN A MINOR  
RESIDENTIAL AND STANDARD  
RESIDENTIAL STREET.

**APPLICANT:** Crystal Springs Development Group,  
a Joint Venture  
815 Alder Creek Drive  
Medford, OR 97504

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

**A. BACKGROUND INFORMATION**

A land division application for the development known as Summerfield at South East Park, Phases 16-21 was submitted and approved with conditions on July 13, 2017 (File No. LDS-17-051). The approved tentative plat contained a proposed Greenway within Phases 19 and 20 which was generally consistent with the Greenway shown on the Southeast Circulation Plan Map adopted March 7, 2013. However, due to the lack of a naturally occurring water feature and through discussions with City staff, it was determined that a Greenway would be unnecessary and a larger pathway would provide the means of connectivity that would serve the original intent of the Greenway.

This exception application is being submitted in conjunction with the revised land division application for Phases 19 and 20 which has been updated to reflect the decision to implement a larger pathway in lieu of the Greenway.

**B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION**

In the approval contained in LDS-17-051, the lots in Phase 19 located between Sunleaf Lane and Shamrock Drive were not considered to be through lots as the proposed Greenway provided a separation from Sunleaf Lane. However, once the Greenway was removed, the lots were adjusted and now contain frontage along both Sunleaf Avenue (which has been widened from a residential lane to a minor residential street) and Shamrock Drive, a standard residential street.

CITY OF MEDFORD  
EXHIBIT # 6202  
FILE # LDS-19-067/E-19-048

Section 10.704, of the Medford Land Development Code (MLDC), states, "Through lots shall be permitted in all zones when one of the abutting streets is a collector or arterial street." As neither Sunleaf Avenue or Shamrock Drive are a collector or arterial street, the purpose of this exception application is to allow through lots to be located between a minor residential and standard residential street.

## C. APPROVAL CRITERIA

### CITY OF MEDFORD LAND DEVELOPMENT CODE

#### SECTION 10.186 – CRITERIA FOR AN EXCEPTION

Section 10.186(B) 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.*
- 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.*

### FINDINGS OF FACT

One of the primary purposes for the removal of the Greenway was the absence of naturally occurring water feature. In lieu of the Greenway, a 10-foot sidewalk pathway is being proposed along a portion of the north side of Shamrock Drive and the westerly side of Birch Creek Drive. The pathway will continue northerly from Birch Creek Drive, ending on the northerly boundary of proposed Phase 20. This proposal was discussed with City staff and was determined to be the preferred solution to provide the intended connectivity shown on the Southeast Circulation Plan Map.

Additionally, the surrounding lots that were impacted by the removal of the Greenway were adjusted, resulting in larger lots that are more suitable for the development and surrounding phases. The number of total proposed lots has remained the same. As such, the granting of this exception is in harmony with the general purpose and intent of the Southeast Plan and is substantially consistent with the already approved tentative plat per LDS-15-051.

While the adjusted Lots 558 through 562 are proposed to contain frontage along both Sunleaf Avenue and Shamrock Drive, access to the lots shall be restricted to only allow access from Sunleaf Avenue. The intent of this proposed restriction is to reduce the amount of traffic that could otherwise cross the pedestrian pathway in order to increase the safety and welfare of those using the pathway.

The approval of the requested exception in conjunction with the access restriction will not be injurious to the general area or negatively impact the general welfare or adjacent natural resources.

### 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

The proposed single-family residential use is consistent with the permitted uses in the zoning district, the General Land Use Plan (GLUP) and Southeast Plan designations. The granting of the subject exception will not permit the establishment of a use which is not permitted in the zoning district.

### **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 removal of the Greenway caused several design constraints for the affected phases. First, a portion of Sunleaf Avenue has already been constructed during the development of Phase 17 which connects to the westerly boundary of Phase 19. Similarly, Shamrock Drive has also been constructed to said boundary. There is now limited space to adjust the location of Sunleaf Avenue between Shamrock Drive, and the pre-existing, fully developed property located northerly of Sunleaf Avenue (being 37 1W 27DA, Tax Lot 600). These constraints led the design team to the conclusion that the best-fit solution to the unique circumstances surrounding the site was to extend the lots to Sunleaf Avenue, creating through lots with restricted access.

It is also important to consider that the proposed development was originally approved under LDS-12-004 and the approval per LDS-15-051 was essentially a resubmittal of the original plan in order to obtain additional time to complete the remaining phases. Since the approvals, many of the surrounding phases have either been completed or are currently being developed. The proposal contained herein is a portion of an already approved, cohesive design that has been modified based on a determination with City staff to remove the Greenway. As such, a complete re-design of the area would be an excessive obligation at this time.

### **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 need for the exception is the result of modifications to the associated tentative plat based the decision to remove the requirement of the Greenway as shown on the Southeast Circulation Plan Map, due to the absence of a naturally occurring water feature.

## CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application complies with the applicable provisions of the exception criteria.

### **E. ULTIMATE CONCLUSION**

The Planning Commission concludes that the application for an exception to increase the permitted length of a residential lane is consistent with the relevant criteria for an exception contained in Section 10.186 of Medford's Land Development Code, and can therefore be approved.

Respectfully Submitted,

Neathamer Surveying, Inc.

  
Robert V. Neathamer, President

Agent for Applicant:  
Crystal Springs Development Group, a Joint Venture

Dated: June 27, 2019

April 11, 2017

Crystal Springs Development Group  
815 Alder Creek Drive  
Medford, OR 97504

**SUBJECT: GEOTECHNICAL AND GEOLOGIC INVESTIGATION, SUMMERFIELD AT SOUTH EAST PARK, PHASES 16 TO 21, MEDFORD, OREGON**

At your request, Applied Geotechnical Engineering and Geologic Consulting LLC (AGEGC) has conducted a geotechnical and geologic investigation for Phases 16 through 21 of the Summerfield at South East Park Development in east Medford, Oregon. The general location of the site is shown on the Vicinity Map, Figure 1. Our investigation consisted of a review of available previously completed geotechnical information for the development and other projects in the area, a ground-level site reconnaissance, and engineering analyses. This report summarizes our work and provides our conclusions and recommendations for suitably founding the new residential development on this property.

**SITE DESCRIPTION**

A senior geotechnical engineer and geologist provided by AGEGC completed a site visit on April 7, 2017. The proposed road alignments were not staked at the time of our site visits; however, existing landmarks adjacent to the area to be developed could be used to gain an approximate idea of our location on the property.

These phases of the development are located south of Cherry Lane. The area is bounded on the west by single-family homes of previous phases of this development, and on the south and east by undeveloped land. An existing home is located in the southern portion of the development, on a small knoll. The eastern portion of the development is located on a west facing slope (the area slopes down to the west).

The areas south and west of the existing home were used for an orchard until after 2000. Trees have been removed and the property subsequently used as pasture. A small pond was located northwest of the existing home. The pond berm appears to have been removed and the pond drained.

The majority of the surficial soils in this area have significant desiccation cracks during summer and fall months, indicating the surficial soils consist of moderately to highly expansive clayey silt soils. Expansive soils have a significant volume change with corresponding changes in moisture content. Expansive soils have relatively low shear strengths.

CITY OF MEDFORD  
EXHIBIT # 14  
FILE # LDS-19-067/E-19-048

Based on our experience with other projects in this area, this project site is mantled with highly expansive clayey silt soils over weathered sandstone and siltstone. The sandstone can be locally relatively hard and difficult to excavate.

### **PROJECT DESCRIPTION**

We understand the project will consist of single-family residential lots, with associated roadways and utilities. The site has relatively gentle slopes, and we anticipate that cuts and fills required for mass grading will be minor (mostly the cuts and fills required due to the expansive clayey silt soils). We understand that the new roads are considered Standard Residential Streets (traffic index of 7.22).

### **SUBSURFACE CONDITIONS**

As part of a previous geotechnical investigation for this development, several test pits were completed across the site. The test pits typically encountered a surficial layer of highly expansive clayey silt soils over weathered sandstone over hard sandstone. Expansive index tests on two representative soil samples indicated an IE of 95 and 97 for the surficial clayey silt soils.

Groundwater was not observed in any of the test pits. Perched groundwater can occur on the sandstone and siltstone, with groundwater approaching the ground surface during periods of heavy and/or extended rainfall.

### **CONCLUSIONS AND RECOMENDATIONS**

**General.** Based on the results of this investigation and our experience with similar projects, it is our opinion that the site is suitable for the proposed development, from a geotechnical and geologic standpoint. Surficial soils and native slopes are similar to those found in previous developed phases of this development. There is no increased risk of geologic hazards if the site is developed as recommended below.

In our opinion, the most important geotechnical and geologic considerations associated with the planned development are the presence of surficial expansive clays, locally shallow hard sandstone/siltstone, possible local areas of uncontrolled fill, and seasonally perched groundwater. The following sections provide our recommendations for development of the site.

**Rock Excavation.** Hard sandstone was encountered in utility trenches for previous phases of this development. We anticipate that the moderately-sloped areas of the development have hard sandstone at relatively shallow depths. Based on our experience in this area, we anticipate that hard sandstone/siltstone underlies all of the site, but harder rock typically occurs at a deep of greater than 5 ft, except on the knoll where the home is located and on the slopes on the eastern portion of the development. Hard sandstone will likely be encountered in utility trenches and will required rock excavation techniques.

**Site Preparation.** In our opinion, the ground surface in areas to receive fill should be stripped of surficial organics to a minimum depth of 12 in. including roadways and sidewalks. Locally deeper stripping will be required in areas with uncontrolled fill, possibly including the area where the pond was once located. Deeper overexcavations will be required for installation of roadways, sidewalks and building pads.

Subgrade must be protected from disturbance due to construction activities and climate (wetting, drying, and/or freezing). We recommend that the geotextile fabric and aggregate base rock be placed within 6 hours of excavation to subgrade elevations. The subgrade should be left at least 18 in. high prior to final excavation to design subgrade, to minimize the drying of the subgrade soils during installation of utilities. The subgrade should be evaluated by the project geotechnical engineer prior to placement of structural fill on the subgrade.

Site strippings and untreated clayey silt soils cannot be used as structural fill and will need to be removed from the development.

Past experience has indicated that the fine-grained soils on this site are sensitive to moisture content. Typically, these soils have significant drying during hot and dry summer months, resulting in desiccation cracks that may be up to 3 ft deep. For this reason, we recommend that, if practical, all site preparation and earthwork for the roadways be accomplished during early summer months, before the soils are allowed to significantly dry. Wetting of the subgrade soils, aggregate road base, and utility trench sidewalls will be required during typically drier summer and fall months.

If the subgrade is disturbed during construction, soft, disturbed and dried soils should be overexcavated to firm soil and replaced with approved structural fill.

The test pit excavations for this investigation were backfilled with relatively loose spoils from the excavations at the time of excavation. During mass grading of the site, test pit excavations encountered during construction should be overexcavated and replaced with structural fill.

As an alternative to overexcavation and removal of the clayey silt soils, the fine-grained on-site soils (the expansive soils) may be treated with an admixture to reduce the post-construction shrink/swell of the subgrade soil (and increase the shear strength). In our opinion, treated soils are suitable for use as subgrade soils within roadways, sidewalks and building pads if properly blended, wetted and compacted. For clayey silt soils, an admixture of anhydrous lime blended with the clayey silt soil at approximately 8% by weight would be adequate (actual percentages must be determined prior to construction based on laboratory testing). During placement of the lime treatment, the moisture content of the clayey silt soil must be controlled to allow hydration of the lime with the soil.

**Site Grading.** We anticipate that relatively minor grading will be required for development of the site (cuts and fills of less than 5 ft). Cut and fill slopes for mass grading of the development should be graded no steeper than 2H:1V.

**Structural Fills.** All structural fill should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698. In general, at least four to five passes with a medium-weight, smooth-drum (48-in.-diameter drum) vibratory roller are required to achieve adequate compaction for imported crushed rock fill for roadway, sidewalk and building pads. Placement and compaction of structural fill should be evaluated by a geotechnical engineer on an intermittent basis during construction of the roadway sections.

Structural fills for roadways and sidewalks should consist of imported crushed rock, such a ¾-in.-minus crushed rock (aggregate base).

In our opinion, utility trench excavations within 4 ft of any pavement, sidewalk and building pad areas should be backfilled with granular material, such as sand, sand and gravel, or crushed rock with a maximum size of up to ¾ in., and with not more than 5% passing the No. 200 sieve (washed analysis). All trenches should be backfilled as soon as practical following placement of the utility. Desiccated sidewalls of utility trenches must be removed and replaced with structural fill. The granular backfill should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698. Flooding or jetting the backfilled trenches with water to achieve the recommended compaction should not be permitted. We recommend use of vibratory compaction equipment for the trenches. Each lift of backfill in the trench should be less than 18-in.-thick (loose).

**Pavement Sections.** The recommended pavement sections for this development are based on the assumption that the subgrade consists of firm, undisturbed fine-grained clayey silt soil and that the soil does not have significant desiccation cracks. Proof rolling with a loaded 10 yd<sup>3</sup> dump truck, or equivalent, may be used at the geotechnical engineer's discretion to evaluate pavement subgrade. If soft areas (disturbed due to excessive construction traffic or desiccation of the subgrade soils) are disclosed by the proof rolling and/or visual observation by the geotechnical engineer, they should be overexcavated and replaced with structural fill.

Excavation of the clayey silt soils should be completed using a trackhoe equipped with a smooth-lip bucket to minimize disturbance of the subgrade soils.

We anticipate that the street improvements will be completed using asphaltic concrete (A.C.) pavement. For design purposes, we have assumed a 20-year design life for the pavement sections. We understand that the new roadways are considered Standard Residential streets (traffic index of 7.22).

The subgrade soils along the alignment consist of fine-grained silt soils. The existing fine-grained soils typically have an R-Value (ASTM D 2844) of about 2.

Based on the above design consideration, we recommend the pavement section for the new roadways consist of 3.5 in. of asphaltic concrete over 19 in. of aggregate base. The aggregate section for the roadway may be decreased where undisturbed, moderately hard sandstone is encountered as pavement subgrade and as approved by the geotechnical engineer.

Sidewalks should be underlain by a minimum of 18 in. of crushed aggregate base rock that extends a minimum of 18 in. beyond the edge of the pavement.

We recommend the rock section for the roadways be underlain by a woven geotextile with a weight of at least 5 oz. per square yard.

The crushed rock base (CRB) should also be placed and compacted in a single lift with a large, smooth-drum vibratory roller. The rock should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698.

The above pavement sections are based on the assumption that pavement construction will be accomplished during the dry season. If wet-weather pavement construction is considered, it will likely be necessary to increase the thickness of crushed rock base to support construction equipment and protect the moisture-sensitive subgrade soils from disturbance. It should be noted that the pavement sections may not be adequate for the support of construction traffic.

All workmanship and materials should conform to the applicable standards of the current Oregon Department of Transportation (ODOT) Standard Specifications for Highway Construction.

**Geologic Hazards.** The site has gentle slopes and is underlain by sandstone at relatively shallow depths. In our opinion, the main geologic hazards associated with development of this property are the expansive surficial clayey silt soils and the potential for perched groundwater conditions.

In our opinion, the risks of slope instability are very low if the geotechnical recommendations provided in our report are followed. Based on the results of our investigation, the location of the site, and the nature of the underlying soil/rock, we anticipate that the potential for earthquake-induced fault displacement, subsidence, liquefaction-induced settlement and/or lateral displacement, or seiches at this site is very low.

In our opinion, based on the State of Oregon's Structural Specialty Code Amendments and the International Building Code, the subsurface conditions at this site may be classified as a Site Class B for seismic design purposes.

**Preliminary Foundation Support Recommendations.** Based on the results of our investigation and our experience with other residential homes in east Medford, it is our opinion that the lots for this project can be developed with single-family residences. It is also our opinion that foundation support for the new

homes can be provided by spread footing foundations established on crushed rock fill. The existing surficial clayey silt soils are not suitable for support of spread footing foundations or concrete flatwork (including sidewalks, patios and driveways) without significant post-construction differential movements. Each lot should have a lot-specific geotechnical evaluation during construction of the building pad for the lot. The intent of the evaluation is to determine the most appropriate foundation type and design criteria, and for the geotechnical engineer of record for each lot to work closely with the builder for the home on the lot.

**Design Review and Construction Services.** We welcome the opportunity to review and discuss construction plans and specifications as they are being developed. In addition, AGE GC should be retained to review all geotechnical-related portions of the plans and specifications to evaluate whether they are in conformance with the recommendations provided in our report. Additionally, to observe compliance with the intent of recommendations, design concepts, and the plans and specifications, we are of the opinion that all construction operations dealing with site grading should be observed by an AGE GC representative. Our construction-phase services will allow for timely design changes if site conditions are encountered that are different from those described in this report. If we do not have the opportunity to confirm our interpretations, assumptions, and analyses during construction, we cannot be responsible for the application of our recommendations to subsurface conditions that are different from those described in this report.

## LIMITATIONS

This report has been prepared to aid the design team in the completion of this project. The scope is limited to the specific project and location described herein, and our description of the project represents our understanding of the significant aspects of the project relevant to the design and construction of the earthwork, pavements, and sidewalks. In the event that any changes in the design and location of the roadways as outlined in this report are planned, we should be given the opportunity to review the changes and to modify or reaffirm the conclusions and recommendations of this report in writing.

The conclusions and recommendations submitted in this report are based on sources of information discussed in this report. In the performance of subsurface investigations, specific information is obtained at specific locations at specific times. However, it is acknowledged that variations in soil conditions may exist between test pit locations. This report does not reflect any variations that may occur between these explorations. The nature and extent of variation may not become evident until construction. If, during construction, subsurface conditions different from those encountered in the explorations are observed or encountered, we should be advised at once so that we can observe and review these conditions and reconsider our recommendations where necessary.

Sincerely,

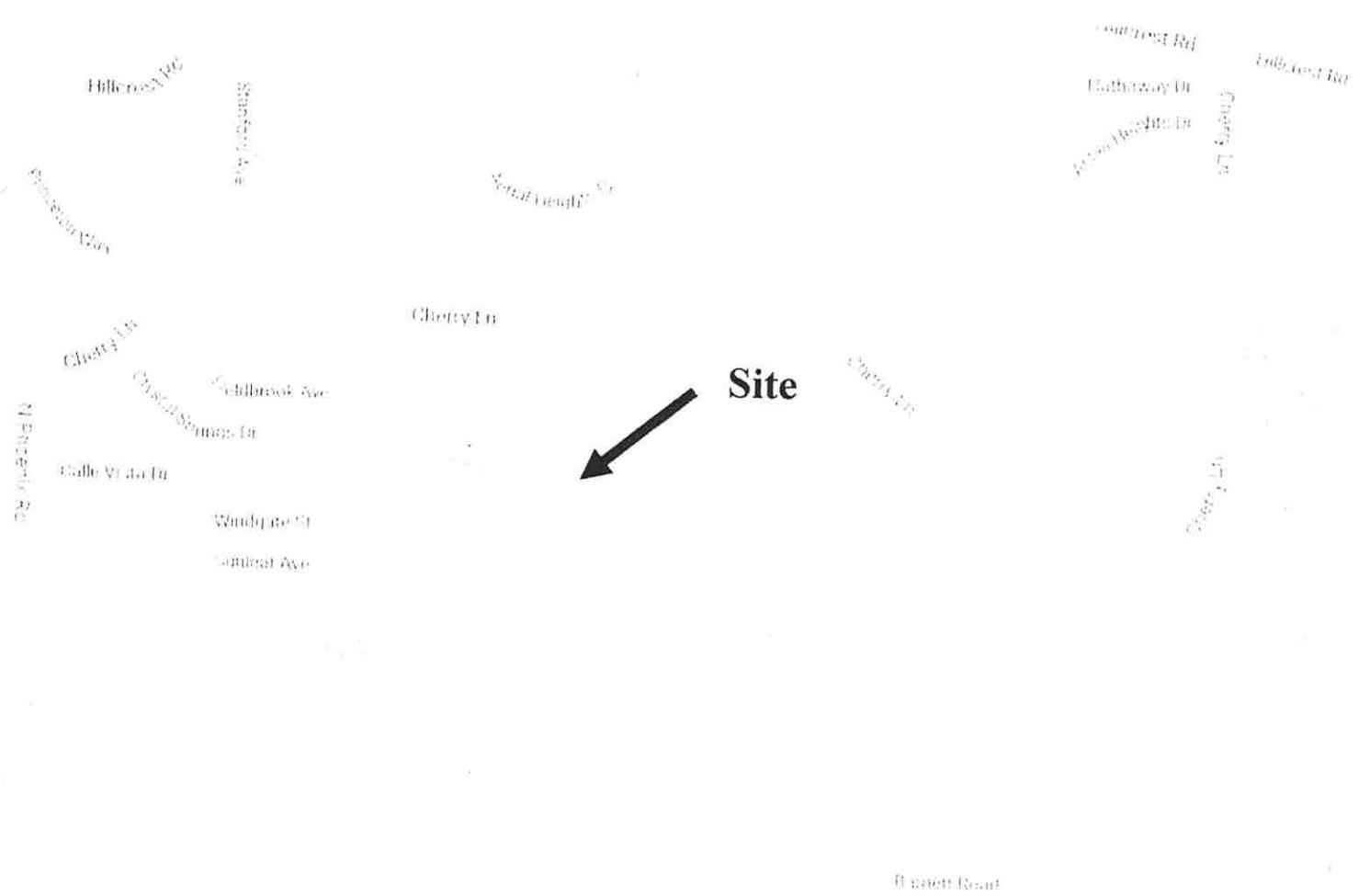
**Applied Geotechnical Engineering and Geologic Consulting, LLC**



Robin L. Warren, P.E., G.E., R.G.  
Principal



Renewal: June 2018



**A** Applied  
**G** eotechnical  
**E** ngineering  
 & Geologic Consulting

**Vicinity Map  
 Figure 1**

Project No. 4439-17  
 Summerfield at South East Park  
 Phases 16 to 21  
 Medford, Oregon  
 April 2017



LD DATE: 8/21/2019  
File Number: LDS-19-067/E-19-048

## **PUBLIC WORKS DEPARTMENT STAFF REPORT**

### **Summerfield at Southeast Park Phases 19 & 20 (Revision to LDS-17-051) 44- Lot Subdivision (Remove Greenway)**

**Project:** Consideration of a request for approval of Summerfield at Southeast Park, Phases 19 and 20, a 44-lot residential subdivision on 15.23 gross acres and an Exception to allow through lots between Shamrock Drive and Sunleaf Avenue.

**Location:** The site is located at the easterly termini of Sunleaf Avenue and Shamrock Drive south of Cherry Lane, and is zoned SFR-4/SE/RZ (Single Family Residential, four dwelling units per gross acre/Southeast Plan Overlay/Restricted Zoning Overlay). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 16 – 21 (LDS-17-051). (371W27DA TL 200, 300, 1100 & 1200).

**Applicant:** Applicant: Crystal Springs Development Group, a Joint Venture, Agent: Neathamer Surveying, Planner: Kelly Evans.

**Applicability:** The Medford Public Works Department's conditions of Approval for Summerfield PUD were adopted by Order of the Medford Planning Commission (PUD-05-247 and also LDS-05-246) on January 26<sup>th</sup>, 2006. In addition, Summerfield at Southeast Park, Phase 14 through 21 was adopted by Order of the Medford Planning Commission (LDS-06-278) and has since expired on December 14<sup>th</sup>, 2011. Furthermore, the Planning Commission approved Phases 14 through 21 again on April 26<sup>th</sup>, 2012 with LDS-12-004/E-12-005 and has also since expired on April 26<sup>th</sup>, 2017. The Planning Commission approved another revision on July 13<sup>th</sup>, 2017 with LDS-17-051/E-17-052 (exception to length of Residential Lane). The adopted conditions of these actions which have not expired shall remain in full force as originally adopted except as amended or added to below.

**NOTE:** Construction plans for Phases 19 & 22D have been approved and public improvements have commenced with Summerfield Subdivision Phase 19 & 22D Public Improvement Plans (P1895D). Public Improvement Plans for Phase 20 (1906D) have been submitted to the City of Medford as of August 20<sup>th</sup>, 2018 but are yet to be approved. At this time the improvements have yet to be completed for P1895D or P1906D, therefore criteria for improvements have been included with this report.

**CITY OF MEDFORD**  
**EXHIBIT # I**  
**FILE # LDS-19-067/E-19-048**

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

**Autumn Hills Drive** is proposed as a Standard Residential Street, consistent with the standard prescribed by Medford Land Development Code (MLDC) 10.430. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the full width of right-of-way, which is 63-feet.

**Shamrock Drive** is proposed as a Standard Residential Street within the MLDC 10.430. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the full width of right-of-way, which is 63-feet. The Developer has stipulated to dedicate additional right-of-way (64.5-feet total to accommodate a 10-foot wide pathway with a reduced planter strip on the north side) along Shamrock Drive from Birch Creek Drive west to the connection with existing Shamrock Drive (P1895D) and 63-feet from Birch Creek Drive east to the terminus of Phase 20. Public Works has no objections to the additional right-of-way dedication.

**Connection Lane and Sunleaf Avenue** are proposed as Minor Residential streets with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430.

**Birch Creek Drive** is proposed as Minor Residential Street which requires a minimum right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430. The Developer has stipulated to dedicate additional right-of-way (56.5-feet total) to accommodate a 10-foot wide pathway with a reduced planter strip on the west side. Public Works has no objections to the additional right-of-way dedication.

An **exception request** has been submitted to allow through lots (Lots 558 – 562) between Sunleaf Avenue and Shamrock Drive, which were previously approved to be separated by a

Greenway with LDS-17-051. Per the Applicant, *"The purpose of this exception application is to allow through lots to be located between a minor residential and standard residential street."* If the exception request is denied, Sunleaf Avenue shall be a Residential Lane with a right-of-way width of 33-feet in accordance with MLDC 10.430 and the Greenway shall remain as approved with LDS-17-051.

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

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

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

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

## 2. Public Improvements

### a. Public Streets

Autumn Hills Drive shall be constructed to Standard Residential Street standards, in accordance with MLDC 10.430. The Developer shall improve the full width. Sidewalk and planter strip on the west side may be improved with future development from the north property line of lot 553 to approximately 380-feet north to the terminus of Autumn Hills Drive within this phase.

Shamrock Drive shall be constructed to Standard Residential Street standards, along the frontage of this development, in accordance with MLDC 10.430. The Developer shall improve the full width except sidewalk and planter strip on the south side. The Developer has stipulated to construct the full pavement width including curb and gutter on the south side. This shall include construction of a 10-foot wide pathway

and reduced planter strip on the north side (from Birch Creek Drive west to the connection with existing Shamrock Drive).

Connection Lane and Sunleaf Avenue shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430.

Birch Creek Drive shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430. The Developer has stipulated to construct the full width. This shall include construction of a 10-foot wide pathway and reduced planter strip on the west side.

An exception request has been submitted to allow through lots (Lots 558 – 562) between Sunleaf Avenue and Shamrock Drive, which were previously approved to be separated by a Greenway with LDS-17-051. Per the Applicant, *“The purpose of this exception application is to allow through lots to be located between a minor residential and standard residential street.”* If the exception request is denied, Sunleaf Avenue shall be constructed to Residential Lane standards, in accordance with MLDC 10.430 and the Greenway shall remain as approved with LDS-17-051.

#### b. Street Lights and Signing

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

##### Street Lighting – Developer Provided & Installed:

- A. 5 - Type R-100 LED
- B. 1 – Base Mounted Cabinet-1\*

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

- A. 5 – Street Name Signs
- B. 3 – Barricades (Type 3)

\*Note – Design lighting per Municipal Code 10.380 showing conduit/wire/load calculations and submitted for approval.

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

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs,

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school signs, dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

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

### **c. Pavement Moratoriums**

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

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

### **d. Soils Report**

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

### **e. Access to Public Street System**

Driveway access shall be per MLDC 10.550.

Since the path is being proposed in lieu of sidewalk, Public Works recommends that lots 558-562, 565, 566, and 585 be restricted from taking driveway access from Shamrock Drive and that lot 578 be required to take access from Connection Lane in order to minimize the driveway crossings of the path.

## f. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes or other structures which are not constructed within the street section, in these locations the paved access shall be located within a 15-foot easement.

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

### 3. Section 10.668 Analysis

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

#### 10.668 Limitation of Exactions

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

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

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

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

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

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

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

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.

**Autumn Hills Drive, Shamrock Drive, Connection Lane, Sunleaf Avenue and Birch Creek Drive:**

In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 44 dwelling units and will improve approximately 3,495 lineal feet of roadway which equates to 79.4 lineal feet per dwelling unit. Also the development will dedicate approximately 209,188 square feet of right-of-way which equates to approximately 4,754 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was pervious phases of Summerfield Subdivision located between Stanford and Lone Oak and Cherry Lane and Shamrock and consisted of 152 dwelling units. The pervious development improved approximately 7,530 lineal feet of roadway and dedicated approximately 425,230 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 49.5 lineal feet of road per dwelling unit and approximately 2,800 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 44 new Lots within the City of Medford and increase vehicular traffic by approximately 415 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.

- c. Dedication will provide access and transportation connections at urban level of service standards for this development. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

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

## B. SANITARY SEWERS

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

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

## C. STORM DRAINAGE

### 1. Hydrology

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

### 2. Stormwater Detention and Water Quality Treatment

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

developed as open ponds for stormwater detention and treatment.

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

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

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

### 3. Grading

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

### 4. Mains and Laterals

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

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

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

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

## 5. Erosion Control

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

### D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

### E. GENERAL CONDITIONS

#### 1. Design Requirements and Construction Drawings

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

#### 2. Construction Plans

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

The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

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

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

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

### 3. Phasing

The Tentative Plat shows that this subdivision will be developed in phases. Any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

### 4. Draft of Final Plat

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

### 5. Permits

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

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works.

Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

## 6. System Development Charges (SDCs)

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

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

## 7. Construction and Inspection

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

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

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

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

# SUMMARY CONDITIONS OF APPROVAL

## Summerfield at Southeast Park Phases 19 & 20 (Revision to LDS-17-051)

### 44- Lot Subdivision (Remove Greenway)

LDS-19-067/E-19-048

#### A. Streets

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

- Dedicate full width right-of-way (63') on Autumn Hills Drive.
- Dedicate full width right-of-way (63' min) on Shamrock Drive.
- Dedicate full width right-of-way (55') on Connection Lane and Sunleaf Avenue.
- Dedicate full width right-of-way (55' min) on Birch Creek Drive.
- Dedicate 10-foot public utility easements (PUE).

##### 2. Improvements:

###### Public Streets

- Construct Autumn Hills Drive full width, to Standard Residential street standards.
- Construct Shamrock Drive full width, to Standard Residential street standards.
- Construct Connection Lane, Sunleaf Avenue and Birch Creek Drive full width, to Minor Residential street standards.

###### Lighting and Signing

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

###### Access to Public Street System

- Driveway access shall be per MLDC 10.550.
- Since the path is being proposed in lieu of sidewalk, Public Works recommends that lots 558-562, 565, 566, and 585 be restricted from taking driveway access from Shamrock Drive and that lot 578 be required to take access from Connection Lane in order to minimize the driveway crossings of the path.

###### Other

- No pavement moratorium currently in effect along this developments respective frontages.
- Provide pavement moratorium letters.
  - Provide soils report.

#### B. Sanitary Sewer:

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

#### C. Storm Drainage:

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

#### D. Survey Monumentation

- Provide all survey monumentation.

#### E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Additional Site Plan to ensure fire apparatus access per MLDC 10.430(2) if project includes Minor Residential streets.
  - = City Code Requirement
  - = Discretionary recommendations/comments

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

City of Medford

200 S. Ivy Street, Medford, OR 97501

(541) 774-2380

cityofmedford.org



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** LDS-19-067 & E-19-048  
**PARCEL ID:** 371W27 TL 1001

**RECEIVED**

AUG 21 2019

PLANNING DEPT.

**PROJECT:** Consideration of a request for approval of Summerfield at Southeast Park, Phases 19 and 20, a 44-lot residential subdivision on 15.23 gross acres and an Exception to allow through lots between Shamrock Drive and Sunleaf Avenue. The site is located at the easterly termini of Sunleaf Avenue and Shamrock Drive south of Cherry Lane, and is zoned SFR-4/SE/RZ (Single Family Residential, four dwelling units per gross acre/Southeast Plan Overlay/Restricted Zoning Overlay). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 16 – 21 (LDS-17-051). (371W27DA TL 200, 300, 1100 & 1200) Applicant: Crystal Springs Development Group, a Joint Venture, Agent: Neathamer Surveying, Planner: Kelly Evans.

**DATE:** August 21, 2019

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 applicants civil engineer shall coordinate with Medford Water Commission Engineering Staff for an approved water facility layout that facilitates "looping" of water lines, and elimination of "dead-end" water lines at phase boundaries. The applicant and engineer shall coordinate a meeting with MWC engineering staff to develop proposed water facility layout for all phases.
4. Installation of 8-inch water lines per MWC Standards is required in all proposed "Residential" streets.
5. Water main sizing shall be per MWC Standards, including oversizing of water mains which may be required. This increase in size will be reimbursable for materials only.

*Continued to Next page*

CITY OF MEDFORD  
EXHIBIT #   J    
FILE # LDS-19-067/E-19-048



## **Staff Memo**

*Continued from Previous Page*

### **COMMENTS**

1. Refer to previous MWC Staff Memo per LDS-17-051.
2. Off-site water line installation is not required.
3. On-site water facility construction is required. (See Condition 3-4 above)
4. MWC metered water service does not exist to these properties currently.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 8/19/2019
Meeting Date: 8/21/2019

LD File #: LDS19067 Associated File #1: E19048

RECEIVED

AUG 21 2019

Planner: Kelly Evans

PLANNING DEPT.

Applicant: Crystal Springs Development Group

Project Location: located at the easterly termini of Sunleaf Avenue and Shamrock Drive south of Cherry Lane, and is zoned SFR-4/SE/RZ (Single Family Residential, four dwelling units per gross acre/Southeast Plan Overlay/Restricted Zoning Overlay). The

ProjectDescription: Consideration of a request for approval of Summerfield at Southeast Park, Phases 19 and 20, a 44-lot residential subdivision on 15.23 gross acres and an Exception to allow through lots between Shamrock Drive and Sunleaf Avenue. The site is located at the easterly termini of Sunleaf Avenue and Shamrock Drive south of Cherry Lane, and is zoned SFR-4/SE/RZ (Single Family Residential, four dwelling units per gross acre/Southeast Plan Overlay/Restricted Zoning Overlay). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 16 - 21 (LDS-17-051). (371W27DA TL 200, 300, 1100 & 1200)

Specific Development Requirements for Access & Water Supply

Table with 3 columns: Reference, Comments, Conditions, Description. Row 1: 508.5, Eight (8) Fire hydrant will be required for this project positioned at the following locations: One near the corner of Connection Lane/Autumn Hills Drive in front of lot #574; One near the corner of Connection Lane/Birch Creek Drive in front of lot #594; One on Birch Creek Drive in front of lot #590; One near the corner of Birch Creek Drive/Shamrock Drive in front of lot #585; One near the corner of Autumn Hills Drive/Sunleaf Avenue in front of lot #553; One near the corner of Autumn Hills Drive/Shamrock Drive in front of lot #565; One on Shamrock Drive in front of lots 559/560; and one on Sunleaf Drive in front of lot #556.

CITY OF MEDFORD
EXHIBIT # 14
FILE # LDS-19-067/E-19-048

MMC  
10.430

The Developer must choose one of these three options for 28' wide streets.

In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus on 28 feet wide minor residential streets, the developer shall choose from one of the following design options outlined in Medford Code section 10.430:

(a) Clustered, offset (staggered) driveways, and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

The developer shall choose one of the three options prior to the final plat. If the clustered-offset driveway option is chosen, submitted civil plans are required to show driveway locations which will be reviewed by the Fire Department and Engineering Department prior to development. If the fire sprinkler option is chosen, the developer shall notify the Fire Department prior to final plat.

The Fire Department reserves the right to require parking restrictions with no parking signs in areas where the clustered-offset driveway option breaks down for short distances. Parking restrictions shall not be deemed as a separate option to the overall layout of the subdivision. If the developer by preference does not design the clustered/offset driveways into the overall design of the minor residential street, option (b) or (c) must be chosen.

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).

WUI Part of this project is located in the Wildfire Hazard Zone. See the following requirements and recommendation for new homes built in this area.

This development is located in a wildfire risk zone. A minimum fire resistant rated Class A or B rated roof is required.

In addition, it is recommended that the following measures be taken to reduce the possibility of home ignition during a wildfire:

Fire Resistant Structure Planning including:  
Non-combustible siding  
Vent screening using corrosion resistant maximum 1/8" grid wire mesh  
Non-combustible rain gutters  
Solid skirting around the bottom of decks  
Non-combustible fencing attached to house

Landscaping Planning including:  
0-5 feet perimeter non-combustible zone (concrete or non-combustible ground covering)  
Utilize fire resistant vegetation (See Oregon State University's "Fire Resistant Shrubs and Trees in SW Oregon")  
Fully grown tree crown positioning to provide a minimum 10' horizontal clearance to chimneys or any part of structure  
Fully grown tree crown positioning to provide a minimum 15' clearance to other fully grown tree crowns  
Consider ladder fuels (vegetation like taller shrubs below trees that will spread fire into tree crown)

OFC 503.5 Parking shall be posted as prohibited on one side of Shamrock Drive if the street width is not fully developed.

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

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

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

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

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

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

**[www.medfordfirerescue.org](http://www.medfordfirerescue.org)**

# MEDFORD PARKS & RECREATION FACILITIES MANAGEMENT

HEALTHY LIVES | HAPPY PEOPLE | STRONG COMMUNITY

TO: Kelly Evans - Planning Department  
FROM: Haley Cox – Parks Planner  
SUBJECT: Summerfield at Southeast Park, Phases 19 and 20  
DATE: August 21, 2019

**RECEIVED**  
AUG 21 2019  
PLANNING DEPT.

The Parks Department has reviewed the application for revision to the tentative plat of Summerfield at Southeast Park, Phases 19 and 20, and has the following comments:

1. The Leisure Services Plan and GLUP map indicate a greenway corridor and 10-foot shared-use pathway traversing this area generally northeast from Shamrock Drive towards Cherry Lane, which is located outside of the project area. Due to the topography of the site, the applicant has shown this corridor as a greenway path in-lieu of sidewalk, rather than a dedicated corridor as originally proposed. The 10-foot pathway is shown along the north side of Shamrock Drive from the intersection of Waterstone Way eastward to Birchcreek Drive, where it turns north along the west side of the road. At the terminus of Birchcreek Drive, the pathway crosses Connection Lane and is shown in a dedicated corridor measuring 20' wide.

Being situated within the Public Right of Way, the pathway shall adhere to the standards of the Public Works Department. Crosswalks are not shown where the pathway crosses Autumn Hills Drive or Shamrock drive, so the Parks Department would recommend that the applicant install stamped concrete in those areas to indicate where the pathway crosses those streets. Crosswalks and any signage shall be approved by the City Traffic Engineer.

CITY OF MEDFORD  
EXHIBIT # L  
FILE # LDS-19-067/E-19-048



CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE

701 N. COLUMBUS AVE. | MEDFORD, OR 97501 | 541.774.2400  
WWW.PLAYMEDFORD.COM | PARKS@CITYOFMEDFORD.ORG





# MEDFORD

BUILDING SAFETY

## MEMORANDUM

**RECEIVED**

AUG 21 2019

**PLANNING DEPT.**

To: Kelly Evans, Planning Department  
From: Mary Montague, Building Department  
CC: Applicant, Crystal Springs Development Group; Agent, Neathamer Surveying  
Date: August 21, 2019  
Subject: LDS-19-067\_E-19-048\_Summerfield at SE Park Phases 19 & 20

### **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.*

#### General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) 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.

#### Comments:

5. Minimum access signs for lots per addressing and fire department.
6. A site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information per Section R403.1.9 and R403.1.10 and on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.

CITY OF MEDFORD  
EXHIBIT # M  
FILE # LDS-19-067/E-19-048



# MEDFORD

BUILDING SAFETY

7. A portion of this area is in the Wildfire High Risk area and should reference Section R327.
8. A portion of this area is in the Hillside Ordinance area. Must follow guidelines as set forth in the Municipal code Section 10.929 – 10.933.



# JACKSON COUNTY

## Roads

Roads  
Engineering

Chuck DeJanvier  
Construction Engineer

200 Antelope Road  
White City, OR 97503  
Phone: (541) 774-6255  
Fax: (541) 774-6295  
dejanvca@jacksoncounty.org

www.jacksoncounty.org

August 12, 2019

Attention: Kelly Evans  
Planning Department  
City of Medford  
200 South Ivy Street, Lausmann Annex, Room 240  
Medford, OR 97501

RE: Consideration of a 44-lot residential subdivision on  
Shamrock Drive and Sunleaf Avenue - City maintained roads  
Planning File: LDS-19-067/E-19-048

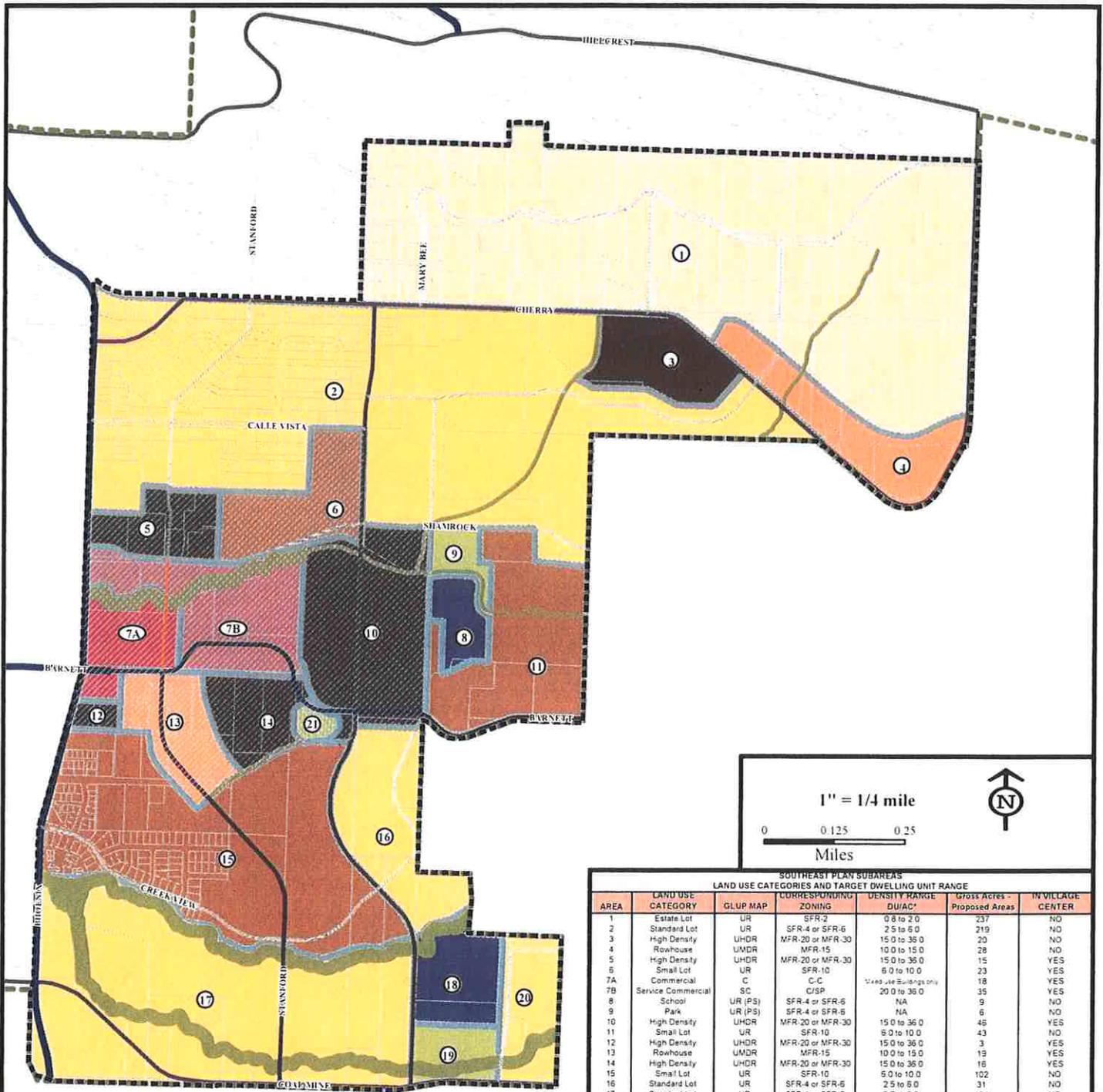
Dear Kelly:

Thank you for the opportunity to comment on this consideration of a request for approval of Summerfield at Southeast Park Phases 19-20, a 44-lot subdivision on 15.23 gross acres and an Exception to allow through lots between Shamrock Drive and Sunleaf Avenue. The site is located at the easterly termini of Sunleaf Avenue and Shamrock Drive south of Cherry Lane and is zoned Single Family Residential, 2.5 to 4 dwelling units per gross acre (SFR-4), Southeast Plan (SE) Overlay District, and Restricted Zoning Overlay (RZ). The request is a revision to the previous approval for Summerfield Park Phases 16-21 (LDS-17-051). (37-1W-27DA TL 200, 300, 1100, & 1200). Jackson County Roads has no comments.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Chuck DeJanvier, PE  
Construction Engineer



**SOUTHEAST PLAN SUBAREAS**  
LAND USE CATEGORIES AND TARGET DWELLING UNIT RANGE

AREA	LAND USE CATEGORY	GLUP MAP	CORRESPONDING ZONING	DENSITY RANGE DU/AC*	Gross Acres - Proposed Areas	IN VILLAGE CENTER
1	Estate Lot	UR	SFR-2	0.8 to 2.0	237	NO
2	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	219	NO
3	High Density	UHDR	MFR-20 or MFR-30	15.0 to 35.0	20	NO
4	Rowhouse	UMDR	MFR-15	10.0 to 15.0	28	NO
5	High Density	UHDR	MFR-20 or MFR-30	15.0 to 35.0	15	YES
6	Small Lot	UR	SFR-10	6.0 to 10.0	23	YES
7A	Commercial	C	C-C	NA	18	YES
7B	Service Commercial	SC	C/SP	20.0 to 35.0	35	YES
8	School	UR (PS)	SFR-4 or SFR-6	NA	9	NO
9	Park	UR (PS)	SFR-4 or SFR-6	NA	6	NO
10	High Density	UHDR	MFR-20 or MFR-30	15.0 to 35.0	46	YES
11	Small Lot	UR	SFR-10	6.0 to 10.0	43	NO
12	High Density	UHDR	MFR-20 or MFR-30	15.0 to 35.0	3	YES
13	Rowhouse	UMDR	MFR-15	10.0 to 15.0	13	YES
14	High Density	UHDR	MFR-20 or MFR-30	15.0 to 35.0	16	YES
15	Small Lot	UR	SFR-10	6.0 to 10.0	102	NO
16	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	31	NO
17	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	124	NO
18	School	UR (PS)	SFR-4 or SFR-6	NA	17	NO
19	Park	UR (PS)	SFR-4 or SFR-6	NA	10	NO
20	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	17	NO
21	Park	UR (PS)	SFR-4 or SFR-6	NA	3	NO
<b>Totals</b>					<b>1,041</b>	

\*Medford's PUD (Planned Unit Development) process permits an increase in density of up to 20%  
©COMP PLANNING DIV Southeast Plan SE Plan Table - Density SubAreas

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

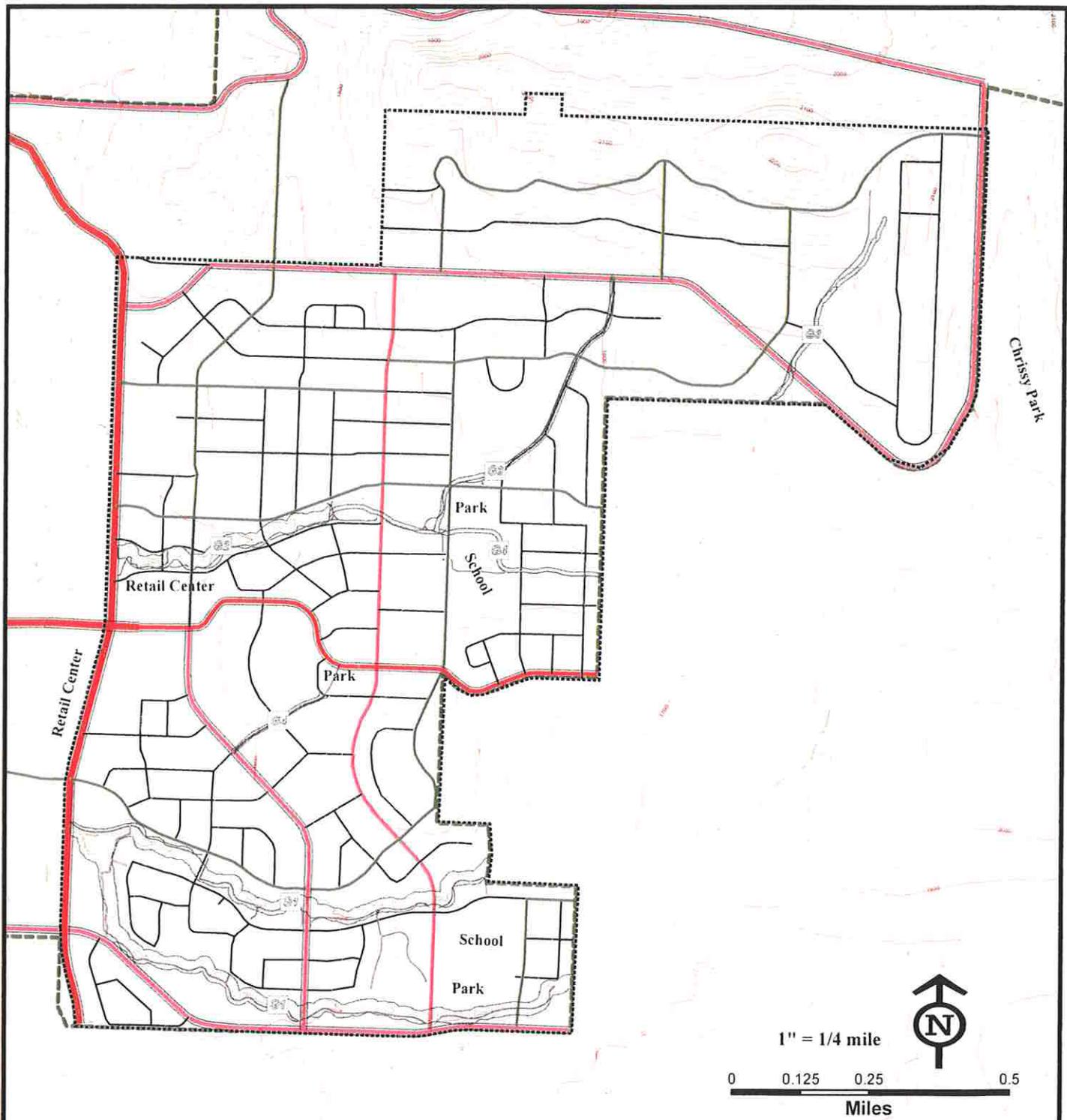
**SOUTHEAST  
PLAN MAP**

- UGB
- SE Plan Boundary
- /// Village Center TOD
- Existing Taxlots
- Greenway
- Major Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Commercial Street
- Standard Residential

- Estate Lot
- Standard Lot
- Small Lot
- Row House
- High Density
- Commercial
- Service Commercial
- Schools
- Parks

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

**CITY OF MEDFORD**  
**EXHIBIT # 0**  
**FILE # LDS-19-067/E-19-048**



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

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

**SOUTHEAST  
CIRCULATION  
PLAN MAP**

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

**CITY OF MEDFORD  
OREGON**

Date: 03.07.13



Project Name:

**Summerfield at SE Park  
Phases 19 & 20**

Map/Taxlot:

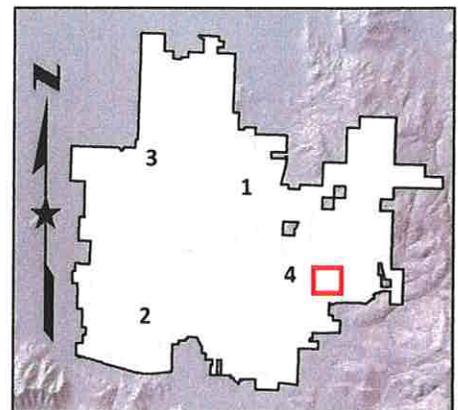
**371W27DA TL 200,  
300, 1100 & 1200**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

07/08/2019





## **STAFF REPORT**

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

**Project** Summerfield at Southeast Park, Phases 23 - 29  
Applicant: Crystal Springs Development Group, a Joint Venture  
Agent: Neathamer Surveying

**File no.** LDS-19-069

**To** Planning Commission *for 09/12/2019 hearing*

**From** Kelly Evans, Assistant Planning Director

**Date** September 5, 2019

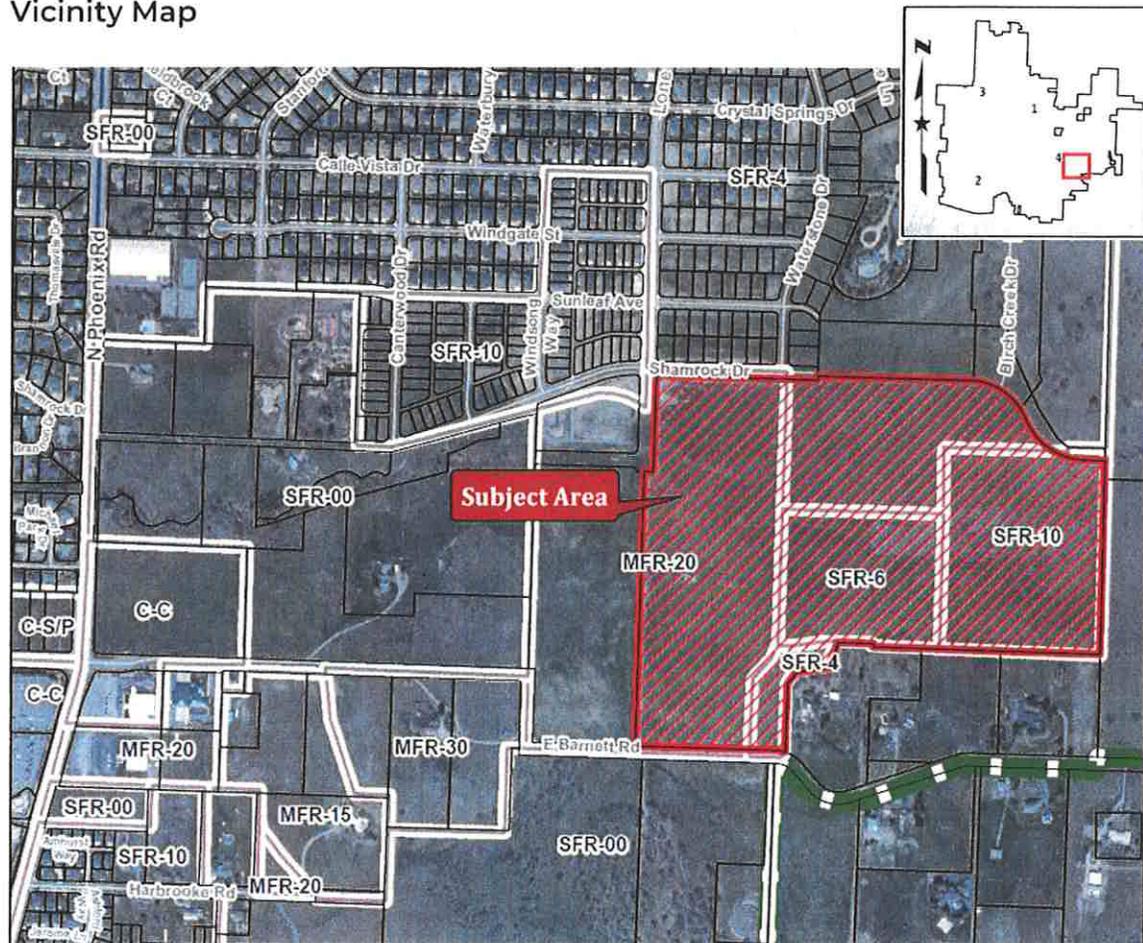
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### **BACKGROUND**

#### **Proposal**

Consideration of a request for approval of Summerfield at Southeast Park Phases 23-29, a 183-lot residential subdivision on 65.83 gross acres generally located on the east side of Waterstone Drive extending between Shamrock Drive and Barnett Road. The applicant also proposes to create eight reserve acreage tracts following the phase boundaries. The site is zoned SFR-4 (Single Family Residential, 2.5 – 4 dwelling units per gross acre), SFR-6 (Single Family Residential, 4 – 6 dwelling units per gross acre), SFR-10 (Single Family Residential, 6 – 10 dwelling units per gross acre), and MFR-20 (Multiple Family Residential, 15 – 20 dwelling units per gross acre) and is within the Southeast Plan (SE) Overlay District and has restricted zoning (RZ). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 23 – 29 (LDS-17-113). (371W27 TL 1001)

Vicinity Map



Subject Site Characteristics

GLUP	UR	Urban Residential
	UH	Urban High Density Residential
Zoning	SFR-4	Single-family Residential, 2.5 - 4 dwelling units per gross acre
	SFR-6	Single-family Residential, 4 - 6 dwelling units per gross acre
	SFR-10	Single Family Residential, 6 - 10 dwelling units per gross acre
	MFR-20	Multi-family Residential, 15 - 20 dwelling units per gross acre
Overlay	SE	Southeast Area Plan
	RZ	Restricted Zoning
SE Plan	8 - 11	Small Lot and High Density
Use	Vacant	

### Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4/SE
	SE Plan Sub-Area:	2
	SE Plan Category:	Standard Lot
	Use:	Single family dwellings - Vacant
<i>South</i>	Zone:	Jackson County EFU (Exclusive Farm Use)
	SE Plan Sub-Area:	11
	SE Plan Category:	Small Lot
	Use:	Single family dwellings
<i>East</i>	Zone:	Jackson County EFU
	Use:	Vacant
<i>West</i>	Zone:	MFR-20
	SE Plan Sub-Area:	10
	SE Plan Category:	High Density
	Use:	Vacant

### Related Projects

- ZC-05-275 EFU to MFR-20/SE (approved January 6, 2006)
- ZC-07-146 EFU to SFR-4/SE and SFR-10/SE (approved December 27, 2007)
- ZC-17-112 Shifted SFR-4/SE, SFR-6/SE, SFR-10/SE and MFR-20/SE (approved December 14, 2017)
- LDS-17-051 Summerfield Phases 16 - 21 (approved June 22, 2017)
- LDS-17-113 Summerfield Phases 23 - 29 (approved December 14, 2017)

### Applicable Criteria

Medford Municipal Code §10.202(E) Land Division Approval Criteria.

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles 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 Planning Commission 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 Oregon Secretary of State site lists John R. Hassen as the Authorized Representative and Michael T. Mahar as the Registrant for Crystal Springs Development Group Joint Venture.

### **Authority**

The Planning Commission is designated as the approving authority for Type III land use actions. The proposed land division is classified as a Type III action in MLDC 10.108.

## **ISSUES AND ANALYSIS**

### **Background**

A number of land use applications have been approved on the subject site. Most recently, the Planning Commission approved a 168 residential lot subdivision on the subject site; that 2017 approval is still valid. The applicant is now proposing to revise tentative plat due in part to change the location of the required pedestrian pathway. The proposed changes are described in detail below.

The various zone changes approvals include conditions that restricted Average Daily Trips (ADT) until certain road improvements are completed.

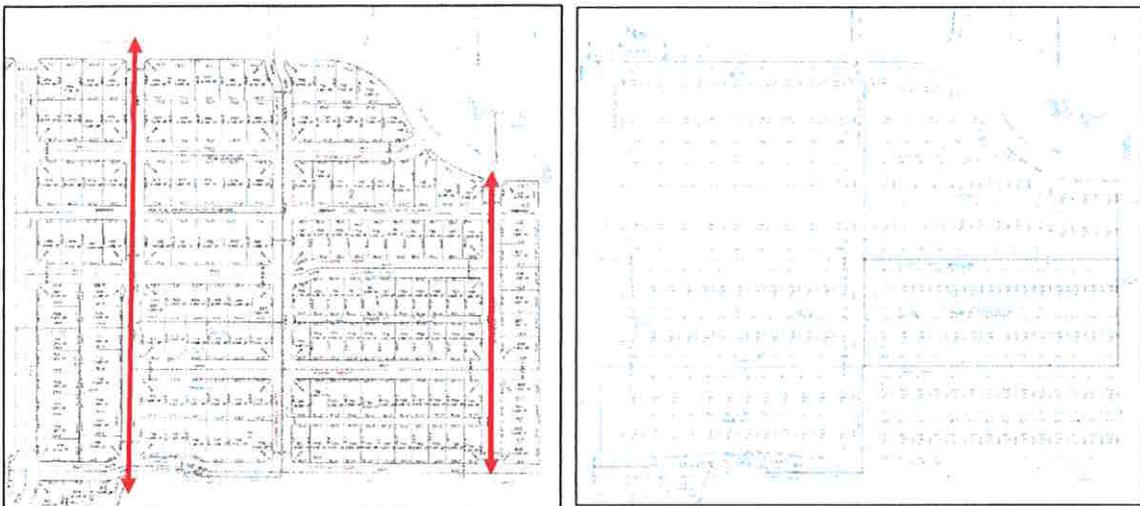
## Project Summary

The applicant is proposing to create 183 residential lots for single family development and eight tracts identified as Reserve Acreage. Seven reserve acreage tracts follow phase boundaries; the eighth wholly encompasses the MFR-20 area west of Waterstone Avenue.

### *Proposed Revisions*

#### Removal of Streets

The applicant proposes to remove two north-south streets, Sapphire Street on the west side of the site and Underwood Street on the east side. (As the applicant notes, the block length ordinance in Medford Land Development Code (MLDC) Section 10.426 does not apply in the Southeast Plan area.) The result is 15 additional lots in a traditional gridded pattern.



#### Relocating Bike Path

The Southeast Plan includes a multi-use path system along certain greenways. Some of the pathways follow forks of Larson Creek, others follow drainage ways that are dry for most of the year. This particular path, identified as G-4 on the Southeast Circulation Plan Map (Exhibit R) is proposed to follow a drainage way.



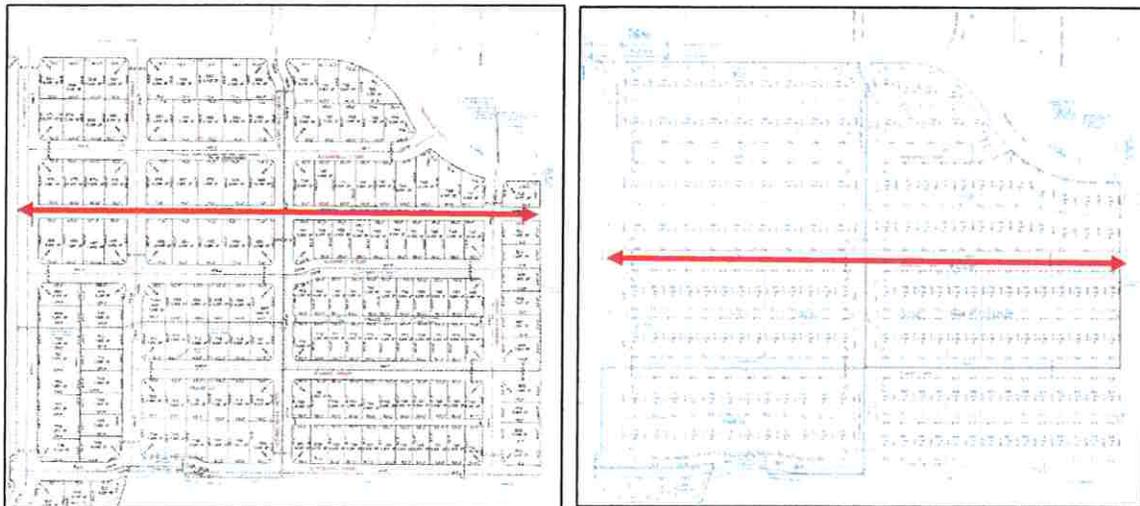


Figure 2 - Proposed Mid-Block Path

Figure 3 - Proposed Mid-Block Path

The 2017 approval included the path running mid-block between Bloomfield Street and Rosefield Street. At that time, Parks Department staff expressed concern with the safety of an additional mid-block crossing.

The applicant now proposes to construct a 10-foot wide multi-use path along the south side of Rosefield Street in lieu of sidewalk. The residences on the south side of Rosefield will be required to take access from the proposed alley to limit vehicle conflicts with path users. The path will enter and exit the project site in a manner that will allow connection to the ultimate destinations of the future school site and Chrissy and Prescott Parks. Neither the Parks Department nor the Public Works Department objects to the proposal (Exhibits M and J).

### ROSEFIELD STREET

56.5' RIGHT-OF-WAY TYPICAL

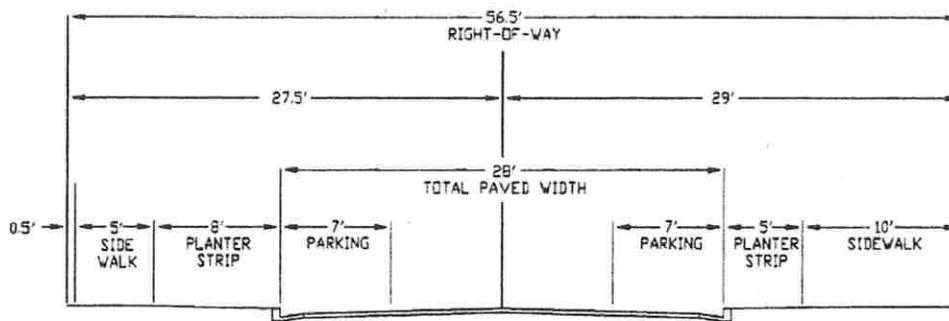


Figure 4 - Proposed Street Section

Increased Density

As noted above, the applicant proposes to add 15 lots, increasing the overall density from 2.63 to 2.87 dwelling units per gross acre. The changes are summarized in the table below.

Phase	Approved 2017		Proposed 2019	
	Net Acreage	No. of Lots	Net Acreage	No. of Lots
23	7.93	27	10.40	36
24	5.80	19	5.66	26
25	7.75	30	5.42	24
26	7.42	31	7.05	33
27	5.09	27	5.46	28
28	5.47	26	5.47	28
29	2.81	8	2.72	8
MFR-20 area	21.45	0	21.54	0
Total	63.72	168	63.72	183

As noted above, the area west of Waterstone Drive is identified as reserve acreage and is not a part of this development. For the remaining portion of the site, the density range is 146 to 317 dwelling units. The proposed 183 dwelling units fall within the required density range.

**Southeast Plan**

The subject site is located within the Southeast (SE) Overlay and is subject to the Overlay and the adopted Southeast Plan in addition to all other applicable City regulations. The site is designated as Sub-Areas 8, 9, 10 and 11 within the Southeast Plan and as such, is selected for small-lot residential use (Exhibit Q).

The Southeast Plan Map that was adopted March 7, 2013, designates sub-areas 8 and 9 as School and Park respectively (Exhibit Q). The school and park locations were abandoned with the adoption of the Urban Growth Boundary amendment. Urban Reserve area MD-5 includes an area designated for both a school and park. Staff is currently working on updating the Southeast Plan to reflect this and other changes that have occurred over time, such as identifying the correct location of the Village Center Park adjacent to the west of the subject site. The subject proposal is evaluated using the underlying zoning which is SFR-4, SFR-6, and SFR-10. The MFR-20 area is reserved for future development.

## Development Standards

Site Development Table

Zone	Lot Area (square feet)	Minimum Lot Width (Interior)	Minimum Lot Width (Corner)	Minimum Lot Depth	Minimum Lot Frontage
SFR-4 Standards	6,500 to 18,750	60 feet	70 feet	90 feet	30 feet
SFR-4 Shown	7,045 to 11,293	65 feet <i>(lowest)</i>	70 feet <i>(lowest)</i>	110 feet <i>(lowest)</i>	65 feet <i>(lowest)</i>
SFR-6 Standards	4,500 to 12,500	50 feet	60 feet	90 feet	30 feet
SFR-6 Shown	6,082 to 8,492	51 feet <i>(lowest)</i>	65 feet <i>(lowest)</i>	112 feet <i>(lowest)</i>	51 feet <i>(lowest)</i>
SFR-10 Standards	3,600 to 8,125	40 feet	50 feet	90 feet	30 feet
SFR-10 Shown	8,402 to 5,673	51 feet <i>(lowest)</i>	63 feet <i>(lowest)</i>	111 feet <i>(lowest)</i>	51 feet <i>(lowest)</i>

As shown in the Site Development Table above, it can be found that the lots shown on the tentative plat meet all the dimensional standards for the underlying zoning districts as found in Article V of the Medford Land Development Code.

### Access

The street circulation proposed is consistent with the Southeast Plan Circulation Map (Exhibit R), and conforms to the plats of land divisions already approved for adjoining properties. The report from the Public Works Department describes the required dedications and improvements for the proposal (Exhibit J).

Jackson County Road comments (Exhibit O) indicate that Barnett Road is a Local Access Road. Local access roads are dedicated rights-of-way that are not maintained by Jackson County; rather, maintenance is the adjoining property owners' responsibility. Staff received a comment from a property owner on Barnett Road questioning whether the proposal will be required to make improvements. The Public Works Department notes (Exhibit J, p. 4):

*If a connection from this Development to East Barnett Road shall be completed (as proposed on the Tentative Plat) then a 22-foot wide paved access to a paved public street will be required with this Development and constructed to a full structural pavement section ... If access to East Barnett*

*Road shall be restricted for use by the Fire Department only, then improvements to the current access road will not be required.*

Staff has included a condition of approval prohibiting construction traffic on East Barnett Road until such time as the required improvements are made.

### **Street Trees and Planter Strip**

As the proposed tentative plat is within the Southeast Plan Overlay, the applicant is required by MLDC 10.379 to submit a Streetscape and Planter Strip Plan. The applicant has submitted a Street Tree Master Plan that indicates a variety of tree species proposed for the planter strips throughout the subdivision (Exhibit E). The plan indicates that any additional plant material in the planter strip will be at the discretion of the adjacent property owner. The Street Tree Master Plan lists the variety of trees proposed in the development. It is stated that an appropriate sized underground irrigation system will be designed and as-built drawings shall be submitted. A condition is included that requires the CC&R's for each phase to contain provisions for the installation and maintenance of the planter strip vegetation, in compliance with MLDC 10.379(1)(b).

The Code requires the applicant to enter into an agreement that will guarantee the installation of street trees prior to issuance of the Certificate of Occupancy. A condition is included requiring the applicant to comply with MLDC 10.379(6) prior to approval of the final plat for each phase.

### **Lighting Plan**

The Southeast Plan requires the applicant to install pedestrian-scale street lights. A condition is included requiring the applicant to install pedestrian-scale street lighting within the subdivision in accordance with MLDC 10.380.

### **Agricultural Impact Assessment**

The proposed subdivision abuts the city limits and the Urban Growth Boundary on a portion of the eastern and southern property lines, and the abutting property carries a County zoning designation of Exclusive Farm Use (EFU). The land is vacant and owned by the applicant who has no intention of using the land for farming or agricultural purposes for the foreseeable future. As required by MLDC 10.802, the applicant has submitted an Agricultural Impact Assessment (AIA), and stipulates to the required mitigation measures for passive agricultural use (Exhibit G). These include a deed declaration per MLDC 10.804(3)(b) and fencing along the eastern boundaries of Phase 26-29, and the southern boundaries of Phase 25 and 28. The applicant's AIA states that generally accepted engineering practices for storm water management for urban development will assure the potential for storm and irrigation

runoff will not impact the subject property or surrounding lands zoned EFU (Exhibit H).

### **Agency Comments**

Per the agency comments submitted to staff (Exhibits J through O), it can be found that there are adequate facilities to serve the proposed development. Conditions of approval are included.

No other issues were identified by staff.

### **FINDINGS AND CONCLUSIONS**

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

### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of LDS-19-069 per the staff report dated September 5, 2019, including Exhibits A through R.

### **EXHIBITS**

- A Conditions of Approval, dated September 5, 2019
- B Proposed Tentative Plat (3 pages) received June 28, 2019
- C Conceptual Grading & Drainage Plan received July 3, 2019
- D Conceptual Sanitary Sewer & Water Plan received July 3, 2019
- E Landscape Plan received June 28, 2019
- F Slope Analysis received June 28, 2019
- G Applicant's Findings of Fact and Conclusions of Law received June 28, 2019
- H Agricultural Impact Analysis received June 28, 2019
- I Geotechnical and Geologic Investigation received June 28, 2019
- J Public Works Department Staff Report received August 21, 2019
- K Medford Water Commission Staff Memo received August 21, 2019
- L Medford Fire-Rescue Land Development Report received August 21, 2019
- M Parks and Recreation comments received August 21, 2019
- N Building Safety Department comments received August 21, 2019
- O Jackson County Roads comments received August 12, 2019
- P Peter Noyes comments received August 27, 2019
- Q Southeast Plan Map
- R Southeast Plan Circulation Map

Vicinity map

**PLANNING COMMISSION AGENDA:**

**SEPTEMBER 12, 2019**

## **EXHIBIT A**

Summerfield at South East Park Phases 23-29  
Conditions of Approval  
September 5, 2019

### **DISCRETIONARY CONDITIONS**

1. The Planning Commission authorizes the maximum five-year approval period allowed under MLDC 10.202(D)(2).
2. No construction traffic shall be permitted on E Barnett Road until such time as it is improved per the requirements of the Public Works Department (Exhibit J).
3. Vehicular access to Rosefield Street is prohibited for Lots 690 – 702 and 773 – 786.

### **CODE REQUIRED CONDITIONS**

4. Prior to approval of the final plat for each phase, the applicant shall provide evidence of compliance with MLDC 10.379(1)(b), regarding the installation and maintenance of the planter strip vegetation.
5. Prior to approval of the final plat for each phase, the applicant is required to comply with MLDC 10.379(6) regarding the provisions that guarantee the installation of street trees prior to the issuance of the Certificate of Occupancy.
6. Prior to approval of the final plat for each phase, the applicant shall comply with MLDC 10.380 regarding street lighting standards.
7. Prior to approval of the final plats for Phases 26, 27, 28 and 29, the applicant shall comply with MLDC 10.804(3) regarding mitigation for passive agriculture.
8. Prior to approval of the final plat for each phase, the applicant shall:
  - a. Comply with the report from the Public Works Department, received August 21, 2019 (Exhibit J);
  - b. Comply with the memorandum from the Medford Water Commission, received August 21, 2019 (Exhibit K);
  - c. Comply with the report from the Medford Fire Department, received August 21, 2019 (Exhibit L);
  - d. Comply with the memo from Medford Parks & Recreation, received August 21, 2019 (Exhibit M).

**REVISED TENTATIVE PLAT  
SUMMERFIELD AT SOUTH  
EAST PARK, PHASES 23-29 &  
RESERVE ACRES**

A reprint of Reserve Acreage Phases 23-29 per Summerfield At South East Park, Phase 11 and Phase 22A, being located in the Southeast One-quarter of Section 21, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

**PREPARED FOR:**

Crestal Springs Development  
Group, A Joint Venture  
#18 Alder Creek Drive  
Medford, Oregon 97504



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Robert V. Neathamer*

**OREGON  
JULY 19, 1994  
ROBERT V. NEATHAMER  
2675**

*Renewal Date 12/31/20*

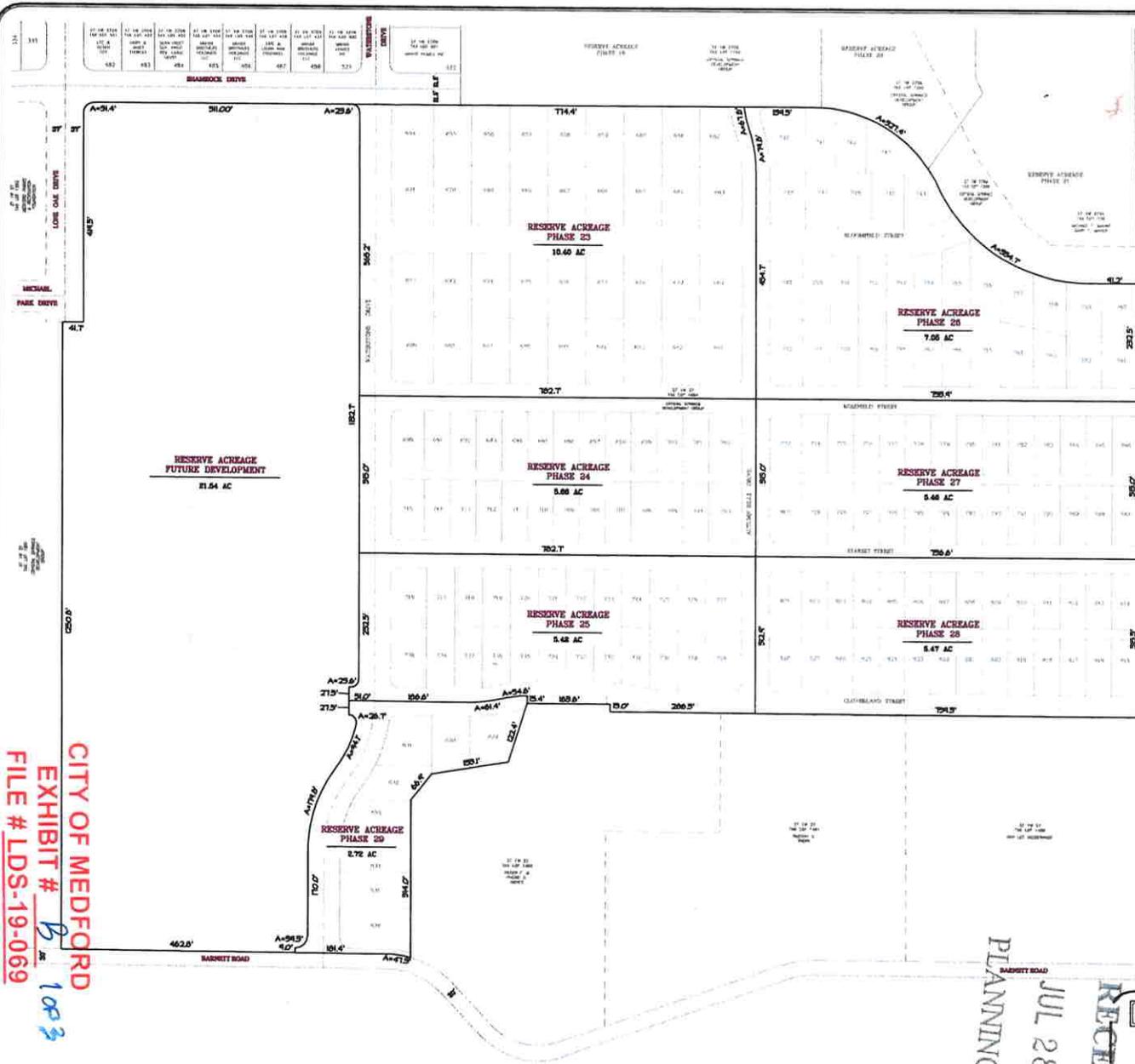
**CONTENTS:**

- SHEET 1: RESERVE ACRES
- SHEET 2: PHASES 23-29
- SHEET 3: STREET SECTIONS

**PREPARED BY:** Neathamer Surveying, Inc.  
3128 State St, Suite 203  
P.O. Box 1684  
Medford, Oregon 97501  
Phone (541) 732-2889  
FAX (541) 732-1382

**PLOT DATE:** June 27, 2019 **PROJECT NUMBER:** 12034-17A

Sheet 1 of 3



REDUCED SCALE

**RECEIVED**  
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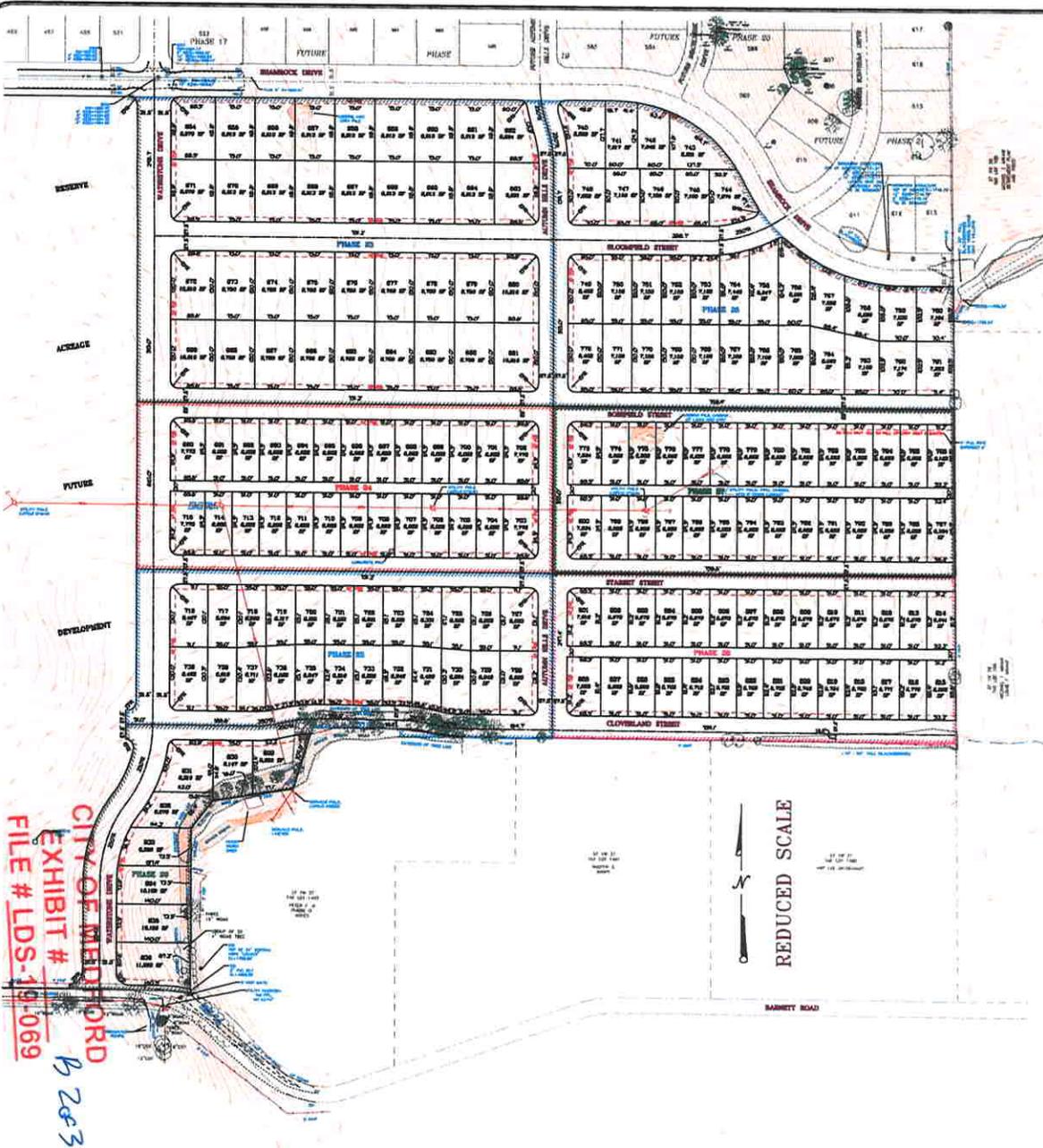
**CITY OF MEDFORD**  
**EXHIBIT # B**  
**FILE # LDS-19-069**  
*1003*

Page 221

Jackson County Assessor's Map No. 3114 21, Tax Lots 1201

Drawing is VDU Project/Crestal Springs Development group/2004 Summerfield/2004\_Phase CA

16



**REVISED TENTATIVE PLAT  
SUMMERFIELD AT SOUTH  
EAST PARK, PHASES 23-29 &  
RESERVE ACRES**

A report of Reserve Acreage Phases 23-29 per Summerfield At South East Park, Phase 11 and Phase 22A, being located in the Southeast One-quarter of Section 21, Township 31 South, Range 1 East of the Meridian, Jackson County, Oregon.

**PREPARED FOR:**  
Crystal Springs Development  
Group, A Joint Venture  
215 Alder Creek Drive  
Medford, Oregon 97504

**PROJECT INFORMATION**

ZONING DISTRICT: SPRL-45PR-65PR-104PR-205PRZ  
SPLIT DESIGNATION: UR U1  
SCHOOL DISTRICT: MEDFORD 54AC  
IRRIGATION DISTRICT: MEDFORD/TALENT  
PHASES 23-24 AREA (AGROS): 60.69 ACRES  
PHASES 25-29 AREA (RES): 42.24 ACRES  
PROPOSED DWELLING UNITS: 180 UNITS

PROJECT IS NOT WITHIN A FEMA MAPPED 100-YEAR FLOODPLAIN.

**GENERAL SURVEY NOTES:**

Contours: 1-foot contour interval, 5-foot index contour interval.  
All existing underground utilities, as depicted hereon, were located with reasonable accuracy, as marked on the ground by affected agencies and utility companies: Oregon Administrative Rules Chapter 102, Division 1, Definitions, 403-004-0000 (20), which states: "reasonable accuracy" means location within 24 inches, of the obstacle lateral dimensions of both sides of an underground facility.

**BASIS OF SURVEY**

Date of Bearings is the certificate of Shannock Drive, per Summerfield At South East Park, Phase 10, filed on Survey Number 21694 in the office of the Jackson County Surveyor.  
Elevations were established via digital level logs based on City of Medford Bench Mark No. B-22, with a published elevation of 1518.108' being a found brass cap in the southerly curb of Cedar Vista Drive at the southwest corner of the intersection with North Phoenix Road.

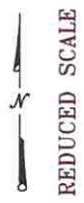
**LEGEND:**

- Indicates a utility marked natural gas line.
- Indicates an existing natural gas valve.
- Indicates an existing natural gas meter.
- Indicates an existing natural gas MeterGas placard.
- Indicates a utility marked sanitary sewer line.
- Indicates an existing sanitary sewer manhole.
- Indicates an existing sanitary sewer cleanout.
- Indicates an existing sanitary sewer lateral.
- Indicates a utility marked storm drain line.
- Indicates an existing storm drain manhole.
- Indicates an existing storm drain cleanout.
- Indicates an existing storm drain.
- Indicates an existing street light.
- Indicates an existing electric posthead.
- Indicates an existing electric meter box.
- Indicates an existing utility pole and guy anchor.
- Indicates an existing aerial utility line.
- Indicates an existing aerial electric line.
- Indicates a utility marked electric line.
- Indicates a utility marked cable to line.
- Indicates a utility marked telephone line.
- Indicates an existing telephone posthead.
- Indicates a utility marked water line.
- Indicates an existing water meter.
- Indicates an existing water valve.
- Indicates an existing fire hydrant.
- Indicates an existing pop-up water spigot.
- Indicates an existing domestic irrigation line.
- Indicates a disclosure line with dry-line diameter drawn to scale.
- Indicates a non-disclosure line with dry-line diameter drawn to scale.
- Indicates the location of the top of a valve pit for a water valve.
- Indicates corners of an existing fence as it related hereon.

**ABBREVIATIONS:**

- CLP: Indicates a chain line 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 polypropylene vinyl channel pipe.
- RCP: Indicates an existing reinforced concrete pipe.
- TEC: Indicates the top back of a curb line.
- SOCL: Indicates an existing sanitary sewer cleanout.
- SOSE: Indicates an existing sanitary sewer manhole.
- SOE: Indicates a sanitary sewer easement.
- PSSE: Indicates a Private Sanitary Sewer Easement.
- PE: Indicates a Public Utility Easement.
- SOCL: Indicates an existing storm sewer cleanout.
- SOCS: Indicates an existing storm sewer catch basin.
- SOE: Indicates a Storm Drain Easement.
- PSDE: Indicates a Private Storm Drain Easement.
- RV: Indicates a road layout fence.
- RVV: Indicates a meter or release valve.
- PL: Indicates a Private Line Easement.
- WV: Indicates an existing water valve.
- N, S, NE, SW: Indicates a general direction: north, northwesterly, southeasterly, west.

CITY OF MEDFORD  
EXHIBIT #  
FILE # LDS-19-069  
B 2023



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Robert V. Neathamer*

OREGON  
JULY 19, 1994  
ROBERT V. NEATHAMER  
2675

Renewal Date 12/31/20

PLANNING DEPT.  
JUL 28 2019

**PREPARED BY:** Neathamer Surveying, Inc.  
3128 State St., Suite 203  
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Medford, Oregon 97501  
Phone (541) 732-2889  
FAX (541) 732-1382

PLOT DATE: June 27, 2019 PROJECT NUMBER: 12054-17A  
Sheet 2 of 3

Jackson County Assessor's Map No. 31 94 21, Tax Lots 1001

Drawing in WGS 1984 UTM Zone 18Q, Datum: WGS 1984, Spheroid: GRS 1980, Projection: UTM, Units: Meter

16

**REVISED TENTATIVE PLAT  
SUMMERFIELD AT SOUTH  
EAST PARK, PHASES 23-29 &  
RESERVE ACREAGES**

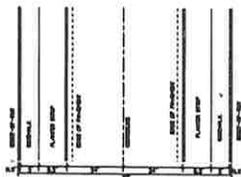
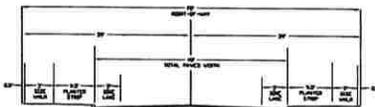
A replat of Reserve Acreage Phases 23-29 per Summerfield At South East Park, Phase 11 and Phase 22A, being located in the Southeast One-quarter of Section 21, Township 31 South, Range 1 West of the Willamette Meridian in the City of Medford, Jackson County, Oregon.

**PREPARED FOR:**

Crestal Springs Development Group, A Joint Venture  
818 Asher Street Drive  
Medford, Oregon 97504

**BARNETT ROAD**

70' RIGHT-OF-WAY TYPICAL



MINOR ARTERIAL

**SHAMROCK DRIVE**

60' RIGHT-OF-WAY TYPICAL

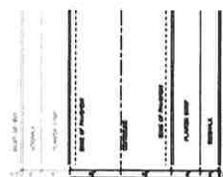
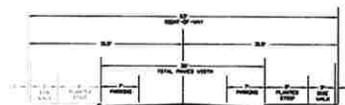


STANDARD RESIDENTIAL

NOTE: PLANTER STRIP AND SIDEWALK ON SOUTHERLY SIDE OF SHAMROCK DRIVE TO BE CONSTRUCTED WITH DEVELOPMENT PHASES TO BE CONSTRUCTED WITH DEVELOPMENT OF PHASES 18-20.

**WATERSTONE DRIVE**

60' RIGHT-OF-WAY TYPICAL

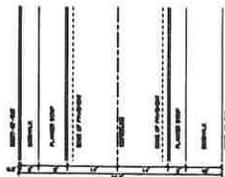
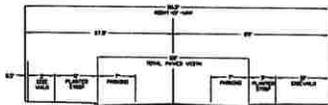


STANDARD RESIDENTIAL

NOTE: PLANTER STRIP AND SIDEWALK ON NORTHERLY SIDE OF WATERSTONE DRIVE TO BE CONSTRUCTED WITH FUTURE DEVELOPMENT.

**ROSEFIELD STREET**

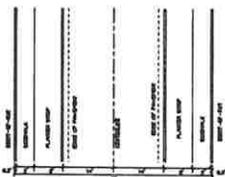
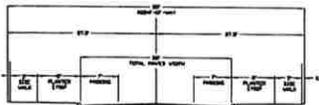
50.5' RIGHT-OF-WAY TYPICAL



MINOR RESIDENTIAL

**AUTUMN HILLS DRIVE  
BLOOMFIELD STREET  
CLOVERLAND STREET  
STARSET STREET**

50' RIGHT-OF-WAY TYPICAL

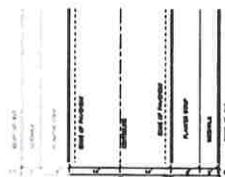
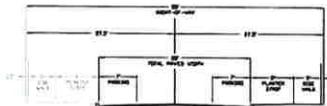


MINOR RESIDENTIAL

NOTE: THIS STREET SECTION APPLIES TO THE PORTION OF CLOVERLAND STREET LOCATED NORTHERLY OF PROPOSED LOT 102.

**CLOVERLAND STREET**

50' RIGHT-OF-WAY TYPICAL



MINOR RESIDENTIAL

NOTE: THIS STREET SECTION APPLIES TO THE PORTION OF CLOVERLAND STREET LOCATED EASTERLY OF PROPOSED LOT 102. PLANTER STRIP AND SIDEWALK ON SOUTHERLY SIDE OF CLOVERLAND STREET TO BE CONSTRUCTED WITH FUTURE DEVELOPMENT.

REDUCED SCALE

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert V. Neathamer*

OREGON  
JULY 19, 1994  
ROBERT V. NEATHAMER  
2675

Renewal Date 12/31/20

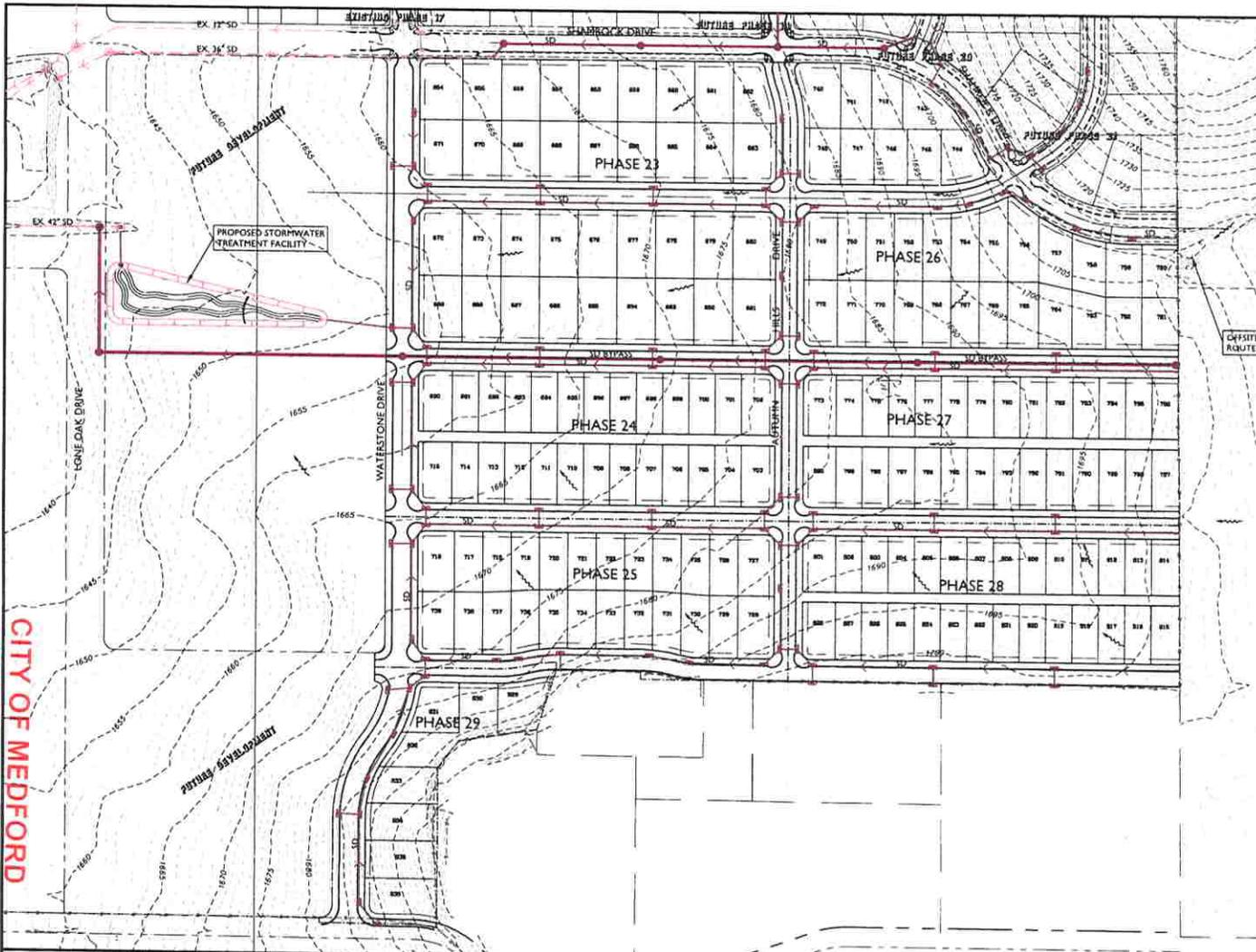
PREPARED BY: Neathamer Surveying, Inc.  
3126 State St., Suite 203  
P.O. Box 1864  
Medford, Oregon 97501  
Phone (541) 732-2869  
FAX (541) 732-1382

PLOT DATE: June 27, 2018 PROJECT NUMBER: 12004-17A

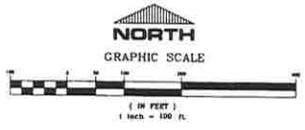
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CITY OF MEDFORD  
EXHIBIT # 15 3 of 3  
FILE # LDS-19-069



- LEGEND**
- PROPOSED SD MANHOLE OR CLEANOUT
  - PROPOSED CURB INLET
  - PROPOSED CATCH BASIN
  - PROPOSED DITCH INLET
  - PROPOSED STORM MAIN
  - EXISTING STORM MAIN
  - EXISTING STORM MH & CURB INLET
  - DRAINAGE DIRECTION
  - - - PHASE BOUNDARY



**CONTOURS**  
CONTOUR INTERVAL = 1'  
INDEX INTERVAL = 5'  
INDEX CONTOUR — ELEV —

**NOTE**  
EXTENSIVE GRADING OF THE PROJECT SITE IS NOT ANTICIPATED. PROPOSED SITE GRADING TO GENERALLY MATCH THE EXISTING SITE TOPOGRAPHY.

OFFSITE DRAINAGE TO BE ACQUIRED THROUGH BYPASS

RECEIVED  
 JUL 03 2019  
 PLANNING DEPT.  
 EXHIBIT C.1

CITY OF MEDFORD

EXHIBIT # C  
FILE # LDS-19-069

Page 224



DRAWN BY: BSH	DATE: 07/19
CHECKED BY: BSH/AMB	DATE: 07/19
	DATE:
	DATE:
	DATE:
	DATE:

NO.	REVISION	DATE	BY

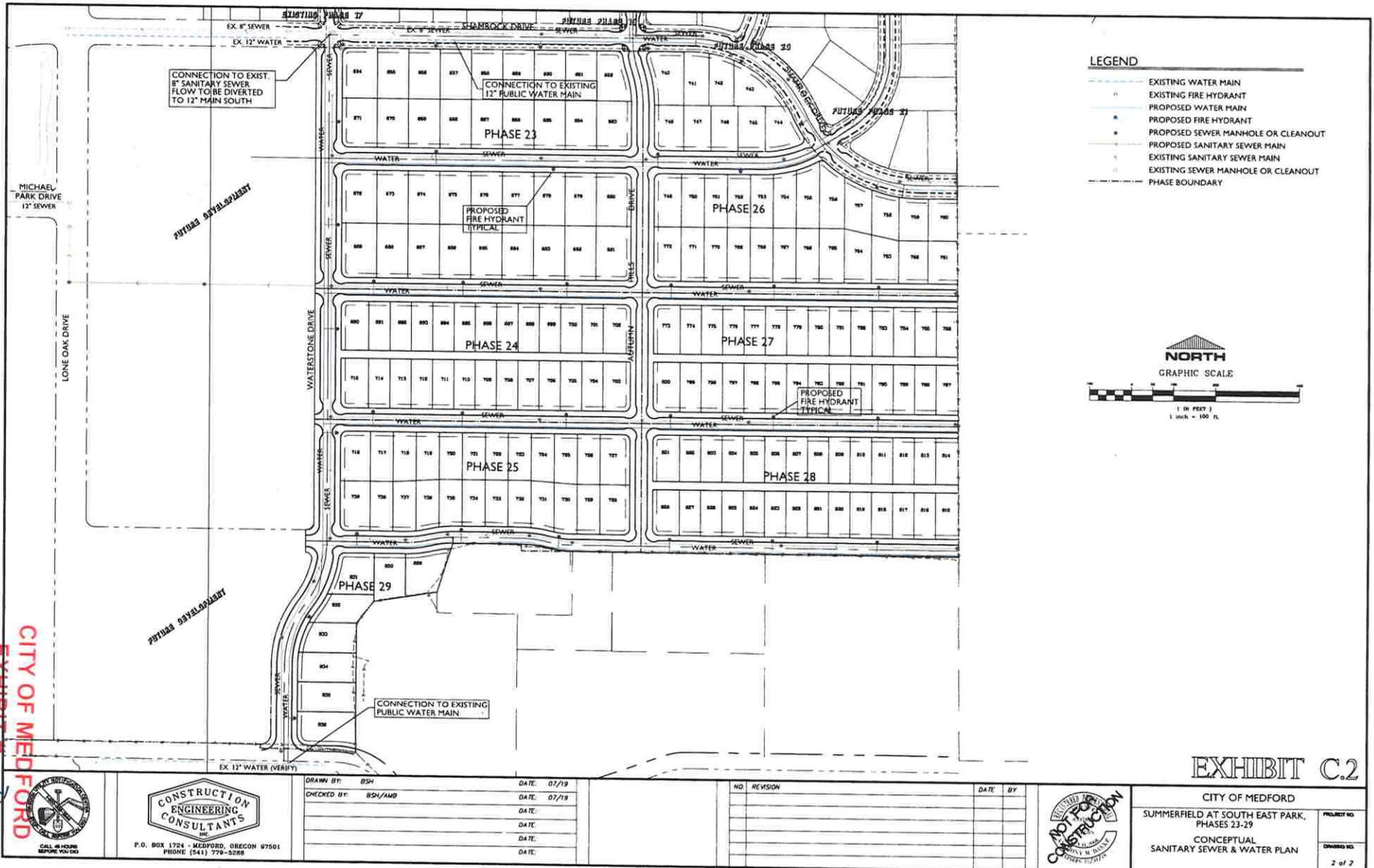


CITY OF MEDFORD  
SUMMERFIELD AT SOUTH EAST PARK,  
PHASES 23-29  
CONCEPTUAL  
GRADING & DRAINAGE PLAN

PROJECT NO.  
DRAWING NO.  
1 of 2

DRAWING NAME: SUM-COM-GRD.dwg    PROJ. NO.: 17-38    PLOT DATE: 07/02/19

CITY OF MEDFORD  
EXHIBIT # 1  
FILE # LDS-19-069



- LEGEND**
- EXISTING WATER MAIN
  - EXISTING FIRE HYDRANT
  - PROPOSED WATER MAIN
  - PROPOSED FIRE HYDRANT
  - PROPOSED SEWER MANHOLE OR CLEANOUT
  - PROPOSED SANITARY SEWER MAIN
  - EXISTING SANITARY SEWER MAIN
  - EXISTING SEWER MANHOLE OR CLEANOUT
  - PHASE BOUNDARY



**EXHIBIT C.2**



P.O. BOX 1724 - MEDFORD, OREGON 97501  
PHONE: (541) 778-5288

DRAWN BY: BSH	DATE: 07/19
CHECKED BY: BSH/AMB	DATE: 07/19
	DATE:
	DATE:
	DATE:

NO	REVISION	DATE	BY



CITY OF MEDFORD  
SUMMERFIELD AT SOUTH EAST PARK,  
PHASES 23-29  
CONCEPTUAL  
SANITARY SEWER & WATER PLAN

PROJECT NO.  
DRAWING NO.  
2 of 2

22

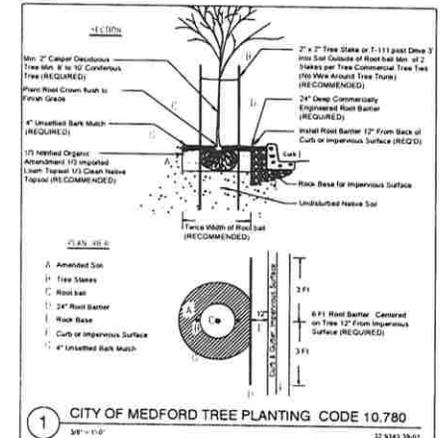


### PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME
CER JAP	Cercidiphyllum japonicum / Katsura Tree
CER EAS	Cercis canadensis / Eastern Redbud Multi-trunk
CER REN	Cercis reniformis 'Oklahoma' / Oklahoma Red Bud
CLA LUT	Cladrastis lutea / American Yellowwood
OYM KEN	Gymnocladus dioica / Kentucky Coffee Tree
KOE PAN	Koelreuteria paniculata / Golden Rain Tree
NYS SYL	Nyssa sylvatica / Sour Gum
PAR PER	Parrotia persica / Persian Parrotia
PIS CHN	Posidonia chinensis / Chinese Pistache
PYR RED	Pyrus calleryana 'Redspire' / Redspire Callery Pear
QUE ROB	Quercus robur / English Oak
QUE RUB	Quercus rubra / Red Oak
SOP PRI	Sophora japonica 'Princeton Upright' / Princeton Upright Scholartree
STY JAP	Syrax japonicus / Japanese Snowbell
TIL GLE	Tilia cordata 'Clemeyer' / Clemeyer Littleleaf Linden
ULM EME	Ulmus parvifolia 'Emer II' / 'Emer II' Allee Elm
ZEL VIL	Zelkova serrata 'Village Green' / Sawleaf Zelkova

**galbraith**  
LANDSCAPE ARCHITECTURE & SITE PLANNING  
318 S. GRAPE STREET  
MEDFORD, OR 97501  
PH 541-770-7964  
FAX 541-770-5164

REGISTERED  
LANDSCAPE ARCHITECT  
John L. Galbraith  
LIC 000798



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

Street Tree Plan  
For  
Summerfield  
Phases 23-29  
Medford, OR

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0 80 160 240 feet  
1" = 80'  
NORTH

**SLOPE ANALYSIS  
SUMMERFIELD AT SOUTH  
EAST PARK, PHASES 23-29 &  
RESERVE ACREAGES**

A reprint of a portion of the Reserve Acreage, Tract A, Summerfield At South East Park, Phase 1A, a portion of Summerfield At South East Park, Phase 1B and a portion of Fair Oaks Orchard Tracts, Lots #10, 11, 12, and 14-16, located in the Southeast Quarter of Section 21, Township 31 South, Range 1 West of the Willamette Meridian in the City of Medford, Jackson County, Oregon.

**PREPARED FOR:**

Crystal Springs Development  
Group, A Joint Venture  
118 Amer Center Drive  
Medford, Oregon 97504



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Robert V. Neathamer*

OREGON  
JULY 19, 1994  
ROBERT V. NEATHAMER  
2675

Renewal Date 12/31/18

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JUL 28 2019  
PLANNING DEPT.

PREPARED BY: **Neathamer Surveying, Inc.**  
3128 State St., Suite 203  
P.O. Box 1884  
Medford, Oregon 97501  
Phone (541) 732-2889  
FAX (541) 732-1382

PLOT DATE: August 31, 2017 PROJECT NUMBER: 18004-17

Sheet 1 of 1



**LEGEND:**

indicates slopes 15% - 20%.

**BASIS OF SURVEY**

Basis of Bearings is the Centerline of Summerfield Drive per Summerfield At South East Park, Phase 1B, filed as Survey Number 31801 in the office of the Jackson County Surveyor.  
Elevations were established on steel control points via digital level towers based on City of Medford Bench Marks No. 6-23, with a published elevation of 570.400 (being a found true cap in the southerly curb of Cattle Volo Drive at the southwest corner of the intersection with North Phoenix Road).

CITY OF MEDFORD  
EXHIBIT # 1  
FILE # L.D.S.-19-069

REDUCED SCALE

Page 227

15

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**BEFORE THE CITY OF MEDFORD  
PLANNING COMMISSION**

**IN THE MATTER OF AN APPLICATION  
FOR THE REVISED TENTATIVE PLAT  
APPROVAL OF SUMMERFIELD AT  
SOUTH EAST PARK, PHASES 23-29 &  
RESERVE ACREAGES.**

RECEIVED  
JUN  
~~21~~ 28 2019  
PLANNING DEPT.

**APPLICANT:** Crystal Springs Development Group,  
a Joint Venture  
815 Alder Creek Drive  
Medford, OR 97504

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

**A. BACKGROUND INFORMATION**

The subject property is located at Jackson County Assessor's Map Number 37 1W 27, Tax Lot 1001. Pursuant to the approved zone change on the property that occurred through File No. ZC-17-112 and the City of Medford Zoning Map dated August 28, 2018, the property has the following zoning designations: Single Family Residential – 4 units/acre (SFR-4), Single Family Residential – 6 units/acre (SFR-6), Single Family Residential – 10 units/acre (SFR-10) and Multiple Family Residential – 20 units/acre (MFR-20). Additionally, the property is located in the Southeast overlay with Restricted Zoning.

The property contains open space land without structures. Adjacent to the north is the approved subdivision known as Summerfield at South East Park, Phases 16-21 (File No. LDS-17-051). Surrounding the site to the east and west are vacant lands. To the south are developed, single-family residences and Barnett Road.

A land division application for the property was submitted and approved with conditions on December 14, 2017 (File No. LDS-17-113). The approved tentative plat contained a proposed Greenway which was generally consistent with the Greenway shown on the Southeast Circulation Plan Map adopted March 7, 2013. However, due to the lack of a naturally occurring water feature and through discussions with City staff, it was determined that a Greenway would be unnecessary and a larger pathway would provide the means of connectivity that would serve the original intent of the Greenway.

CITY OF MEDFORD  
EXHIBIT # 6  
FILE # LDS-19-069

The proposal contained herein is a revised land division application which has been updated to reflect the decision to implement a larger pathway in lieu of the Greenway.

## **B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION**

The purpose of this application is for the approval of a revised Tentative Plat for Summerfield at South East Park, Phases 23-29 & Reserve Acreages, consisting of 183 residential lots with detached, single-family dwelling units. Additionally, the application includes reserve acreages for the exterior boundaries of the associated Phases 23-29, and the remainder for future development. Receiving tentative approval for the reserve acreages will allow the properties to be configured to their corresponding phase boundaries, alleviating many of the difficulties involved with title/land use related matters that have been occurring with the previously developed phases.

Pursuant to the Medford Land Development Code (MLDC), Section 10.22(D)(2), the applicant respectfully requests the Planning Commission to authorize a five-year time period approval for the platting of Phases 23-29 of Summerfield at South East Park.

## **C. APPROVAL CRITERIA**

### CITY OF MEDFORD LAND DEVELOPMENT CODE

#### SECTION 10.202 (E) – LAND DIVISION CRITERIA

Section 10.202 (E) of the Medford's Land Development Code (MLDC) states that:

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

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

*"place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*

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

#### **D. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

##### **CRITERION NO. 1**

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

##### FINDINGS OF FACT

The proposed use and development are consistent with the Comprehensive Plan, and the existing/approved residential surrounding uses. Furthermore, the development is consistent with the relevant design criteria specified in Article IV and V of the MLDC.

The subject property is located in the Southeast Plan and is subject to the Southeast Circulation Plan Map. According to said circulation plan, there is a standard residential street from the northern boundary of the property which continues southerly to intersect Barnett Road. Additionally, there are local streets within the area.

Waterstone Drive is designed and located in accordance with the standard residential street depicted on said circulation plan. There is a minor variation in that the proposed Waterstone Drive has a reverse curve included in the design near the southerly end of the project in order to accommodate proposed Lots 829-836. All of the proposed streets are designed to align and connect to those streets contained in the approval for Summerfield at South East Park Phases 16-21. The local streets are also substantially consistent with those shown on said circulation plan.

A 10-foot sidewalk along the southerly side of Rosefield Street is being proposed in lieu of the Greenway shown on said circulation plan. In order to accommodate the wider pathway, the south half of the right-of-way for Rosefield Street has been extended by one and a half feet and the planter strip has been reduced to five feet. The resultant half street right-of-way totals 29 feet, and the total right-of-way width is 56.5 feet. A pictorial of the proposed street section has been included on the submitted tentative plat.

By removing the Greenway and locating the pathway along Rosefield Street, the street designs and lot layouts had to be re-designed. One of the considerations of the re-design included adding an alley behind those lots that take frontage along Rosefield Street in order to reduce the amount of vehicle traffic along the pathway to increase pedestrian safety.

Another revision that occurred during the re-design was the removal of Sapphire Street and Underwood Street. Section 10.381 of the MLDC states, "*Maximum block length and perimeter length standards found in Section 10.426.C.1 are not applicable to the S-E Overlay District.*" As the maximum block length requirement does not apply, and the remaining streets still provide sufficient connectivity within the development, it was decided to remove said streets in favor of being able to increase the density. The lot count was able to increase from 168 lots (per the original approval), to 183 lots.

## CRITERION NO. 2

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

## FINDINGS OF FACT

The proposed development provides a means of connectivity by extending the existing and proposed streets to adjacent lands, being consistent with the planned streets per the Southeast Circulation Plan Map. As a result, approval of the land division contained herein will not prevent the development of the remainder of the property under the same owner, or the adjoining lands.

## CRITERION NO. 3

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

*division bearing that name and the block numbers continue those of the plat of the same name last filed;*

#### FINDINGS OF FACT

Summerfield at South East Park, Phases 23-29 is contiguous to the applicant's previously submitted and approved subdivision known as Summerfield at South East Park, Phases 16-21 (LDS-17-051). The phase numbers of this proposal are the next available, consecutive numbers.

#### **CRITERION NO. 4**

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

#### FINDINGS OF FACT

The project is located within the Southeast Plan and is subject to the Southeast Circulation Plan Map, adopted March 7, 2013. The layout of the proposed streets is generally consistent with the adopted plan, with slight variations within the local streets. The proposed streets are designed to connect to the existing streets adjacent to the project.

As previously mentioned and pursuant to coordination with City staff, the Greenway shown on said Southeast Circulation Plan Map has been removed and a 10-foot sidewalk is being proposed on the southerly side of Rosefield Street.

#### **CRITERION NO. 5**

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

#### FINDINGS OF FACT

There are no private streets or alleys that are proposed to be held for private use.

#### **CRITERION NO. 6**

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

## FINDINGS OF FACT

Adjoining to the east and south of the subject project are lands that are zoned Exclusive Farm Use (EFU). However, the adjoining properties are not being actively farmed and are not under any intensive day-to-day management or operation. As such, and per the definition contained in the MLDC Chapter 10.801.D.(1), the agricultural classification of the EFU lands are defined as passive.

Mitigation measures for passively classified agricultural are outlined in MLDC Chapter 10.801.D.(3). Pursuant to said MLDC, a 6-foot solid fence along the easterly and southerly boundaries is proposed to mitigate any potential conflicts with the EFU lands and the proposed development. For a further analysis and supporting documentation, please refer to the Agricultural Impact Analysis Report included as part of the application submittal.

## CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application complies with the applicable provisions of the city ordinances.

### **E. ULTIMATE CONCLUSION**

The Planning Commission concludes that the revised application for Summerfield at South East Park, Phases 23-29 & Reserve Acreages is consistent with the relevant criteria for a land division found in Section 10.202(E) of Medford's Land Development Code, and can therefore be approved.

Respectfully Submitted,

Neathamer Surveying, Inc.

  
Robert V. Neathamer, President

Agent for Applicant:  
Crystal Springs Development Group, a Joint Venture

Date: June 27, 2019

# AGRICULTURAL IMPACT ASSESSMENT REPORT

## BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION  
FOR THE REVISED TENTATIVE PLAT  
APPROVAL OF SUMMERFIELD AT  
SOUTH EAST PARK, PHASES 23-29 &  
RESERVE ACREAGES.

RECEIVED  
JUN  
28 2019  
PLANNING DEPT.

**APPLICANT:** Crystal Springs Development Group,  
a Joint Venture  
815 Alder Creek Drive  
Medford, OR 97504

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

### A. BACKGROUND INFORMATION

The subject property is located at Jackson County Assessor's Map Number 37 1W 27, Tax Lot 1001. Pursuant to the approved zone change on the property that occurred through File No. ZC-17-112 and the City of Medford Zoning Map dated August 28, 2018, the property has the following zoning designations: Single Family Residential – 4 units/acre (SFR-4), Single Family Residential – 6 units/acre (SFR-6), Single Family Residential – 10 units/acre (SFR-10) and Multiple Family Residential – 20 units/acre (MFR-20). Additionally, the property is located in the Southeast overlay with Restricted Zoning. The proposed development consists of 175 single-family residential lots with detached dwelling units, and 8 reserve acreages.

Adjoining to the east and south of the subject project are lands that are zoned Exclusive Farm Use (EFU). According to the City of Medford Municipal Code (MLDC), Section 10.801.B states:

#### ***B. Applicability***

*The provisions of this Section apply to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve (see Regional Plan Element) and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA). However, development which requires City approval for more than one of the below development permit applications for the same development shall be required to demonstrate compliance with the provisions of this Section only in the first such application.*

CITY OF MEDFORD  
EXHIBIT # H  
FILE # LDS-19-069

- (1) *Land Divisions.*
- (2) *Planned Unit Developments.*
- (3) *Conditional Use Permits.*
- (4) *Site Plan and Architectural Review or Historic Review where the action being sought will result in the construction of one or more buildings intended for human occupancy as dwellings or for business purposes.*

As the property adjoins EFU lands, the provisions contained in MLDC Chapter 10.801 apply to the proposed development.

## **B. SCOPE, PURPOSE, AND OVERVIEW**

The purpose of this AIAR is to demonstrate compliance with the provisions of the MLDC Chapter 10.801, in order to mitigate any potential conflicts with adjoining EFU lands and to obtain approval for the associated revised Tentative Plat.

It should be noted that the information contained herein is substantially consistent with the Agricultural Impact Assessment Report that was previously submitted for the conditionally approved land division application (File No. LDS-17-113). The proposal contained herein is a revised land division application which has been updated to reflect the decision to implement a larger pathway in lieu of the Greenway.

## **C. APPROVAL CRITERIA**

### CITY OF MEDFORD LAND DEVELOPMENT CODE

#### SECTION 10.810.C – INFORMATION REQUIRED: AGRICULTURAL IMPACT ASSESSMENT REPORT.

Section 10.810.C of the MLDC states that:

*As part of any land use or development application listed in Subsection 10.801.B where the agricultural buffering provisions in Subsections 10.801.A through E apply, an applicant for such application shall supply the Planning Department with the following information in a report entitled "Agricultural Impact Assessment Report":*

1. *An excerpt of a City of Medford and/or Jackson County zoning map showing the zoning of land adjacent and within two hundred (200) feet of the property proposed for urban development.*
2. *A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information thus required, if applicable, shall include:*
  - (a) *Method of irrigation.*
  - (b) *Type of agricultural product produced.*
  - (c) *Method of frost protection.*

- (d) *Type of agricultural equipment customarily used on the property.*
3. *Detailed information obtained from the Natural Resources Conservation Service (NRCS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.*
  4. *Wind pattern information.*
  5. *A description of the measures proposed to comply with the requirements of Subsections 10.801.A through E.*
  6. *The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report.*
  7. *All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices.*

## D. DISCUSSIONS

### CRITERION NO. 1

1. *An excerpt of a City of Medford and/or Jackson County zoning map showing the zoning of land adjacent and within two hundred (200) feet of the property proposed for urban development.*

### RESPONSE

**North:** Northerly of the subject site is Summerfield at South East Park, Phases 16-22. The properties are in the process of being developed for residential purposes and have a zoning designation of SFR-4/RZ/SE.

**East:** Properties to the east consist of lands located outside the UGB and CL, with a zoning designation of EFU.

**South:** Southerly of the subject property are rural residential dwellings with a zoning designation of EFU/SE.

**West:** To the west of the subject property are vacant lands with a zoning designation of MFR-20/RZ/SE.

An excerpt of said zoning map has been included for reference.

### CRITERION NO. 2

2. *A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information thus required, if applicable, shall include:*
  - (a) *Method of irrigation.*

- (b) *Type of agricultural product produced.*
- (c) *Method of frost protection.*
- (d) *Type of agricultural equipment customarily used on the property.*

RESPONSE

The EFU lands to the east of the subject project (Jackson County Assessor's Map Number 37 1W 26, Tax Lots 103 and 105) are vacant lands which are not being used for farming or agricultural purposes. Furthermore, the EFU lands are owned by the applicant, who do not have any plans to use the lands for farming or agricultural purposes for the foreseeable future.

The EFU lands to the south of the subject project (Jackson County Assessor's Map Number 37 1W 27, Tax Lots 1400, 1401 and 1402) are developed rural residential properties which are also not being used for farming or agricultural purposes.

According to the City of Medford Municipal Code, Section 10.801.D(1) states:

***D. Mitigation and Impact Management.***

*(1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.*

The properties are not being actively farmed and are not under any intensive day-to-day management or operation (including irrigation for crops or other agricultural purposes). Furthermore, there is no agricultural equipment on the site, nor a method being actively performed for frost protection. As such, and per the above-described definition, the agricultural classification of the subject property is defined as passive.

### CRITERION NO. 3

3. *Detailed information obtained from the Natural Resources Conservation Service (NRCS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.*

#### RESPONSE

The NRCS soil report for the adjacent EFU property indicates there are the following six soil types located on the subject property:

- (17C) Brader-Debenger loams 1 to 15 percent slopes is 12 to 40 inches deep to bedrock. It is a well-drained loam soil occurring on knolls and ridges. Permeability is moderately high with an available water capacity of about 2.1 to 4.7 inches. The water table is present at depths more than 80 inches.
- (27B) Carney Clay 1 to 5 percent slopes is 20 to 40 inches deep to bedrock. It is a moderately well drained clay soil occurring on alluvial fans. Permeability is very low with an available water capacity of about 4.9 inches. The water table is present at depths of 36 to 42 inches.
- (27D) Carney Clay 5 to 20 percent slopes is 20 to 40 inches deep to bedrock. It is a moderately well drained clay soil occurring on alluvial fans. Permeability is very low with an available water capacity of about 4.9 inches. The water table is present at depths of 36 to 42 inches.
- (33A) Coker Clay 0 to 3 percent slopes is more than 80 inches deep to bedrock. It is a somewhat poorly drained clay soil occurring on alluvial fans. Permeability is moderate with an available water capacity of about 9.0 inches. The water table is present at depths of 6 to 18 inches.
- (33C) Coker Clay 3 to 12 percent slopes is more than 80 inches deep to bedrock. It is a somewhat poorly drained clay soil occurring on alluvial fans. Permeability is moderate with an available water capacity of about 9.0 inches. The water table is present at depths of 6 to 18 inches.
- (43B) Darow 1 to 5 percent slopes is more than 20 to 40 inches deep to bedrock. It is a moderately well drained silty clay loam occurring on hillslopes. Permeability is moderately low to moderately high with an available water capacity of about 5.6 inches. The water table is present at depths of 36 to 42 inches.

The residential lots adjacent to the south appear to be watering their lawn

areas. However, there is no evidence that the remaining properties have access to irrigation. Furthermore, there is no irrigation being used to water crops or for other agricultural purposes.

For reference, a copy of the NRCS soils report is included.

#### CRITERION NO. 4

4. *Wind pattern information.*

#### RESPONSE

According to the Western Regional Climate Center, the prevailing wind direction for the Medford area is predominately West-Northwest during May through September and North for the remainder of the year. Please find the attached climate data summary that was used for reference.

#### CRITERION NO. 5

5. *A description of the measures proposed to comply with the requirements of Subsections 10.801.A through E.*

#### RESPONSE

Mitigation for passive agriculture is outlined in MDLC Section 10.801.D(3), which states:

*(3) Mitigation - Passive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:*

*(a) Fencing. A wood fence, chain link fence, or masonry wall, not less than six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence or wall.*

*(b) Deed Declaration. The deed declaration required in subsection 10.801.D(2)(c) shall be required.*

*(c) Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.*

Pursuant to Section 10.801.D(2)(a), a 6-foot solid fence along the easterly and southerly boundary is proposed to mitigate any potential conflicts with the EFU lands and the proposed development.

The deed declaration required in Section 10.801.D(2)(b) will be included which will require the owner and all successors in interest to recognize and accept common, customary and accepted farming practices.

The proposed storm water management facilities are typical for residential purposes and will adhere to the standards set forth by the MLDC. Due to the passive nature of the EFU lands, said facilities will suffice in the mitigation of adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

#### **CRITERION NO. 6**

6. *The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report.*

#### RESPONSE

This Agricultural Impact Assessment Report was prepared by Neathamer Surveying, Inc. The individuals involved in the preparation of the AIAR include Nathan Ruf, CFM and Robert V. Neathamer, PLS.

The report was prepared with information reference from the following agencies/entities:

- City of Medford
- Natural Resources Conservation Services (NRCS)
- Western Regional Climate Center

#### **CRITERION NO. 7**

7. *All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices.*

#### RESPONSE

All sources that were utilized during the preparation of this report and referenced herein are listed on the attached References page. Furthermore, copies of the referenced information are also attached.

The following attachments have been included:

- Excerpt of the City of Medford Zoning Map
- Custom Soil Resource Report for Jackson County Area (NRCS)
- Climate Data Summaries (Western Regional Climate Center)

## E. CONCLUSION

Pursuant to the information provided herein, the application for the revised tentative plat for Summerfield at South East Park, Phases 23-29 & Reserve Acreages is consistent with the relevant criteria for the Agricultural Buffering in Non-Urban Reserve Areas per Section 10.801 of Medford's Land Development Code, and can therefore be approved.

Respectfully Submitted,

Neathamer Surveying, Inc.

  
Robert V. Neathamer, President

Agent for Applicant:  
Crystal Springs Development Group, a Joint Venture

Date: June, 27 2019

## REFERENCES

- "Average Wind Direction | Western Regional Climate Center." *Average Wind Direction*. Western Regional Climate Center, n.d. Web. 24 July 2017. <<http://www.wrcc.dri.edu/climatedata/climtables/westwinddir/>>.
- "City of Medford Zoning Map." *ArcGIS Web Application*. City of Medford, Jackson County, n.d. Web. 24 July 2017. <<https://gisapps.medfordmaps.org/mli/>>.
- "Custom Soil Resource Report for Jackson County Area, Oregon, Parts of Jackson and Klamath Counties." *Web Soil Survey*. USDA Natural Resources Conservation Services, n.d. Web. 24 July 2017. <<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>>.

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OREGON

PREVAILING WIND DIRECTION

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STATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANN
ASTORIA AIRPORT, OR (KAST).	E	E	E	S	W	W	NW	NW	NW	E	E	E	E
AURORA AIRPORT, OR (KUAO).	S	S	S	S	S	S	N	N	N	S	S	S	S
BAKER CITY AP, OR (KBKE). W	ESE	ESE	ESE	N	N	NNW	NNW	NNW	NNW	N	ESE	ESE	NNW
BURNS MUNI AP, OR (KBNO). W	E	E	WNW	NW	NW	WNW	WNW	WNW	WNW	WNW	E	E	WNW
CORVALLIS AP, OR (KCVO). WI	S	S	S	S	WNW	NW	NW	NW	WNW	S	S	S	S
EUGENE AIRPORT, OR (KEUG).	S	S	S	S	N	N	N	N	N	S	S	S	N
HERMISTON MUNI AP, OR (KHRI)	WSW	S	WSW	WSW	WSW	WSW	WSW	WSW	SW	WSW	S	WSW	WSW
KLAMATH FALLS AP, OR (KLMT).	SSE	SSE	W	W	W	W	W	W	NNW	W	SSE	SSE	W
LA GRANDE AP, OR (KLGD). WI	S	S	S	NW	NW	NW	NW	NW	NW	S	S	S	S
LAKEVIEW AIRPORT, OR (KLVV).	S	S	S	N	N	N	N	N	N	N	S	S	N
MCMINNVILLE MUNI AP, OR (KMM)	N	N	S	SW	SW	SW	SW	SW	N	N	N	N	N
MEACHAM AIRPORT, OR (KMEH).	SSE	S	W	W	W	W	W	N	W	W	S	S	W
MEDFORD AIRPORT, OR (KMFR).	N	N	N	N	WNW	WNW	WNW	WNW	WNW	N	N	N	N
NEWPORT MUNI AP, OR (KONP).	E	E	S	S	NNW	NNW	NNW	NNW	N	S	S	E	S
NORTH BEND MUNI AP, OR (KOTH)	SSE	SSE	SSE	SSE	N	N	N	N	N	N	SSE	SSE	N
ONTARIO MUNI AP, OR (KONO).	W	W	W	W	W	NW	W	W	W	W	W	W	W
PENDLETON AP, OR (KPDT). WI	S	S	W	W	W	W	W	W	SE	SE	S	S	W
PORTLAND INT'L AP, OR (KPDJ)	ESE	ESE	ESE	S	NNW	NNW	NNW	NNW	NW	NW	ESE	ESE	ESE
PORTLAND-HILLSBORO AP, OR (K	S	S	S	S	NW	NW	NW	NW	NW	S	S	S	S
PORTLAND-TROUTDALE AP, OR (K	E	E	E	E	W	W	W	W	W	E	E	E	E
REDMOND AIRPORT, OR (KRDM).	S	S	S	WNW	NW	NW	NNW	NNW	S	S	S	S	S
ROME, OR (KREO). WIND ROSE.	S	S	SSE	S	N	WSW	N	S	SSE	SSE	S	S	S
ROSEBURG AIRPORT, OR (KRBG).	S	S	N	N	N	N	N	N	N	N	S	SSE	N
SALEM AIRPORT, OR (KSLE). W	S	S	S	S	S	N	N	N	N	S	S	S	S
SEXTON SUMMIT, OR (KSXT). W	S	S	S	S	NNW	NNW	NNW	NNW	NNW	S	S	S	S
THE DALLES AP, OR (KDLS). W	E	NW	NW	WNW	NW	NW	NW	NW	NW	WNW	E	E	NW

5

CITY OF MEDFORD  
EXHIBIT # \_\_\_\_\_  
FILE # LDS-19-069



United States  
Department of  
Agriculture

**NRCS**

Natural  
Resources  
Conservation  
Service

A product of the National  
Cooperative Soil Survey,  
a joint effort of the United  
States Department of  
Agriculture and other  
Federal agencies, State  
agencies including the  
Agricultural Experiment  
Stations, and local  
participants

# Custom Soil Resource Report for Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

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# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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# Contents

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<b>Preface</b> .....	2
<b>How Soil Surveys Are Made</b> .....	5
<b>Soil Map</b> .....	8
Soil Map.....	9
Legend.....	10
Map Unit Legend.....	12
Map Unit Descriptions.....	12
Jackson County Area, Oregon, Parts of Jackson and Klamath Counties.....	14
17C—Brader-Debenger loams, 1 to 15 percent slopes.....	14
27B—Carney clay, 1 to 5 percent slopes.....	15
27D—Carney clay, 5 to 20 percent slopes.....	17
33A—Coker clay, 0 to 3 percent slopes.....	18
33C—Coker clay, 3 to 12 percent slopes.....	20
43B—Darow silty clay loam, 1 to 5 percent slopes.....	21
<b>References</b> .....	24

# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

## Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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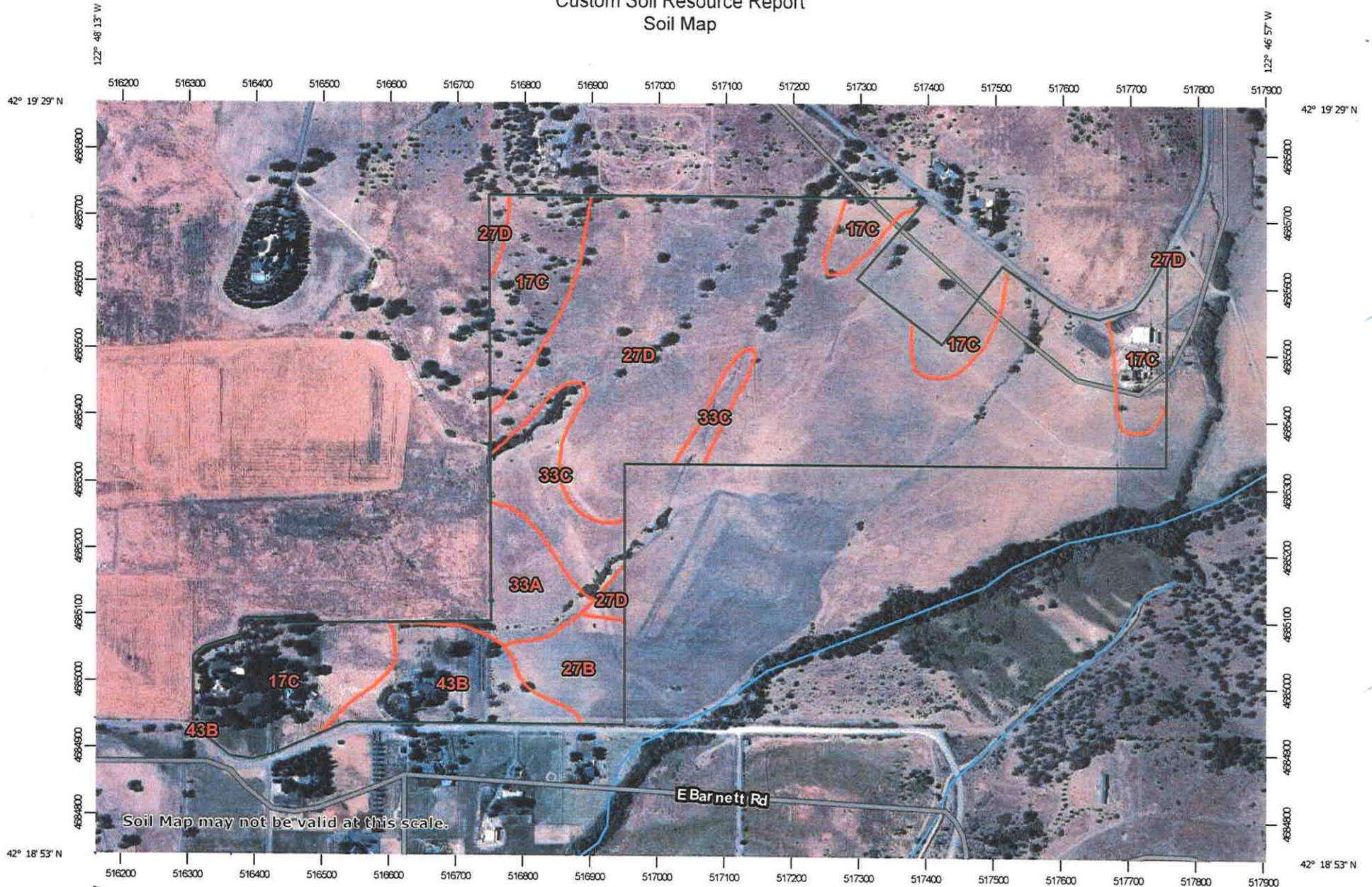
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# Soil Map

---

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report Soil Map



### MAP LEGEND

- Area of Interest (AOI)**
  -  Area of Interest (AOI)
- Soils**
  -  Soil Map Unit Polygons
  -  Soil Map Unit Lines
  -  Soil Map Unit Points
- Special Point Features**
  -  Blowout
  -  Borrow Pit
  -  Clay Spot
  -  Closed Depression
  -  Gravel Pit
  -  Gravelly Spot
  -  Landfill
  -  Lava Flow
  -  Marsh or swamp
  -  Mine or Quarry
  -  Miscellaneous Water
  -  Perennial Water
  -  Rock Outcrop
  -  Saline Spot
  -  Sandy Spot
  -  Severely Eroded Spot
  -  Sinkhole
  -  Slide or Slip
  -  Sodic Spot
- Water Features**
  -  Streams and Canals
- Transportation**
  -  Rails
  -  Interstate Highways
  -  US Routes
  -  Major Roads
  -  Local Roads
- Background**
  -  Aerial Photography
- Other Features**
  -  Spoil Area
  -  Stony Spot
  -  Very Stony Spot
  -  Wet Spot
  -  Other
  -  Special Line Features

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Jackson County Area, Oregon, Parts of Jackson and Klamath Counties  
 Survey Area Data: Version 14, Mar 23, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 28, 2010—Jul 17, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

**MAP LEGEND**

**MAP INFORMATION**

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Jackson County Area, Oregon, Parts of Jackson and Klamath Counties (OR632)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
17C	Brader-Debenger loams, 1 to 15 percent slopes	27.2	22.4%
27B	Carney clay, 1 to 5 percent slopes	5.1	4.2%
27D	Carney clay, 5 to 20 percent slopes	67.0	55.2%
33A	Coker clay, 0 to 3 percent slopes	5.2	4.3%
33C	Coker clay, 3 to 12 percent slopes	8.5	7.0%
43B	Darow silty clay loam, 1 to 5 percent slopes	8.4	6.9%
<b>Totals for Area of Interest</b>		<b>121.4</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not

## Custom Soil Resource Report

mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

### 17C—Brader-Debenger loams, 1 to 15 percent slopes

#### Map Unit Setting

*National map unit symbol:* hrqc  
*Elevation:* 1,000 to 4,000 feet  
*Mean annual precipitation:* 18 to 35 inches  
*Mean annual air temperature:* 46 to 54 degrees F  
*Frost-free period:* 120 to 180 days  
*Farmland classification:* Not prime farmland

#### Map Unit Composition

*Brader and similar soils:* 60 percent  
*Debenger and similar soils:* 20 percent  
*Minor components:* 3 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Brader

##### Setting

*Landform:* Knolls, ridges  
*Landform position (two-dimensional):* Summit, shoulder  
*Landform position (three-dimensional):* Crest, interfluvium, nose slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Colluvium derived from sandstone

##### Typical profile

*H1 - 0 to 6 inches:* loam  
*H2 - 6 to 13 inches:* loam  
*H3 - 13 to 23 inches:* weathered bedrock

##### Properties and qualities

*Slope:* 1 to 15 percent  
*Depth to restrictive feature:* 12 to 20 inches to paralithic bedrock  
*Natural drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* Very low (about 2.1 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 6e  
*Land capability classification (nonirrigated):* 6e  
*Hydrologic Soil Group:* D  
*Ecological site:* LOAMY HILLS 20-35 PZ (R005XY026OR)  
*Other vegetative classification:* Well Drained < 15% Slopes (G005XY004OR)  
*Hydric soil rating:* No

#### Description of Debenger

##### Setting

*Landform:* Knolls, ridges

## Custom Soil Resource Report

*Landform position (two-dimensional):* Summit, shoulder  
*Landform position (three-dimensional):* Crest, interfluvium, nose slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Colluvium derived from sandstone

### Typical profile

*H1 - 0 to 9 inches:* loam  
*H2 - 9 to 27 inches:* clay loam  
*H3 - 27 to 37 inches:* weathered bedrock

### Properties and qualities

*Slope:* 1 to 15 percent  
*Depth to restrictive feature:* 20 to 40 inches to paralithic bedrock  
*Natural drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* Low (about 4.7 inches)

### Interpretive groups

*Land capability classification (irrigated):* 4e  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* C  
*Ecological site:* LOAMY SLOPES 18-24 PZ (R005XY034OR)  
*Other vegetative classification:* Well Drained < 15% Slopes (G005XY004OR)  
*Hydric soil rating:* No

### Minor Components

#### Padigan

*Percent of map unit:* 2 percent  
*Landform:* Alluvial fans  
*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)  
*Hydric soil rating:* Yes

#### Aquepts

*Percent of map unit:* 1 percent  
*Landform:* Hills  
*Hydric soil rating:* Yes

## 27B—Carney clay, 1 to 5 percent slopes

### Map Unit Setting

*National map unit symbol:* hrry  
*Elevation:* 1,200 to 4,000 feet  
*Mean annual precipitation:* 18 to 30 inches  
*Mean annual air temperature:* 46 to 54 degrees F

## Custom Soil Resource Report

*Frost-free period:* 120 to 180 days

*Farmland classification:* Farmland of statewide importance

### Map Unit Composition

*Carney and similar soils:* 80 percent

*Minor components:* 7 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Carney

#### Setting

*Landform:* Alluvial fans

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Alluvium and colluvium derived from tuff breccia

#### Typical profile

*H1 - 0 to 6 inches:* clay

*H2 - 6 to 35 inches:* clay

*H3 - 35 to 45 inches:* weathered bedrock

#### Properties and qualities

*Slope:* 1 to 5 percent

*Depth to restrictive feature:* 20 to 40 inches to paralithic bedrock

*Natural drainage class:* Moderately well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr)

*Depth to water table:* About 36 to 42 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Low (about 4.9 inches)

#### Interpretive groups

*Land capability classification (irrigated):* 3s

*Land capability classification (nonirrigated):* 4e

*Hydrologic Soil Group:* D

*Ecological site:* DROUGHTY FAN 18-26 PZ (R005XY024OR)

*Other vegetative classification:* Moderately Well Drained < 15% Slopes (G005XY006OR)

*Hydric soil rating:* No

### Minor Components

#### Phoenix

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)

*Hydric soil rating:* Yes

#### Padigan

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)

*Hydric soil rating:* Yes

#### Cove

*Percent of map unit:* 2 percent

## Custom Soil Resource Report

*Landform:* Flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Other vegetative classification:* Poorly Drained (G005XY009OR)  
*Hydric soil rating:* Yes

### **Aquerts**

*Percent of map unit:* 1 percent  
*Landform:* Alluvial fans  
*Hydric soil rating:* Yes

## **27D—Carney clay, 5 to 20 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* hrrz  
*Elevation:* 1,200 to 4,000 feet  
*Mean annual precipitation:* 18 to 30 inches  
*Mean annual air temperature:* 46 to 54 degrees F  
*Frost-free period:* 120 to 180 days  
*Farmland classification:* Farmland of statewide importance

### **Map Unit Composition**

*Carney and similar soils:* 80 percent  
*Minor components:* 6 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Carney**

#### **Setting**

*Landform:* Alluvial fans, hillslopes  
*Landform position (two-dimensional):* Shoulder, backslope  
*Landform position (three-dimensional):* Side slope, nose slope, riser  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Alluvium and colluvium derived from tuff breccia

#### **Typical profile**

*H1 - 0 to 6 inches:* clay  
*H2 - 6 to 35 inches:* clay  
*H3 - 35 to 45 inches:* weathered bedrock

#### **Properties and qualities**

*Slope:* 5 to 20 percent  
*Depth to restrictive feature:* 20 to 40 inches to paralithic bedrock  
*Natural drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr)  
*Depth to water table:* About 36 to 42 inches  
*Frequency of flooding:* None

## Custom Soil Resource Report

*Frequency of ponding:* None

*Available water storage in profile:* Low (about 4.9 inches)

### **Interpretive groups**

*Land capability classification (irrigated):* 4e

*Land capability classification (nonirrigated):* 4e

*Hydrologic Soil Group:* D

*Ecological site:* DROUGHTY FAN 18-26 PZ (R005XY024OR)

*Other vegetative classification:* Moderately Well Drained < 15% Slopes  
(G005XY006OR)

*Hydric soil rating:* No

### **Minor Components**

#### **Phoenix**

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)

*Hydric soil rating:* Yes

#### **Padigan**

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)

*Hydric soil rating:* Yes

#### **Cove**

*Percent of map unit:* 2 percent

*Landform:* Flood plains

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)

*Other vegetative classification:* Poorly Drained (G005XY009OR)

*Hydric soil rating:* Yes

## **33A—Coker clay, 0 to 3 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* hrs8

*Elevation:* 1,000 to 4,000 feet

*Mean annual precipitation:* 18 to 30 inches

*Mean annual air temperature:* 46 to 54 degrees F

*Frost-free period:* 120 to 180 days

*Farmland classification:* Farmland of statewide importance

### **Map Unit Composition**

*Coker and similar soils:* 80 percent

*Minor components:* 8 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

## Custom Soil Resource Report

### Description of Coker

#### Setting

*Landform:* Alluvial fans  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Clayey alluvium derived from tuff breccia

#### Typical profile

*H1 - 0 to 33 inches:* clay  
*H2 - 33 to 70 inches:* clay

#### Properties and qualities

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Somewhat poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr)  
*Depth to water table:* About 6 to 18 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Salinity, maximum in profile:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)  
*Available water storage in profile:* Moderate (about 9.0 inches)

#### Interpretive groups

*Land capability classification (irrigated):* 4w  
*Land capability classification (nonirrigated):* 4w  
*Hydrologic Soil Group:* D  
*Ecological site:* SEMI-WET MEADOW (R005XY012OR)  
*Other vegetative classification:* Somewhat Poorly Drained < 15% Slopes (G005XY008OR)  
*Hydric soil rating:* No

### Minor Components

#### Padigan

*Percent of map unit:* 2 percent  
*Landform:* Alluvial fans  
*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)  
*Hydric soil rating:* Yes

#### Phoenix

*Percent of map unit:* 2 percent  
*Landform:* Alluvial fans  
*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)  
*Hydric soil rating:* Yes

#### Cove

*Percent of map unit:* 2 percent  
*Landform:* Flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Other vegetative classification:* Poorly Drained (G005XY009OR)

## Custom Soil Resource Report

*Hydric soil rating:* Yes

### **Gregory**

*Percent of map unit:* 2 percent

*Landform:* Stream terraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)

*Other vegetative classification:* Poorly Drained (G005XY009OR)

*Hydric soil rating:* Yes

## **33C—Coker clay, 3 to 12 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* hrs9

*Elevation:* 1,000 to 4,000 feet

*Mean annual precipitation:* 18 to 30 inches

*Mean annual air temperature:* 46 to 54 degrees F

*Frost-free period:* 120 to 180 days

*Farmland classification:* Farmland of statewide importance

### **Map Unit Composition**

*Coker and similar soils:* 80 percent

*Minor components:* 8 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Coker**

#### **Setting**

*Landform:* Alluvial fans

*Landform position (three-dimensional):* Riser

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Clayey alluvium derived from tuff breccia

#### **Typical profile**

*H1 - 0 to 33 inches:* clay

*H2 - 33 to 70 inches:* clay

#### **Properties and qualities**

*Slope:* 3 to 12 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Somewhat poorly drained

*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately low (0.00 to 0.06 in/hr)

*Depth to water table:* About 6 to 18 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Salinity, maximum in profile:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

## Custom Soil Resource Report

*Available water storage in profile:* Moderate (about 9.0 inches)

### **Interpretive groups**

*Land capability classification (irrigated):* 4e

*Land capability classification (nonirrigated):* 4e

*Hydrologic Soil Group:* D

*Ecological site:* SEMI-WET MEADOW (R005XY012OR)

*Other vegetative classification:* Somewhat Poorly Drained < 15% Slopes  
(G005XY008OR)

*Hydric soil rating:* No

### **Minor Components**

#### **Padigan**

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)

*Hydric soil rating:* Yes

#### **Phoenix**

*Percent of map unit:* 2 percent

*Landform:* Alluvial fans

*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)

*Hydric soil rating:* Yes

#### **Cove**

*Percent of map unit:* 2 percent

*Landform:* Flood plains

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)

*Other vegetative classification:* Poorly Drained (G005XY009OR)

*Hydric soil rating:* Yes

#### **Gregory**

*Percent of map unit:* 2 percent

*Landform:* Stream terraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)

*Other vegetative classification:* Poorly Drained (G005XY009OR)

*Hydric soil rating:* Yes

## **43B—Darow silty clay loam, 1 to 5 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* hrsn

*Elevation:* 1,000 to 4,000 feet

*Mean annual precipitation:* 18 to 30 inches

## Custom Soil Resource Report

*Mean annual air temperature:* 46 to 54 degrees F  
*Frost-free period:* 120 to 180 days  
*Farmland classification:* All areas are prime farmland

### Map Unit Composition

*Darow and similar soils:* 80 percent  
*Minor components:* 7 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Darow

#### Setting

*Landform:* Hillslopes  
*Landform position (two-dimensional):* Shoulder, summit  
*Landform position (three-dimensional):* Interfluve, crest, nose slope  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Colluvium derived from sedimentary rock

#### Typical profile

*H1 - 0 to 12 inches:* silty clay loam  
*H2 - 12 to 32 inches:* silty clay  
*H3 - 32 to 42 inches:* weathered bedrock

#### Properties and qualities

*Slope:* 1 to 5 percent  
*Depth to restrictive feature:* 20 to 40 inches to paralithic bedrock  
*Natural drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)  
*Depth to water table:* About 36 to 42 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* Low (about 5.6 inches)

#### Interpretive groups

*Land capability classification (irrigated):* 3s  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* D  
*Ecological site:* DROUGHTY NORTH 18-35 PZ (R005XY032OR)  
*Other vegetative classification:* Moderately Well Drained < 15% Slopes (G005XY006OR)  
*Hydric soil rating:* No

### Minor Components

#### Padigan

*Percent of map unit:* 2 percent  
*Landform:* Terraces  
*Ecological site:* POORLY DRAINED BOTTOM (R005XA016OR)  
*Hydric soil rating:* Yes

#### Cove

*Percent of map unit:* 2 percent  
*Landform:* Flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear

Custom Soil Resource Report

*Across-slope shape:* Linear  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Other vegetative classification:* Poorly Drained (G005XY009OR)  
*Hydric soil rating:* Yes

**Gregory**

*Percent of map unit:* 2 percent  
*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Other vegetative classification:* Poorly Drained (G005XY009OR)  
*Hydric soil rating:* Yes

**Aquolls**

*Percent of map unit:* 1 percent  
*Landform:* Alluvial fans  
*Hydric soil rating:* Yes

# References

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- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2\\_054262](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262)
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2\\_053577](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577)
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2\\_053580](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580)
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2\\_053374](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374)
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelp21043084>

## Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2\\_054242](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242)

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2\\_053624](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624)

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_052290.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf)

RECEIVED

JUN  
28 2019

PLANNING DEPT.

September 19, 2017

Crystal Springs Development Group  
815 Alder Creek Drive  
Medford, OR 97504

**SUBJECT: GEOTECHNICAL AND GEOLOGIC INVESTIGATION, SUMMERFIELD ESTATES, PHASES 23 TO 29, MEDFORD, OREGON**

At your request, Applied Geotechnical Engineering and Geologic Consulting LLC (AGEGC) has conducted a geotechnical and geologic investigation for Phases 23 through 29 of the Summerfield Estates in east Medford, Oregon. The general location of the site is shown on the Vicinity Map, Figure 1. Our investigation consisted of a review of available geotechnical and geologic information for the vicinity, a ground-level site reconnaissance, subsurface explorations, and engineering analyses. This report summarizes our work and provides our conclusions and recommendations for suitably founding the new residential development on this property.

**SITE DESCRIPTION**

A senior geotechnical engineer/geologist provided by AGEGC completed site visits to the project in August 2017. The test pit locations for our fieldwork were staked in the field and were used as reference points for the site reconnaissance.

The phases of the development covered in this report are located south of Phases 16 through 21 of the Summerfield Development. This portion of the development is bounded on the west and north with future residential development.

Historical aerial photographs of the site indicate the property was used as an orchard until about 2003. The orchard trees have been removed and the property subsequently used as pasture. Orchard properties tend to have a relatively thick surficial zone of disrobed soils.

The historical aerial photographs of the site also indicate that a small pond was located on the east-central portion of the property. The pond appears to have been filled in about 2006, when fill was spread over this portion of the development. Mounds of imported fill were observed in this area during our site reconnaissance. Areas of wet surficial soils were observed in the northeastern portion of the development.

The majority of the surficial soils in this area have significant desiccation cracks during summer and fall months, indicating the surficial soils consist of moderately to highly expansive clayey silt soils. Expansive

CITY OF MEDFORD  
EXHIBIT # I  
FILE # LDS-19-069

soils have a significant volume change with corresponding changes in moisture content. Expansive soils have relatively low shear strengths. Expansive soils can cause significant damage to structures (including pavements, houses and flatwork) due to changes in the moisture content of the soil.

Based on our experience with other projects in this area, this project site is mantled with highly expansive clayey silt soils over weathered sandstone and siltstone. The sandstone can be locally relatively hard and difficult to excavate.

The surficial soils on the central area of the property (extending from about the northeastern corner of these phases of the development to the southwest, to about the old location of the abandoned pond) were wet at the time of our fieldwork.

The topography of these phases of this project (Summerfield Estates) is typically gently sloping. Slightly steeper slopes were measured on the southeastern portion of the property; however, in our opinion, these slopes are still suitable for development without special design recommendations. Indications of slope instability were not observed on the property. The risk of slope instabilities on this property is very low. There is soil creep in the surficial, highly expansive clayey silt soils; however, given the relatively gentle slopes on the property, the rate of soils creep is very low and will be mitigated with proper development of the roadways and building lots.

## **PROJECT DESCRIPTION**

We understand the project will consist of single-family residential lots, with associated roadways and utilities. The site has relatively gentle slopes, and we anticipate that cuts and fills required for mass grading will be minor (mostly the cuts and fills required due to the expansive clayey silt soils). We understand that the new roads for this portion of the project include a Minor Arterial Street (traffic index of 8.21), Standard Residential Streets (traffic index of 7.22), and Minor Residential Streets (traffic index of 6.33).

## **SUBSURFACE CONDITIONS**

As part of the geotechnical investigation for these phases of this development, fifteen test pits were completed across the site. The test pits typically encountered a surficial layer of highly expansive clayey silt soils over weathered sandstone (brown silt) over sandstone/siltstone. Expansion index tests on two representative soil samples indicated an Expansion Index of 98 and 102 for the surficial clayey silt soils.

A summary of the field explorations including the test pit excavation logs are provided at the end of this report, in Appendix A.

Groundwater was not observed in any of the test pits; however, wet surficial soils were observed at the time of our fieldwork in August 2017, on the northeastern portion of the site (along a shallow swale). In addition, perched groundwater will occur on the sandstone and siltstone during wetter times of the year or when the soils are irrigated, with groundwater approaching the ground surface during periods of heavy and/or extended rainfall.

## CONCLUSIONS AND RECOMENDATIONS

**General.** Based on the results of this investigation and our experience with similar projects, it is our opinion that the site is suitable for the proposed development, from a geotechnical and geologic standpoint. Surficial soils and native slopes are similar to those found in previous developed phases of this development. Slopes are typically gently sloping and indications of deep-seated slope instability were not observed on the site. There is no increased risk of geologic hazards if the site is developed as recommended below.

In our opinion, the most important geotechnical and geologic considerations associated with the planned development are the presence of surficial expansive clays, locally shallow hard sandstone/siltstone, possible local areas of uncontrolled fill, and perched/shallow groundwater due to irrigation and precipitation.

The following sections provide our recommendations for development of the site.

**Rock Excavation.** Hard sandstone was encountered in several of the test pits completed as part of our work for this development. Practical refusal of the trackhoe was encountered in test pit TP-14. We anticipate that local areas of the development have hard sandstone at relatively shallow depths. Based on our experience in this area, we anticipate that hard sandstone/siltstone underlies all of the site, but harder rock typically occurs at a deep of greater than 5 ft. Hard sandstone will likely be encountered in utility trenches and will required rock excavation techniques.

**Site Preparation.** In our opinion, the ground surface in areas to receive fill should be stripped of surficial organics to a minimum depth of 18 in. including roadways and sidewalk ramps (ADA Ramps). Locally deeper stripping will be required in areas with uncontrolled fill, predominately the area where the pond was once located. Deeper overexcavations will be required for installation of roadways, sidewalks and building pads.

Subgrade must be protected from disturbance due to construction activities and climate (wetting, drying, and/or freezing). We recommend that the geotextile fabric and aggregate base rock be placed within 6 hours of excavation to subgrade elevations. The subgrade should be left at least 18 in. high prior to final excavation to design subgrade, to minimize the drying of the subgrade soils during installation of utilities. The subgrade should be evaluated by the project geotechnical engineer prior to placement of structural fill on the subgrade.

Site strippings and untreated clayey silt soils cannot be used as structural fill and will need to be removed from the development.

Past experience has indicated that the fine-grained soils on this site are sensitive to moisture content. Typically, these soils have significant drying during hot and dry summer months, resulting in desiccation cracks that may be up to 3 ft deep. For this reason, we recommend that, if practical, all site preparation

and earthwork for the roadways be accomplished during early summer months, before the soils are allowed to significantly dry. Wetting of the subgrade soils, aggregate road base, and utility trench sidewalls will be required during typically drier summer and fall months.

If the subgrade is disturbed during construction, soft, disturbed and dried soils should be overexcavated to firm soil and replaced with approved structural fill.

The test pit excavations for this investigation were backfilled with relatively loose spoils from the excavations at the time of excavation. During mass grading of the site, test pit excavations encountered during construction should be overexcavated and replaced with structural fill.

**Site Grading.** We anticipate that relatively minor grading will be required for development of the site (cuts and fills of less than 5 ft). Cut and fill slopes for mass grading of the development should be graded no steeper than 2H:1V.

**Structural Fills.** All structural fill should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698. In general, at least four to five passes with a medium-weight, smooth-drum (48-in.-diameter drum) vibratory roller are required to achieve adequate compaction for imported crushed rock fill for roadway, sidewalk and building pads. Placement and compaction of structural fill should be evaluated by a geotechnical engineer on an intermittent basis during construction of the roadway sections.

Structural fills for roadways and sidewalks should consist of imported crushed rock, such a ¾-in.-minus crushed rock (aggregate base).

In our opinion, utility trench excavations within 4 ft of any pavement, concrete flatwork, and building pad areas should be backfilled with granular material, such as sand, sand and gravel, or crushed rock with a maximum size of up to ¾ in., and with not more than 5% passing the No. 200 sieve (washed analysis). All trenches should be backfilled as soon as practical following placement of the utility. Desiccated sidewalls of utility trenches must be removed and replaced with structural fill. The granular backfill should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698. Flooding or jetting the backfilled trenches with water to achieve the recommended compaction should not be permitted. We recommend use of vibratory compaction equipment for the trenches. Each lift of backfill in the trench should be less than 18-in.-thick (loose).

**Pavement Sections.** The recommended pavement sections for this development are based on the assumption that the subgrade consists of firm, undisturbed fine-grained clayey silt soil and that the soil does not have significant desiccation cracks. Proof rolling with a loaded 10 yd<sup>3</sup> dump truck, or equivalent, may be used at the geotechnical engineer's discretion to evaluate pavement subgrade. If soft areas (disturbed due to excessive construction traffic or desiccation of the subgrade soils) are disclosed by the proof rolling and/or visual observation by the geotechnical engineer, they should be overexcavated and replaced with structural fill.

Excavation of the clayey silt soils should be completed using a trackhoe equipped with a smooth-lip bucket to minimize disturbance of the subgrade soils.

We anticipate that the street improvements will be completed using asphaltic concrete (A.C.) pavement. For design purposes, we have assumed a 20-year design life for the pavement sections.

The subgrade soils along the alignment consist of fine-grained silt soils. The existing fine-grained soils typically have an R-Value (ASTM D 2844) of about 2.

Based on the above design consideration, we recommend the following pavement section for the new traffic lanes:

<u>Pavement Use</u>	<u>Asphaltic Concrete Thickness, in.</u> <u>¾-in.-minus Crushed Rock Base, in. over 4-</u> <u>in.-minus crushed rock, in.</u>
Minor Arterial Street	5 / 8 / 18
Standard Residential Street	3 / 8 / 18
Minor Residential Street	3 / 18 / 0

ADA ramps should be underlain by a minimum of 18 in. of crushed aggregate base rock that extends a minimum of 18 in. beyond the edge of the concrete.

We recommend the rock section for the roadways be underlain by a woven geotextile with a weight of at least 5 oz. per square yard.

The crushed rock base (CRB) should also be placed and compacted in a single lift with a large, smooth-drum vibratory roller. The rock should be compacted to at least 95% of the maximum dry density as determined by ASTM D 698.

We anticipate that thicker rock sections will be required where the wet, surficial soils were encountered on the northeastern portion of the site. This may include ballast rock (angular drain rock) to stabilize the subgrade soils.

The above pavement sections are based on the assumption that pavement construction will be accomplished during the dry season. If wet-weather pavement construction is considered, it will likely be necessary to increase the thickness of crushed rock base to support construction equipment and protect the moisture-sensitive subgrade soils from disturbance. It should be noted that the pavement sections may not be adequate for the support of construction traffic.

All workmanship and materials should conform to the applicable standards of the current Oregon Department of Transportation (ODOT) Standard Specifications for Highway Construction.

**Geologic Hazards.** The site has gentle slopes and is underlain by sandstone at relatively shallow depths. In our opinion, the main geologic hazards associated with development of this property are the expansive surficial clayey silt soils and the potential for perched groundwater conditions.

In our opinion, the risks of slope instability are very low if the geotechnical recommendations provided in our report are followed. Based on the results of our investigation, the location of the site, and the nature of the underlying soil/rock, we anticipate that the potential for earthquake-induced fault displacement, subsidence, liquefaction-induced settlement and/or lateral displacement, or seiches at this site is very low.

In our opinion, based on the State of Oregon's Structural Specialty Code Amendments and the International Building Code, the subsurface conditions at this site may be classified as a Site Class B for seismic design purposes.

**Preliminary Foundation Support Recommendations.** Based on the results of our investigation and our experience with other residential homes in east Medford, it is our opinion that the lots for this project can be developed with single-family residences. It is also our opinion that foundation support for the new homes can be provided by spread footing foundations established on crushed rock fill. The existing surficial clayey silt soils are not suitable for support of spread footing foundations or concrete flatwork (including sidewalks, patios and driveways) without significant post-construction differential movements. Each lot should have a lot-specific geotechnical evaluation during construction of the building pad for the lot. The intent of the evaluation is to determine the most appropriate foundation type and design criteria, and for the geotechnical engineer of record for each lot to work closely with the builder for the home on the lot.

**Design Review and Construction Services.** We welcome the opportunity to review and discuss construction plans and specifications as they are being developed. In addition, AGE GC should be retained to review all geotechnical-related portions of the plans and specifications to evaluate whether they are in conformance with the recommendations provided in our report. Additionally, to observe compliance with the intent of recommendations, design concepts, and the plans and specifications, we are of the opinion that all construction operations dealing with site grading should be observed by an AGE GC representative. Our construction-phase services will allow for timely design changes if site conditions are encountered that are different from those described in this report. If we do not have the opportunity to confirm our interpretations, assumptions, and analyses during construction, we cannot be responsible for the application of our recommendations to subsurface conditions that are different from those described in this report.

**LIMITATIONS**

This report has been prepared to aid the design team in the completion of this project. The scope is limited to the specific project and location described herein, and our description of the project represents our understanding of the significant aspects of the project relevant to the design and construction of the earthwork, pavements, and sidewalks. In the event that any changes in the design and location of the roadways as outlined in this report are planned, we should be given the opportunity to review the changes and to modify or reaffirm the conclusions and recommendations of this report in writing.

The conclusions and recommendations submitted in this report are based on sources of information discussed in this report. In the performance of subsurface investigations, specific information is obtained at specific locations at specific times. However, it is acknowledged that variations in soil conditions may exist between test pit locations. This report does not reflect any variations that may occur between these explorations. The nature and extent of variation may not become evident until construction. If, during construction, subsurface conditions different from those encountered in the explorations are observed or encountered, we should be advised at once so that we can observe and review these conditions and reconsider our recommendations where necessary.

Sincerely,

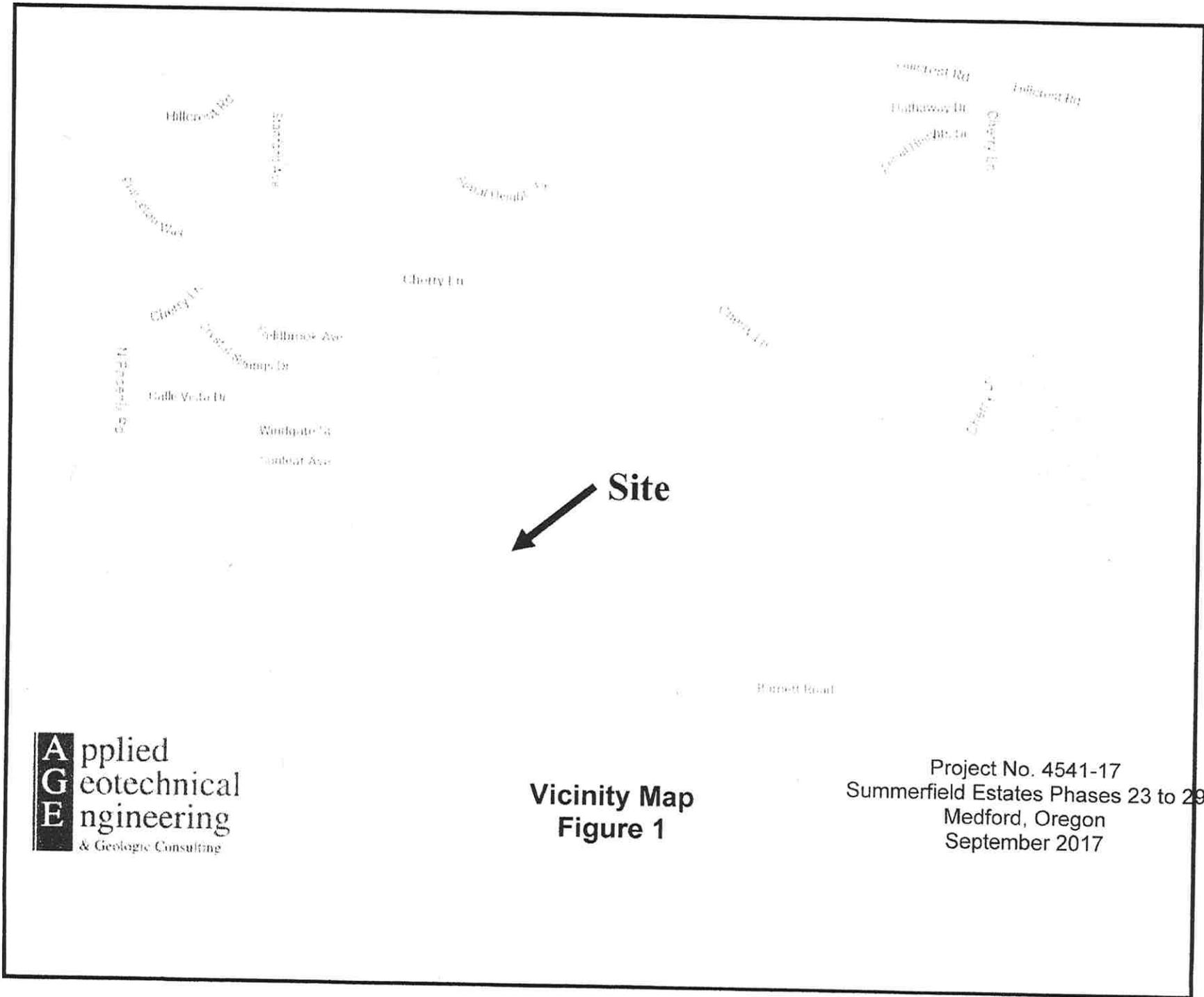
**Applied Geotechnical Engineering and Geologic Consulting, LLC**



Robin L. Warren, P.E., G.E., R.G.  
Principal



Renewal: June 2018



**A** Applied  
**G** eotechnical  
**E** ngineering  
& Geologic Consulting

**Vicinity Map  
Figure 1**

Project No. 4541-17  
Summerfield Estates Phases 23 to 29  
Medford, Oregon  
September 2017

## APPENDIX A FIELD EXPLORATIONS

The subsurface conditions and materials at the site were investigated on August 14, 2017, with fifteen test pits, designated TP-1 through TP-15. The locations of the test pits were staked in the field by the project surveyor, at locations designated by AGE GC.

The test pits were excavated to depths ranging from 3.5 to 6.5 ft below the ground surface using a CAT 336E trackhoe with a 2-ft-wide bucket. All field explorations were observed by an experienced geotechnical engineer/geologist provided by our firm, who maintained a detailed log of the materials disclosed during the course of the work. Representative soil samples were saved in airtight sample containers that were returned to our laboratory for further examination and physical testing. The test pits were backfilled with the excavation spoils at the completion of our fieldwork.

Logs of the test pits are provided below. Each log presents a descriptive summary of the various types of material encountered in the test pits and notes the depths where the materials and/or characteristics of the material change. The terms used to describe the materials encountered in the test pits are defined in Tables 1A and 2A.

### **Test Pit TP-1**

0.0 to 3.0 ft      Medium stiff, black Clayey SILT; highly expansive, heavily desiccated.  
 3.0 to 5.0 ft      Medium stiff, brown SILT; trace clay and fine sand.  
 Groundwater seepage not observed.  
 No significant caving of test pit sidewalls.  
 Completed August 14, 2017

### **Test Pit TP-2**

0.0 to 3.0 ft      Medium stiff, black Clayey SILT; highly expansive, heavily desiccated, scattered old tree roots.  
 3.0 to 4.5 ft      Medium stiff, brown SILT; trace clay and fine sand.  
 4.5 to 5.5 ft      Medium soft (RH-1), brown SILTSTONE; moderately weathered, close fractures.  
 Groundwater seepage not observed.  
 No significant caving of test pit sidewalls.  
 Completed August 14, 2017

### **Test Pit TP-3**

0.0 to 3.0 ft      Medium stiff, black Clayey SILT; highly expansive, heavily desiccated, irrigation PVC pipe.  
 3.0 to 4.0 ft      Medium stiff, brown SILT; trace clay and fine sand.  
 4.0 to 5.0 ft      Medium hard (RH-2), brown SILTSTONE; slightly to moderately weathered, close fractures.  
 Groundwater seepage not observed.  
 No significant caving of test pit sidewalls.  
 Completed August 14, 2017

**Test Pit TP-4**

0.0 to 3.0 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated.  
3.0 to 6.0 ft Medium stiff, brown SILT; trace clay and fine sand.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-5**

0.0 to 4.5 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated.  
4.5 to 6.0 ft Medium stiff, brown SILT; trace clay and fine sand.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-6**

0.0 to 3.0 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated.  
3.0 to 6.5 ft Medium stiff, brown SILT; trace clay and fine sand, relict siltstone structure.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-7**

0.0 to 4.5 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated.  
4.5 to 5.0 ft Medium soft (RH-1), dark gray SILTSTONE/CLAYSTONE; moderately weathered, close fractures, thinly bedded.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-8**

0.0 to 4.0 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated.  
4.0 to 6.0 ft Medium stiff, brown SILT; trace clay and fine sand.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-9**

0.0 to 3.0 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated, irrigation PVC pipe.  
3.0 to 4.0 ft Medium stiff, brown SILT; trace clay and fine sand.  
4.0 to 6.0 ft Medium hard (RH-2), brown SILTSTONE; slightly to moderately weathered, close fractures.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-10**

0.0 to 2.5 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated.  
2.5 to 4.5 ft Medium hard (RH-2), dark gray SANDSTONE; moderately weathered, close fractures.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-11**

0.0 to 3.0 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated.  
3.0 to 5.0 ft Medium stiff, brown SILT; trace clay and fine sand.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-12**

0.0 to 2.0 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated.  
2.0 to 5.5 ft Medium stiff, brown SILT; trace clay and fine sand.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-13**

0.0 to 2.5 ft Medium stiff, black Clayey SILT; highly expansive, heavily desiccated, irrigation PVC pipe.  
2.5 to 4.0 ft Medium stiff, brown SILT; trace clay and fine sand.  
4.0 to 6.0 ft Medium hard (RH-2), brown SILTSTONE; slightly to moderately weathered, close fractures.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-14**

0.0 to 2.0 ft Medium stiff, black Clayey SILT; moderately expansive.  
2.0 to 3.5 ft Medium stiff, brown SILT; trace clay and fine sand.  
Practical refusal on sandstone at 3.5 ft.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**Test Pit TP-15**

0.0 to 1.5 ft Medium stiff, black Clayey SILT; moderately expansive.  
1.5 to 5.0 ft Medium stiff, brown SILT; trace clay and fine sand.  
Groundwater seepage not observed.  
No significant caving of test pit sidewalls.  
Completed August 14, 2017

**TABLE 1A: SOIL DESCRIPTION TERMINOLOGY**

<u>Coarse-Grained Soils (Sand Size and Larger)</u>	
<u>Relative Density</u>	<u>Standard Penetration Resistance (N-Values)</u>
Very Loose	0-4
Loose	4-10
Medium Dense	10-30
Dense	30-50
Very Dense	Over 50

<u>Fine-Grained (Cohesive) Soils</u>			
<u>Consistency</u>	<u>Standard Penetration Resistance (N-Value)</u>	<u>Torvane Undrained Shear Strength, tsf</u>	<u>Field Identification</u>
Very Soft	2	Less than 0.125	• Easily penetrated by fist.
Soft	2-4	0.125-0.25	• Easily penetrated by thumb.
Medium Stiff	5-8	0.25-0.50	• Penetrated by thumb with moderate effort.
Stiff	9-15	0.50-1.0	• Readily indented by thumb but penetrated only with great effort.
Very Stiff	16-30	1.0-2.0	• Readily indented by thumbnail.
Hard	Over 30	Over 2.0	• Indented with difficulty by thumbnail.

<u>Grain Shape</u>	
<u>Term</u>	<u>Description</u>
Angular	Corners and edges sharp.
Subangular	Corners worn off, angles not worn off
Subrounded	Corners and angles worn off, flat surfaces remain.
Rounded	Worn to almost spherical shape.

<u>Grain Size Classification</u>	
Boulders	6 to 36 inches
Cobbles	3 to 6 inches
Gravel	¼-¾ inch (fine)
	¾-3 inches (coarse)
Sand	No. 200-No. 40 sieve (fine)
	No. 40-No. 10 sieve (medium)
	No. 10-No. 4 sieve (coarse)
Silt/Clay	Pass No. 200 sieve

<u>Modifier for Subclassification</u>	
<u>Adjective</u>	<u>Percentage of Other Material in Total Sample</u>
Clean	0 - 1.5
Trace	1.5 - 10
Some	10 - 30
Sandy, Silty, or Clayey	30 - 50

**TABLE 2A: ROCK DESCRIPTION TERMINOLOGY**

<u>Scale of Rock Hardness (After Panama Canal Company, 1959)</u>		
RH-1	Soft	Slightly harder than very hard over-burden, rock-like character, but crumbles or breaks easily by hand.
RH-1	Medium Soft	Cannot be crumbled between fingers but can be easily picked with light blows of the geology hammer.
RH-2	Medium Hard	Can be picked with moderate blows of geology hammer. Can be cut with knife.
RH-3	Hard	Cannot be picked with geology hammer but can be chipped with moderate blows of the hammer.
RH-4	Very Hard	Chips can be broken off only with heavy blows of the geology hammer.

<u>Terms Used to Describe the Degree of Weathering</u>	
<u>Descriptive Term</u>	<u>Defining Characteristics</u>
Fresh	Rock is unstained. May be fractured but discontinuities are not stained.
Slight	Rock is unstained. Discontinuities show some staining on their surface but discoloration does not penetrate rock mass.
Moderate	Discontinuity surfaces are stained. Discoloration may extend into rock along discontinuity surfaces.
High	Individual rock fragments are thoroughly stained and can be crushed with pressure hammer. Discontinuous surfaces are thoroughly stained and may be crumbly.
Severe	Rock appears to consist of gravel-sized fragments in a "soil" matrix. Individual fragments are thoroughly discolored and can be broken with fingers.

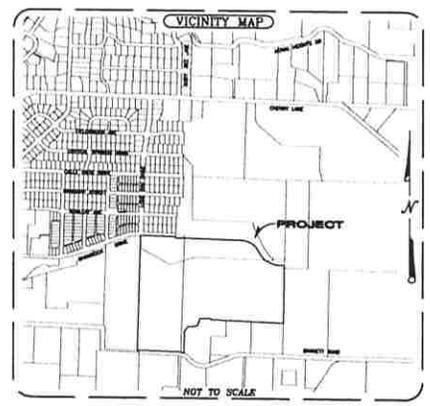
<u>Thickness of Bedding</u>	
Massive	Beds are 3 feet thick or greater.
Thick Bedding	Beds from 1 to 3 feet thick.
Medium Bedded	Beds from 4 inch to 1 feet thick.
Thin Bedded	Beds less than 4 inch thick.



**TEST PITS 1-15  
SUMMERFIELD AT SOUTH  
EAST PARK, PHASES 23-29 &  
RESERVE ACREAGES**

A reprint of a portion of the Reserve Acreage, Tract A, Summerfield At South East Park, Phase 18, a portion of Summerfield At South East Park, Phase 15, and a portion of Four Oaks Orchard Tracts, Lots 6-10, 11, 12, and 14-16, located in the Southeast One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

**PREPARED FOR:**  
Crystal Springs Development  
Group, A Joint Venture  
218 Allen Creek Drive  
Medford, Oregon 97504



**LEGEND**  
① INDICATES TEST PIT LOCATION



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

**ELECTRONIC  
COPY**  
OREGON  
JULY 19, 1994  
ROBERT V. NEATHAMER  
2675

Renewal Date 12/31/18

**BASIS OF SURVEY**

Base of Bearings is the centerline of Shamrock Drive, per Summerfield At South East Park, Phase 15, filed as Survey Number 2184 in the office of the Jackson County Surveyor.  
Elevations were established on steel control points via digital level loops based on City of Medford Bench Mark No. B-22, with a published elevation of 1376.450 (being a found brass cap in the southern curb of Cable Vista Drive at the southeast corner of the intersection with North Phoenix Road).

**PREPARED BY:** Neathamer Surveying, Inc.  
3128 State St, Suite 203  
P.O. Box 1594  
Medford, Oregon 97501  
Phone (541) 732-2889  
FAX (541) 732-1382

PLOT DATE: August 31, 2017 PROJECT NUMBER: 12034-17



## **PUBLIC WORKS DEPARTMENT STAFF REPORT**

### **Summerfield at Southeast Park *Phases 23-29 & Reserve Acreage* 183 Lots**

**Project:** Consideration of a request for approval of Summerfield at Southeast Park Phases 23-29, a 183-lot residential subdivision on 65.83 gross acres.

**Location:** Generally located on the east side of Waterstone Drive extending between Shamrock Drive and Barnett Road. The applicant also proposes to create seven reserve acreage tracts following the seven phase boundaries. The site is zoned SFR-4 (Single Family Residential, 2.5 – 4 dwelling units per gross acre), SFR-6 (Single Family Residential, 4 – 6 dwelling units per gross acre), SFR-10 (Single Family Residential, 6 – 10 dwelling units per gross acre), and MFR-20 (Multiple Family Residential, 15 – 20 dwelling units per gross acre) and is within the Southeast Plan (SE) Overlay District and has restricted zoning (RZ). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 23 – 29 (LDS-17-113). (371W27 TL 1001).

**Applicant:** Applicant: Crystal Springs Development Group, a Joint Venture, Agent: Neathamer Surveying, Planner: Kelly Evans.

**Applicability:** The Medford Public Works Department's conditions of Approval for Summerfield PUD were adopted by Order of the Medford Planning Commission (PUD-05-247 and also LDS-05-246) on January 26<sup>th</sup>, 2006. In addition, Summerfield at Southeast Park, Phase 14 through 21 was adopted by Order of the Medford Planning Commission (LDS-06-278) and has since expired on December 14<sup>th</sup>, 2011. Furthermore, the Planning Commission approved Phases 14 through 21 again on April 26<sup>th</sup>, 2012 with LDS-12-004/E-12-005 and has also since expired on April 26<sup>th</sup>, 2017. The Planning Commission approved another revision on July 13<sup>th</sup>, 2017 with LDS-17-051/E-17-052 (exception to length of Residential Lane). The adopted conditions of these actions which have not expired shall remain in full force as originally adopted except as amended or added to below.

**NOTE:** Construction plans for Phases 19 & 22D have been approved and public improvements have commenced with Summerfield Subdivision Phase 19 & 22D Public Improvement Plans (P1895D). Public Improvement Plans for Phase 20 (1906D) have been submitted to the City of Medford as of August 20<sup>th</sup>, 2018 but are yet to be approved. At this

**CITY OF MEDFORD**  
EXHIBIT # J  
FILE # LDS-19-069  
cityofmedford.org

time the improvements have yet to be completed for P1895D or P1906D, therefore criteria for improvements have been included with this report.

---

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

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

## A. STREETS

### 1. Dedications

East Barnett Road is classified as a Minor Arterial Street within the Medford Land Development Code (MLDC) Section 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the portion fronting the future alignment of East Barnett Road to comply with the half width of right-of-way (including separated bike lanes), which is 39-feet. The Developer's surveyor shall verify the amount of additional right-of-way required.

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on East Barnett Road only along the portion fronting the future alignment, 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.

Shamrock Drive is proposed as a Standard Residential Street within the MLDC 10.430. The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to comply with the full width of right-of-way, which is 63-feet. The Developer to the north for Phases 19 & 20 has stipulated to dedicate the full width of right-of-way plus an additional 1.5-feet (64.5-feet total) to accommodate a 10-foot wide pathway with a reduced planter strip on the north side along Shamrock Drive from Birch Creek Drive

west to connection with existing Shamrock Drive (P1846D) and 63-feet from Birch Creek Drive east to the terminus of Phase 20. If the proposed Development to the north commences first, those phases (19 & 20), shall dedicate the full width of right-of-way as described above.

**Waterstone Drive** is proposed as Standard Residential Street with a right-of-way width of 63-feet, consistent with the standard prescribed by MLDC 10.430.

**Autumn Hills Drive, Bloomfield Street and Starset Street** are proposed as Minor Residential streets with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430.

**Rosefield Street** is proposed as Minor Residential Street which requires a minimum right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430. The Developer has stipulated to dedicate additional right-of-way (56.5-feet total) to accommodate a 10-foot wide pathway with a reduced planter strip on the south side. Public Works has no objections to the additional right-of-way dedication.

**Cloverland Street** shall dedicate full width of right-of-way from Waterstone Drive east approximately 270-feet, and then 27.5-feet plus 15.5-feet south of centerline (total of 43-feet) continuing to the eastern terminus of the Development.

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

**Reserve Acreage** – No conditions pertaining to right-of-way dedications are required within reserve acreages at this time.

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

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

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

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

## 2. Public Improvements

### a. Public Streets

**East Barnett Road** shall be improved to Minor Arterial Street standards with Separated Bicycle Lanes, along the portion fronting the future alignment of East Barnett Road, in accordance with MLDC 10.428 (B) (1). The Developer shall improve the north half plus 12-foot south of the centerline.

The Developer shall receive Street System Development Charge credits for the public improvements on East Barnett Road along the portion fronting the future alignment of East Barnett Road per the value established by the Medford Municipal Code, Section 3.815.

If a connection from this Development to East Barnett Road shall be completed (as proposed on the Tentative Plat) then a **22-foot wide paved access** to a paved public street will be required with this Development and constructed to a full structural pavement section. The access in its current condition will either need to be tested by a licensed Geotechnical Engineer to see if it complies with the City's current standards, or a new paved access shall be installed. An Engineer would provide the City with pavement structural calculations upon submittal of a driveway improvement plan to the City. If access to East Barnett Road shall be restricted for use by the Fire Department only, then improvements to the current access road will not be required.

**Shamrock Drive** shall be constructed to Standard Residential Street standards, along the frontage of this development, in accordance with MLDC 10.430. The Developer shall improve the full width except sidewalk and planter strip on the north side. If the Developer to the north for Phases 19 & 20 has already constructed the full width improvements including curb and gutter on the south side, then this development shall be responsible to construct the planter strip and sidewalk on the south side as lots are developed.

Waterstone Drive shall be constructed to Standard Residential Street standards, in accordance with MLDC 10.430.

Autumn Hills Drive, Bloomfield Street and Starset Street shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430.

Rosefield Street shall be constructed to Minor Residential Street standards, in accordance with MLDC 10.430. The Developer has stipulated to construct the full width. This shall include construction of a 10-foot wide pathway and reduced planter strip on the south side.

Cloverland Street shall be constructed to full width Minor Residential Street standards, in accordance with MLDC 10.430 between Waterstone Drive east approximately 270-feet. The Developer shall improve, at minimum, the north half plus 12-feet south of the centerline from 270-feet east of Waterstone Drive to the eastern terminus of the Development. The Developer has stipulated to construct the full pavement width including curb and gutter on the south side.

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

Reserve Acreage – No conditions pertaining to street improvements are required within reserve acreages at this time.

## b. Street Lights and Signing

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

### Street Lighting – Developer Provided & Installed:

- A. 1 – Type A-400 LED
- B. 23 - Type R-100 LED
- C. TBD – BMC-1 with design showing conduit/wire/load calculations\*

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

- A. 20 – Street Name Signs
- B. 1 – Stop Sign
- C. 2 – Barricades (Type 3)
- D. 1 – Speed Sign

*\*Note – Design Pedestrian lighting per Municipal Code 10.380 showing conduit/wire/load calculations for placements/quantity of lighting system. Submit for review/approval.*

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

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

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

#### **c. Pavement Moratoriums**

There is a no pavement cutting moratorium currently in effect along the respective frontages for phases 23-29.

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

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

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

### e. Access and Circulation

Driveway access shall be per MLDC 10.550.

Since the path is being proposed in lieu of sidewalk, Public Works recommends that lots 690-702 and 773-786 be prohibited from taking driveway access from Rosefield Street in order to minimize the driveway crossings of the path.

In accordance with ZC-07-146 and ZC-17-112, the developer shall either widen East Barnett Road at the intersection of East Barnett Road and North Phoenix Road and install a second eastbound left turn lane or modify the signal equipment and timing at said intersection so that the northbound and southbound left turn movements are changed from protected-only to protected-permissive movements prior to final plat approval of the phase of development that creates the 27<sup>th</sup> single-family lot, which equates to 255 ADT.

**Discretionary Condition:** The Traffic Impact Analysis for ZC-07-146 titled Mahar Homes, Inc. 17.09 Acre Zone Change Southeast Plan, dated April 6, 2007, assumed that East Barnett Road and Shamrock Drive would provide access from the site to North Phoenix Road. Since neither of these connections have been completed, all site generated traffic will travel north to Calle Vista Drive or Cherry Lane. Cherry Lane is classified as a Major Collector street. Calle Vista Drive is classified as a Standard Residential street. For traffic originating south of Calle Vista Drive and ultimately heading south on North Phoenix Road, Calle Vista Drive provides the most direct route. Public Works has received multiple requests from the neighborhood regarding the amount of traffic on Calle Vista Drive and has been monitoring the intersection of Calle Vista Drive and North Phoenix Road. A signal warrant analysis was completed using 2017 count data. Warrant 1, 8-hour volume and Warrant 2, 4-hour volume were both met. However, a traffic signal cannot be installed at this intersection for two reasons. First, MLDC 10.463 requires a minimum of 1,320 feet between traffic signals on Arterial streets and the signalized intersection of Cherry Lane and North Phoenix Road is 700' to the north. Second, the Southeast Circulation Plan element of the Medford Comprehensive Plan calls for a center median in North Phoenix Road resulting in right-in/right-out only turning movements at this intersection. Due to the lack of alternate routes, the traffic generated by this development will increase the amount of traffic on Calle Vista Drive. Considering that this intersection already meets signal warrants, Public Works recommends that the Development install a center median in North Phoenix Road at Calle Vista Drive to limit Calle Vista Drive to right-in/right-out only turning movements as called for in the Southeast Circulation Plan. **The improvements (center median) shall be built prior to final plat approval of the first phase of this development that creates buildable lots.**

## f. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes or other structures which are not constructed within the street section, in these locations the paved access shall be located within a 15-foot easement.

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

### 3. Section 10.668 Analysis

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

#### 10.668 Limitation of Exactions

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

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

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

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

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

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

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

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.

**Barnett Road** is classified as a Minor Arterial street per the adopted Circulation Plan. It is the primary connector to North Phoenix Road from the development to the east. As a Minor Arterial, Barnett Road will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order street, it is eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

**Shamrock Drive, Waterstone Drive, Autumn Hills Drive, Bloomfield Street, Cloverland Street, Rosefield Street and Starset Street:** In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 183 dwelling units and will improve approximately 8,505 lineal feet of roadway which equates to 46.4 lineal feet per dwelling unit. Also the development will dedicate approximately 479,375 square feet of right-of-way which equates to approximately 2,619 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was previous phases of Summerfield Subdivision located between Stanford and Lone Oak and Cherry Lane and Shamrock and consisted of 152 dwelling units. The previous development improved approximately 7,530 lineal feet of roadway and dedicated approximately 425,230 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 49.5 lineal feet of road per dwelling unit and approximately 2,800 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 183 new Lots within the City of Medford and increase vehicular traffic by approximately 1,728 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from

this development.

- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

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

## **B. SANITARY SEWERS**

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

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

## **C. STORM DRAINAGE**

### **1. Hydrology**

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

Developer shall provide the City with concurrence from the US Army Corps of Engineers to fill in the existing drainage which bisects this proposed development.

## 2. Stormwater Detention and Water Quality Treatment

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

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

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

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

## 3. Grading

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

## 4. Mains and Laterals

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

## Construction Plans.

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

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

## 5. Erosion Control

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

### D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

### E. GENERAL CONDITIONS

#### 1. Design Requirements and Construction Drawings

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

#### 2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan

submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

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

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

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

### 3. Phasing

The Tentative Plat shows that this subdivision will be developed in phases. Any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

### 4. Draft of Final Plat

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

### 5. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has

been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

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

## 6. System Development Charges (SDCs)

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

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

## 7. Construction and Inspection

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

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

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

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

## SUMMARY CONDITIONS OF APPROVAL

### Summerfield at Southeast Park *Phases 23-29 & Reserve Acreage (183 Lots)* LDS-19-069

#### A. Streets

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

- Dedicate additional right-of-way on East Barnett Rd., as required.
- Dedicate full width or additional right-of-way on Shamrock Dr., as required.
- Dedicate full width right-of-way (63') on Waterstone Dr.
- Dedicate full width right-of-way (55') on Autumn Hills Dr., Bloomfield St., Cloverland St. (from Waterstone Dr. east 270') and Starset St.
- Dedicate right-of-way (55' min) on Rosefield St.
- Dedicate right-of-way on Cloverland St., as required (270' west of Waterstone Dr. to the eastern terminus).
- Dedicate 10-foot public utility easements (PUE).

##### 2. Improvements:

###### Public Streets

- Improve Barnett Rd. to Minor Arterial street standards, north half plus 12' south.
- A 22-foot wide paved access to the nearest paved public street, unless E. Barnett Rd. is restricted to Fire Dept. access only.
- Improve Shamrock Dr. full width, to Standard Residential street standards, as required.
- Construct Waterstone Dr. full width, to Standard Residential street standards.
- Construct Autumn Hills Dr., Bloomfield St., Cloverland St. (from Waterstone Dr. east ~270'), Rosefield St. and Starset St. full width, to Minor Residential street standards.
- Construct Cloverland St. full width, as required (from 270' east of Waterstone Dr. to the eastern terminus of the Development).

###### Lighting and Signing

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

###### Access and Circulation

- Comply with access and circulation conditions outlined above.
- The improvements (center median) shall be built prior to final plat approval of the first phase of this development that creates buildable lots.

###### Other

- No pavement moratorium currently in effect along this developments respective frontages for Phases 23-29.
- Provide pavement moratorium letters.
  - Provide soils report.

#### B. Sanitary Sewer:

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

#### C. Storm Drainage:

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide Engineers verification of stormwater facility construction.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
  - Provide concurrence from the US Army Corps of Engineers to fill in drainage.
- Provide Erosion Control Permit from DEQ.

#### D. Survey Monumentation

- Provide all survey monumentation.

#### E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Additional Site Plan to ensure fire apparatus access per MLDC 10.430(2) if project includes Minor Residential streets.
  - = City Code Requirement
  - = Discretionary recommendations/comments

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



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** LDS-19-069  
**PARCEL ID:** 371W27 TL 1001

**RECEIVED**  
AUG 21 2019  
PLANNING DEPT.

**PROJECT:** Consideration of a request for approval of Summerfield at Southeast Park Phases 23-29, a 183-lot residential subdivision on 65.83 gross acres generally located on the east side of Waterstone Drive extending between Shamrock Drive and Barnett Road. The applicant also proposes to create seven reserve acreage tracts following the seven phase boundaries. The site is zoned SFR-4 (Single Family Residential, 2.5 – 4 dwelling units per gross acre), SFR-6 (Single Family Residential, 4 – 6 dwelling units per gross acre), SFR-10 (Single Family Residential, 6 – 10 dwelling units per gross acre), and MFR-20 (Multiple Family Residential, 15 – 20 dwelling units per gross acre) and is within the Southeast Plan (SE) Overlay District and has restricted zoning (RZ). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 23 – 29 (LDS-17-113). (371W27 TL 1001). Applicant: Crystal Springs Development Group, a Joint Venture, Agent: Neathamer Surveying, Planner: Kelly Evans.

**DATE:** August 21, 2019

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 applicants civil engineer shall coordinate with Medford Water Commission Engineering Staff for an approved water facility layout that facilitates "looping" of water lines, and elimination of "dead-end" water lines at phase boundaries. The applicant and engineer shall coordinate a meeting with MWC engineering staff to develop proposed water facility layout for all phases.
4. Installation of 8-inch water lines per MWC Standards is required in all proposed "Residential" streets applicants.
5. Applicants civil engineer shall coordinate with MWC engineering staff for an approved route for a proposed "Pressure Zone 2" 12-inch water line in Shamrock Drive (or possibly Cloverland

*Continued to Next Page*

CITY OF MEDFORD  
EXHIBIT #   K    
FILE # LDS-19-069



## Staff Memo

*Continued from Previous page*

Street). Proposed 12-inch\16-inch water main (to be determined by MWC Hydraulic Modeler) would begin at Medford Water Commissions "proposed" Barnett Road Pump Station site which is located on Tax Lot 37-1W-34203. Reimbursement of "oversizing" costs of water main will be for materials only.

### COMMENTS

1. Off-site water line installation is required. (See Condition 5 above)
2. On-site water facility construction is required. (See Condition 4-5 above)
3. MWC-metered water service does not exist to this property.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 8/19/2019
Meeting Date: 8/21/2019

LD File #: LDS19069

Planner: Kelly Evans

Applicant: Crystal Springs Development Group

Site Name: Summerfield at Southeast Park Phases 23-29

RECEIVED
AUG 21 2019
PLANNING DEPT.

Project Location: Generally located on the east side of Waterstone Drive extending between Shamrock Drive and Barnett Road.

Project Description: Consideration of a request for approval of Summerfield at Southeast Park Phases 23-29, a 183-lot residential subdivision on 65.83 gross acres generally located on the east side of Waterstone Drive extending between Shamrock Drive and Barnett Road. The applicant also proposes to create seven reserve acreage tracts following the seven phase boundaries. The site is zoned SFR-4 (Single Family Residential, 2.5 - 4 dwelling units per gross acre), SFR-6 (Single Family Residential, 4 - 6 dwelling units per gross acre), SFR-10 (Single Family Residential, 6 - 10 dwelling units per gross acre), and MFR-20 (Multiple Family Residential, 15 - 20 dwelling units per gross acre) and is within the Southeast Plan (SE) Overlay District and has restricted zoning (RZ). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 23 - 29 (LDS-17-113). (371W27 TL 1001).

Specific Development Requirements for Access & Water Supply

Table with 3 columns: Reference, Comments, and Description. It lists requirements for fire hydrants and street widths.

CITY OF MEDFORD
EXHIBIT # L
FILE # LDS-19-069

Following design options outlined in Medford Code section 10.430:

(a) Clustered, offset (staggered) driveways, and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

The developer shall choose one of the three options prior to the final plat. If the clustered-offset driveway option is chosen, submitted civil plans are required to show driveway locations which will be reviewed by the Fire Department and Engineering Department prior to development. If the fire sprinkler option is chosen, the developer shall notify the Fire Department prior to final plat.

The Fire Department reserves the right to require parking restrictions with no parking signs in areas where the clustered-offset driveway option breaks down for short distances. Parking restrictions shall not be deemed as a separate option to the overall layout of the subdivision. If the developer by preference does not design the clustered/offset driveways into the overall design of the

minor residential street, option (b) or (c) must be chosen.

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).

OFC  
503.5

Parking shall be posted as prohibited on one side of Cloverfield Street if the street width is not fully developed.

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

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

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

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

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

OFC  
503.2.5

Temporary fire department turn-arounds shall be constructed at the end of Rosefield, Starset, and Cloverland streets.

Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's.

### **Construction General Information/Requirements**

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

**[www.medfordfirerescue.org](http://www.medfordfirerescue.org)**

# MEDFORD PARKS & RECREATION FACILITIES MANAGEMENT

HEALTHY LIVES | HAPPY PEOPLE | STRONG COMMUNITY

TO: Kelly Evans - Planning Department  
FROM: Haley Cox – Parks Planner  
SUBJECT: Summerfield at Southeast Park, Phases 23-29  
DATE: August 21, 2019

**RECEIVED**

AUG 21 2019

**PLANNING DEPT.**

The Parks Department has reviewed the application for revision to the tentative plat of Summerfield at Southeast Park, Phases 23-29, and has the following comments:

1. The Leisure Services Plan and GLUP map indicate a greenway corridor and 10-foot shared-use pathway traversing this area generally eastward from Lone Oak Drive. The applicant has shown this corridor as a greenway path in-lieu of sidewalk, rather than a dedicated corridor as originally proposed. The 10-foot pathway is shown along the south side of Rosefield Street from the intersection of Waterstone Way eastward to the edge of the project site.

Being situated within the Public Right of Way, the pathway shall adhere to the standards of the Public Works Department. Crosswalks are not shown where the pathway crosses Autumn Hills Drive or Waterstone Drive, so the Parks Department would recommend that the applicant install stamped concrete in those areas to indicate where the pathway crosses those streets. Crosswalks and any signage shall be approved by the City Traffic Engineer.

CITY OF MEDFORD  
EXHIBIT # M  
FILE # LDS-19-069



CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE

701 N. COLUMBUS AVE. | MEDFORD, OR 97501 | 541.774.2400  
WWW.PLAYMEDFORD.COM | PARKS@CITYOFMEDFORD.ORG





**RECEIVED**  
AUG 21 2019  
PLANNING DEPT.

MEMORANDUM

To: Kelly Evans, Planning Department  
From: Mary Montague, Building Department  
CC: Applicant, Crystal Springs Development Group; Agent, Neathamer Surveying  
Date: August 21, 2019  
Subject: LDS-19-069\_ Summerfield at SE Park Phases 23-29

**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.*

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) 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.

Comments:

5. A site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information per Section R403.1.9 and R403.1.10 and on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.
6. This area is in the Hillside Ordinance area. Must follow guidelines as set forth in the Municipal code Section 10.929 – 10.933.

CITY OF MEDFORD  
EXHIBIT # N  
FILE # LDS-19-069



# JACKSON COUNTY

## Roads

Roads  
Engineering

Chuck DeJanvier  
Construction Engineer

200 Antelope Road  
White City, OR 97503  
Phone: (541) 774-6255  
Fax: (541) 774-6295  
dejanvca@jacksoncounty.org

www.jacksoncounty.org

August 12, 2019

Attention: Kelly Evans  
Planning Department  
City of Medford  
200 South Ivy Street, Lausmann Annex, Room 240  
Medford, OR 97501

RE: Consideration of a 183-lot residential subdivision on  
Waterstone Drive, E Barnett Road & Shamrock Drive - City maintained roads  
Planning File: LDS-19-069

Dear Kelly:

Thank you for the opportunity to comment on this consideration of a request for approval of Summerfield at Southeast Park Phases 23-29, a 183-lot subdivision on 65.83 gross acres generally located on the east side of Waterstone Drive extending between Shamrock Drive and East Barnett Road. The applicant also proposes to create seven reserve acreage tracts following the seven phase boundaries. The site is zoned Single Family Residential, 2.5 to 4 dwelling units per gross acre (SFR-4), Single Family Residential, 4 to 6 dwelling units per gross acre (SFR-6), Single Family Residential, 6 to 10 dwelling units per gross acre (SFR-10), and Multiple Family Residential, 15 to 20 dwelling units per gross acre (MFR-20) and is within the Southeast Plan (SE) Overlay District and has restricted zoning (RZ). Jackson County Roads has the following comments:

1. According to our records, E Barnett Road at the section in front of the subject property is a local access road within the City Limits of Medford, and as per ORS 368.031, not under the jurisdiction of Jackson County.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Chuck DeJanvier, PE  
Construction Engineer

CITY OF MEDFORD  
EXHIBIT # 0  
FILE # LDS-19-069



Planning Department Inquiry Form

NAME: Peter Noyes DATE \_\_\_\_\_

EMAIL: noyespeter@juno.com PHONE 541-840-6931 cell

REQUIRED INFORMATION: 541-773-1088 home

ADDRESS/LOCATION 4295 E. Barnett Rd.

\*\*INQUIRY: (be specific) Privately maintained E. Barnett road in New Summerfield subdivision planning to build up to E. Barnett.

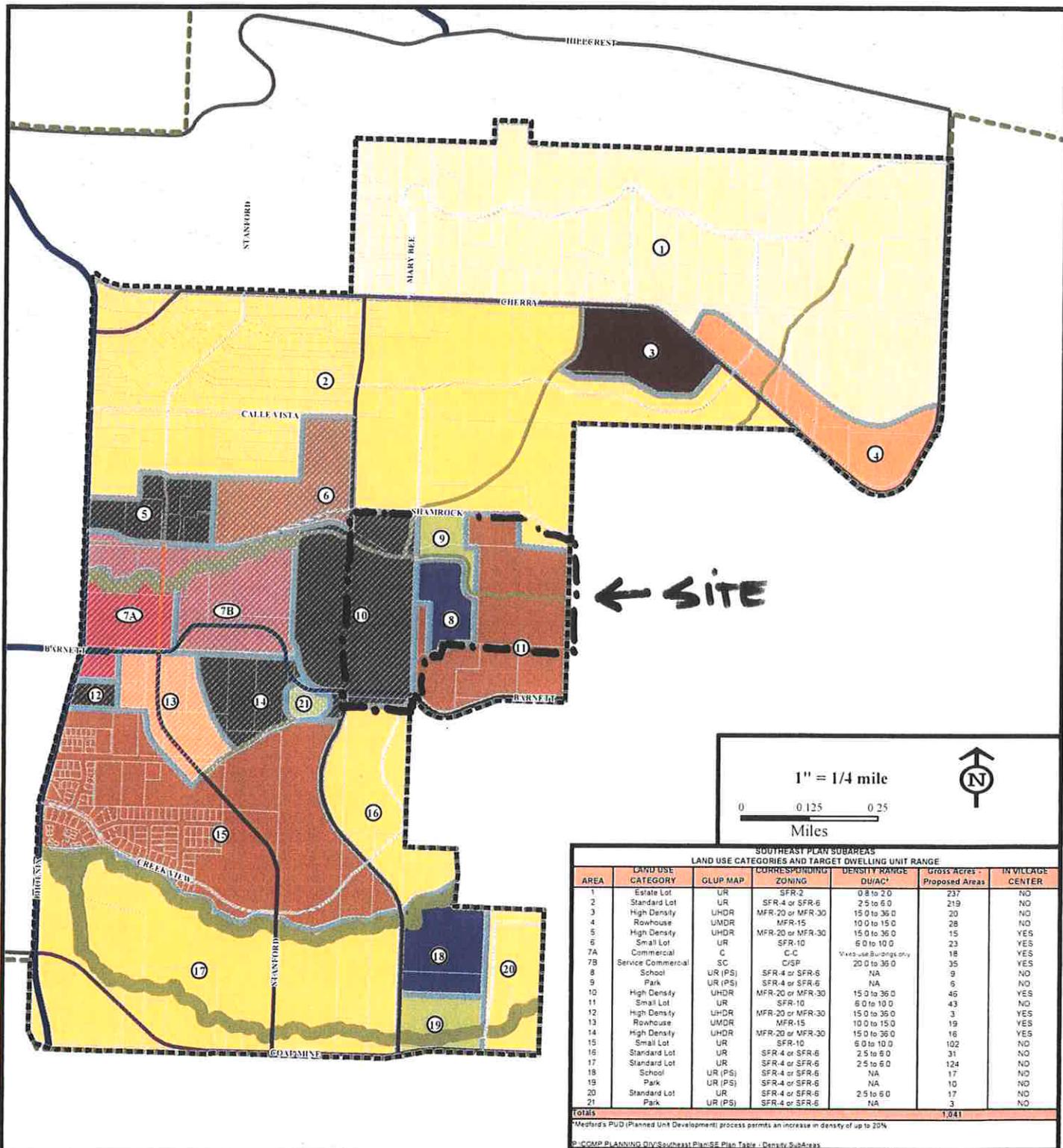
Planning commission needs to address improving road and assure residents will have a well maintained road

LDS-19-069

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AUG 27 2019  
PLANNING DEPT.

Page 308

FILE # LDS-19-069  
EXHIBIT # 9  
CITY OF MEDFORD



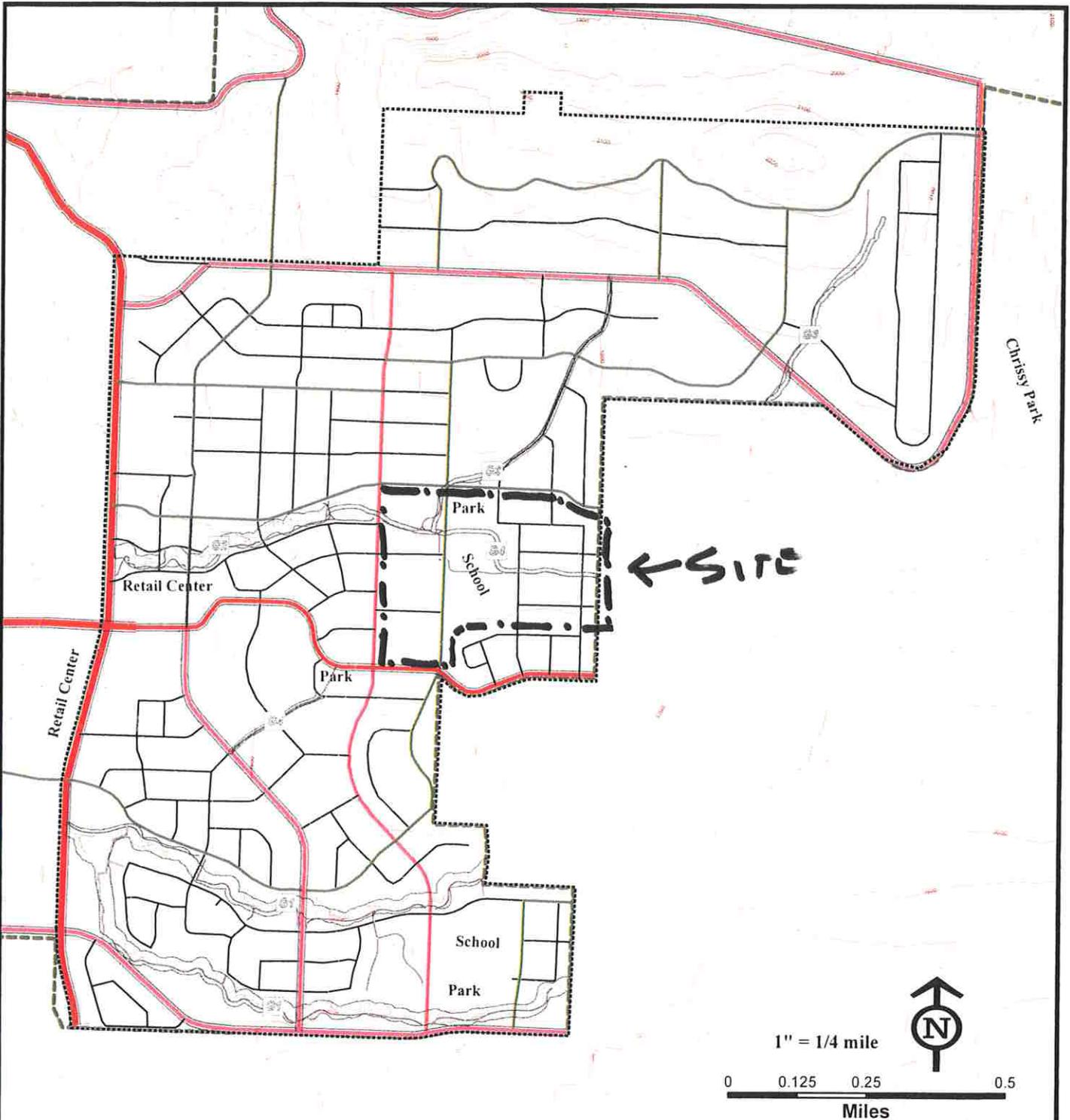
**ADOPTED March 7, 2013  
ORDINANCE #2013-42**

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

**SOUTHEAST  
PLAN MAP**

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

CITY OF MEDFORD  
EXHIBIT # 2  
File # WDS-19-069



ADOPTED March 7, 2013  
ORDINANCE #2013-42

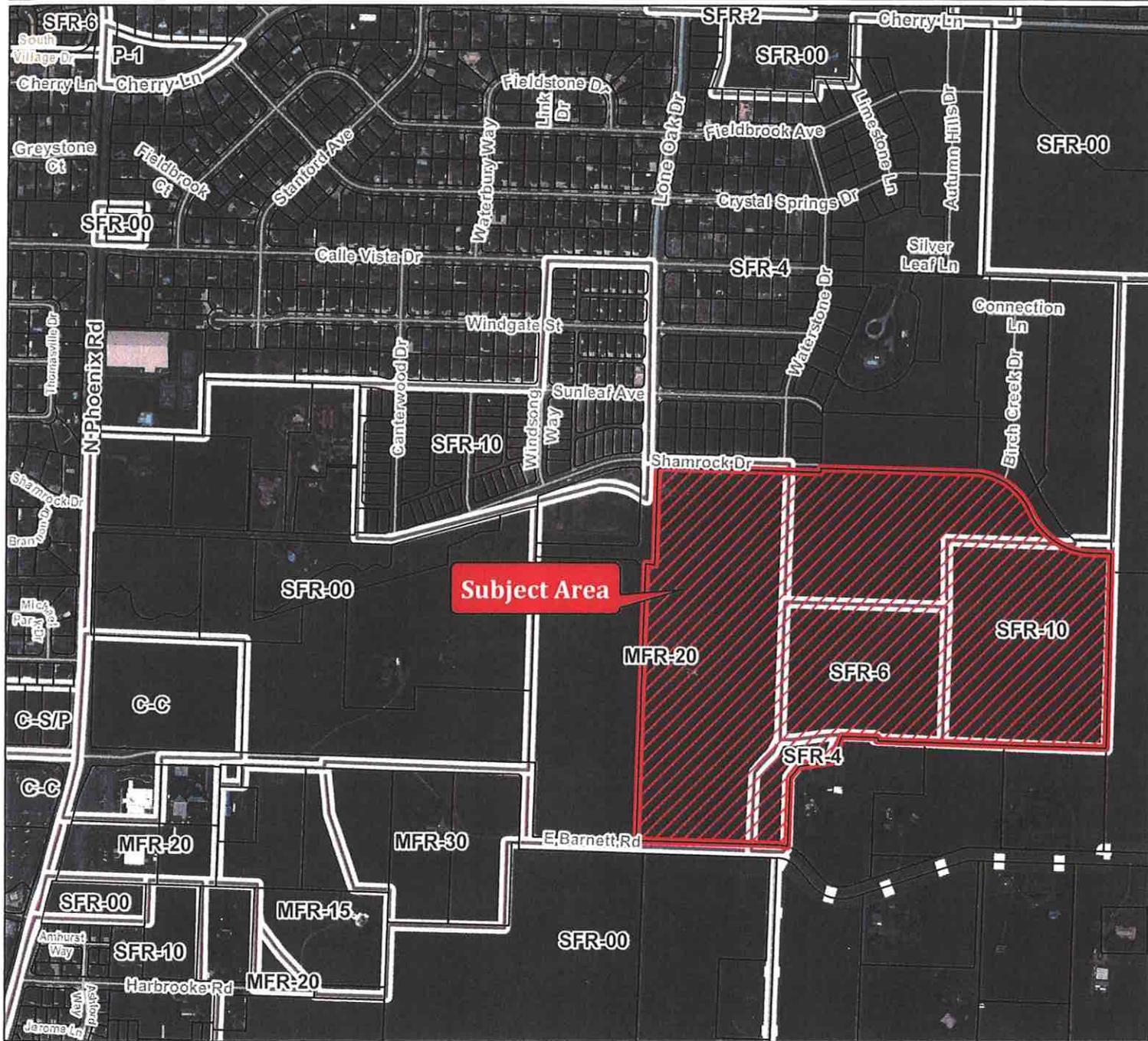
No guarantee or warranty is expressed or implied in terms of data accuracy or legitimacy. This product is intended for use as public information and precise interpretations of the official record should be solicited from the Medford Planning Department

# SOUTHEAST CIRCULATION PLAN MAP

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



CITY OF MEDFORD  
Date: 03.07.13  
EXHIBIT # R  
File # 655-19-069

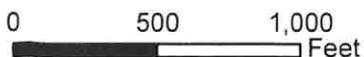


Project Name:

**Summerfield at SE Park  
 Ph 23-29 & Reserve Acreages**

Map/Taxlot:

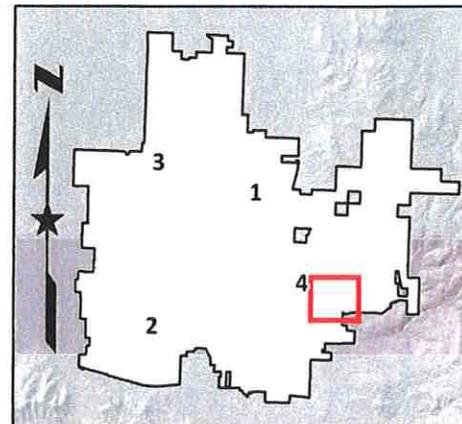
**371W27 TL 1001**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

07/03/2019





## STAFF REPORT

For a Type IV legislative and Type-III quasi-judicial decisions: **Minor General Land Use Plan Map Amendment, Zone Change, and Revision to Planned Unit Development**

**Project** Tower Business Park Arrowhead Business Center LLC  
Applicant: Dan & Gina Reece; Agent: CSA Planning Ltd.

**File no.** GLUP-19-004, ZC-19-014 & PUD-19-003

**To** Planning Commission *for 09/12/2019 hearing*

**From** Steffen Roennfeldt, Planner III

**Reviewer** Kelly Evans, Assistant Planning Director

**Date** September 5, 2019

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### BACKGROUND

#### Proposal

Consideration of a revision to the approved Preliminary PUD Plan for Lot 6 of the Tower Business Park Planned Unit Development to allow for the construction of rowhouse-style residential buildings, including a change to the General Land Use Plan map from GI (General Industrial) to UM (Urban Medium Density Residential) and to change the zoning to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on 1.16 acres located at 3583 Arrowhead Drive within the I-L (Light Industrial) zoning district (371W08BC2511).

#### Vicinity Map



### Subject Site Characteristics

GLUP	GI	General Industrial
Zoning	I-L	Light Industrial
Overlay	PD/AC	Planned Unit Development/Airport Area of Concern
Use	Vacant	

### Surrounding Site Characteristics

<i>North</i>	Zone:	MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre)
	Use:	Apartment Complex
<i>South</i>	Zone:	I-L
	Use:	Offices
<i>East</i>	Zone:	I-L
	Use:	Church
<i>West</i>	Zone:	I-L
	Use:	Vacant

### Related Projects

PUD-99-141                      Tower Business Park PUD

### Applicable Criteria

#### **MINOR COMPREHENSIVE PLAN AMENDMENT**

For the applicable criteria, the Medford Municipal Code Section 10.222(B) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

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

## ZONE CHANGE

### Approval Criteria – Section 10.204(B) of the Medford Land Development Code (MLDC)

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

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

\*\*\*

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

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

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

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

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

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

- a. the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
- b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:
  - (i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;
  - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;
  - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

## **REVISION TO PLANNED UNIT DEVELOPMENT**

### **Medford Land Development Code §10.198 Revision or Termination of a PUD**

#### **(A) Revision of a Preliminary or Final PUD Plan**

The expansion or modification of a PUD approved under earlier PUD ordinances of the City of the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:

##### **(1) Applicant for Revision; Filing Materials; Procedures**

An application to revise an approved PUD Plan shall be on forms supplied by the Planning Department. The application form shall bear the signature of the owner(s) who control a majority interest in more than 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 50% of the total assessed value of vacant portion of the PUD. For changes deemed by the Planning Director to be minor but not de minimis, the Planning Director shall exercise appropriate discretion under Section 10.190(C)(1) to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions. PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.

##### **(2) Consolidated Procedure.**

At the discretion of the Planning Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.

##### **(3) Burden of Proof; Criteria for Revisions**

The burden of proof and supporting findings of fact and conclusions of law for the criteria in Sections 10.190(D) or 10.196(D), 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 Section 10.190(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.

##### **(4) De Minimis Revisions**

Notwithstanding Section 10.192(E), the Planning Director may approve revisions to an approved Preliminary or Final PUD Plan that they determine is de minimis. Proposed revisions shall be considered de minimis if the Planning Director determines the changes to be slight and

inconsequential and will not violate any substantive provision of this Code. The Planning Director's written approval of a de minimis revision(s) shall be appended to the Final Order of the Planning Commission or Final Approval of the Final PUD Plan. Revisions that are de minimis shall not require public notice, public hearing or an opportunity to provide written testimony. However, if, while the record is open, any party requests in writing to be notified of future de minimis revisions of a Preliminary PUD Plan, then all de minimis revisions of a Preliminary PUD Plan shall be subject to review as a Type III land use action or such other procedure as may be permitted by law.

(B) Termination of a PUD.

A PUD may be terminated by action of the Planning Commission subject to the following procedures:

- (1) If issuance of building permits for vertical construction has not occurred or if no lots or units therein have been sold, the PUD may be terminated as provided in this Subsection. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than 50% of the land covered by the approved PUD and which also constitutes more than 50% of the total assessed value of land and improvements of the PUD. Upon receipt of a valid petition, the Planning Commission shall consider the matter in an open meeting and shall declare the PUD terminated. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same. When the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.
- (2) If issuance of building permits for vertical construction has occurred or if lots or units within the PUD have been sold, the PUD may be terminated as provided in this Subsection. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than 50% of the vacant land covered by the approved PUD which also constitutes more than 50% of the total assessed value of vacant land within the PUD. If there is an association of owners established within the boundaries of the whole PUD, the owner(s) petitioning for termination of the PUD shall also supply the City with the correct mailing address of the association which shall be notified along with others entitled to notice under this Subsection. Upon receipt of the petition, the Planning Commission shall provide notification of the proposed PUD termination and conduct a public hearing on the matter.

The Notice and public hearing shall be subject to Type III procedures. The Planning Commission shall declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or general welfare. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and after approvals shall be considered void and of no further effect. Termination of PUD shall not affect other land use actions taken by the City which concern the PUD property.

### **Medford Land Development Code §10.190 Planned Unit Development – Application and Approval Provisions**

#### **(D) 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 proposed PUD:
  - (a) preserves an important natural feature of the land; or
  - (b) includes a mixture of residential and commercial land uses; or
  - (c) includes a mixture of housing types in residential areas; or
  - (d) includes open space, common areas, or other elements intended for common use or ownership; or
  - (e) is otherwise required by the Medford Land Development Code.
- (2) The proposed PUD complies with the applicable requirements of this Code, or
  - (a) the narrative describes the proposed modified standards of the Code and how they are related specifically to the implementation of the rationale for the PUD as described in the application, and
  - (b) the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
  - (c) the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
- (3) The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
  - (a) Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
  - (b) Public Facilities Strategy pursuant to ORS 197.768 as amended.
  - (c) Limited Service Area adopted as part of the Medford Comprehensive Plan.

- (4) The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
- (5) If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.192(B)(7)(c), the applicant shall alternatively demonstrate that either:
  - (a) Demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
  - (b) By the time of development the property can be supplied with the following Category "A" public facilities in sufficient condition and capacity to support development of the proposed use:
    - (i) Public sanitary sewerage collection and treatment facilities.
    - (ii) Public domestic water distribution and treatment facilities.
    - (iii) Storm drainage facilities.
    - (iv) Public streets.Determination of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.
- (6) If the Preliminary PUD Plan includes uses proposed under Subsection 10.192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.184.
- (7) If approval of the PUD application includes the division of land or the approval of other concurrent land use applications as authorized in Subsection 10.190(B), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional land use applications.

### Corporate Names

Dan Reece is the Registered Agent for Arrowhead Business Center LLC according to the Oregon Secretary of State Business Registry. He is also listed as a Member.

William H Fowler is the Registered Agent for CSA Planning, Ltd. According to the Oregon Secretary of State Business Registry. Jay Harland is listed as President and Raul Woerner is listed as Secretary.

## Authority

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

## ISSUES AND ANALYSIS

### Background

The subject parcel is part of the Tower Business Park Planned Unit Development (File No. PUD-99-141). The PUD is approximately 21 acres in size and contains several commercial/light-industrial developments which are occupied by a variety of tenants. The PUD-99-141 received approval from the Commission to deviate from the following standards of the code: lot frontage, the creation of private streets, and the inclusion of commercial uses on 4.37 acres. None of these deviations applies to the proposed PUD revision.



Figure 1 - Tower Business Park PUD (Subject Area is 3583 Arrowhead Drive)



**Compliance with Applicable Development Standards (Based on proposed MFR-15 zoning)**

*Site Development Standards*

All applicable site development standards per MLDC 10.714 are met per the table below.

	<b>Allowed/Required</b>	<b>Proposed</b>
Building Height	35 feet	20 feet 10 inches
Lot Coverage	50%	27.8%
Setback, front	20 feet, 15 feet if vehicular access to the garage is parallel to the street	Min. of 15 feet with vehicular access to garage door parallel to street
Setback, street side	10 feet	No street side yard
Setbacks, side & rear	6.9 feet	Min. of 10 feet

Please note that on the Site Plan (Exhibit H) the applicant accidentally mislabeled the front yard along Arrowhead Drive as a Street Side Yard.

*Multiple Family Residential Standards*

Multiple Family Dwelling Standards are listed in the MLDC in Sections 10.715A through 10.719. The applicant did address all standards in their *Appendix to Exhibit 1 Findings* (Exhibit R) and demonstrated compliance with the applicable standards.

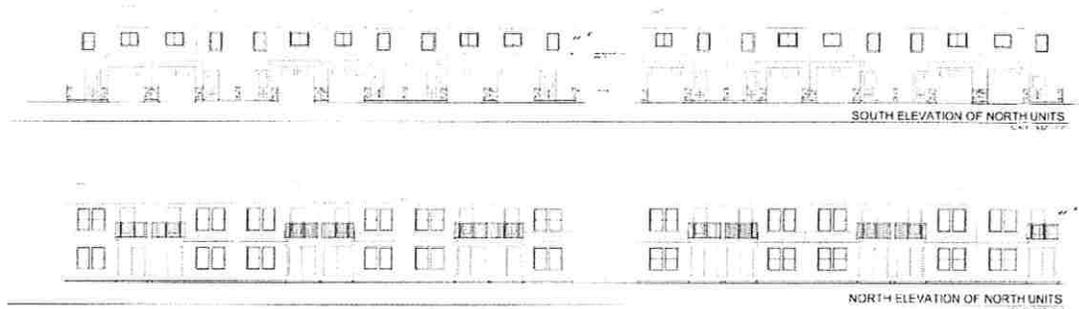


Figure 3 -Proposed Building Elevations

In regards to the findings provided for MLDC 10.717(A)(1) which states that *Building shall be oriented to public streets and public street intersections*, the applicant requested that the City approve a modification to this section per MLDC 10.192(B). The section reads that *Limitations, restrictions and design standards pertaining to location, size, height, yards and setbacks for buildings and other structures may be modified within a Planned Unit Development*. In addition, as MLDC 10.719 does allow for optional adjustments of the special development standards for multiple family development, Staff does believe that the requested relief request to the building

orientation standards will, at a minimum, allow the project to achieve an equivalent quality and, therefore, supports this request.

Staff also supports the applicant's request for building entrances that are within 30 feet of a street to not face the street frontage. The proposed design elementarily meets the requirements of MLDC 10.715(3)(c)(i) and (ii) which state that for *buildings proposed to be perpendicular to public streets (...) main entries may face up to 90 degrees away from the street provided that both of the following apply: (i) They are visible from the street, and (ii) Thief building side facing the street shall contain window occupying a minimum of 15% of the overall façade length.*

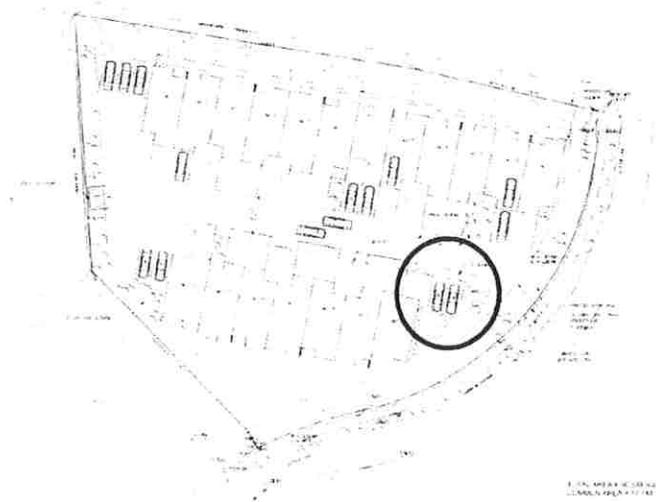


Figure 4 - Parking Area between building and street

Lastly, the applicant argues that MLDC Section 10.717(F)(1), because it is ambiguous in its application to this housing project, is not clear and objective and should not be applied.

F. Vehicle Circulation and Parking.

(1) In order to strengthen the presence of buildings on the street, no parking spaces shall be located within any required front yard area, and no automobile circulation or parking areas shall be located between buildings and the street. Any proposed deviation from this standard shall be subject to a request for an Exception as outlined in Section 10.186.

[Added Sec. 5. Ord. No. 2018-100, Sept. 6, 2018.]

Figure 5 - MLDC Section 10.717(F)(1)

Staff believes that the standard in MLDC 10.717(F)(1) is clear and objective in that no parking spaces shall be located within the required front yard area or between any building and the street. The two parking spaces highlighted in Figure 4 are clearly located between the public right-of-way and Unit 18. Therefore, staff does believe that an Exception to this standards is required per MLDC 10.186. However, it will ultimately be up to the Commission to decide on whether an Exception will be required or not.

## ***Facility Adequacy***

### *Transportation Impact Analysis*

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

Per the applicant's findings and the Public Works Staff Report (Exhibits S, T and U, respectively), a Transportation Impact Analysis is not required as the proposal is likely to generate less than 250 net ADT. No significant impact to the transportation system are expected.

### *Sewer Capacity Constraints*

Also indicated in the Public Works Department Staff Report is the fact that the downstream sewer system currently has capacity constraints. Based on this information, Public Works suggests three options: One, to deny the proposed applications; two, the applicant to stipulate to only develop so the total sewer flows do not exceed current zoning limitation; or, three, the developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints or provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed applications.

Staff received additional findings from the applicant (Exhibit KK) regarding this issue on September 5, 2019 stating that this wasn't an issue under the new Sewer Master Plan. Public Works staff agreed with the applicant's findings that the new zoning will lower the impact on the sewer system and, therefore, a restrictive zoning overlay will not be necessary.

### *Facility Adequacy*

Per the agency comments submitted to staff (Exhibits S to Y), it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

## **Committee Comments**

Identify whether comments were received from a committee, such as BPAC. If not, state so.

No other issues were identified by staff.

## FINDINGS AND CONCLUSIONS

### Comprehensive Plan Amendment

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

Findings:

The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process has provided information demonstrating the need for residential land.

Conclusions:

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

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

Findings:

The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process identified a slight surplus (one acre) of industrial land. The proposed swap of 1.16 acres is relatively insignificant compared to the total land base within the City of Medford.

Conclusions:

Even though the proposed change will have a minimal effect on the overall available land, it will still help satisfying urban housing needs.

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

Findings:

The Public Works Staff Report identified potential downstream sewer system capacity constraints. As per Exhibit KK, this will not be an issue with the proposed zoning. Per the agency comments submitted to staff, no other issues were identified and it can be found that there are adequate facilities to serve the future development of the site as a residential development.

Conclusions:

Sufficient facilities exist to accommodate the proposed classification change.

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

Findings:

The residential designation will accommodate the buildout of the property as a residential development.

Conclusions:

The proposed designation change would mean the land could be used for up to 20 dwelling units per the density calculation (Exhibit JJ). The applicant proposes 18 units which is within the density range of 14 to 20 dwelling units. No density bonus has been requested as part of the PUD revision.

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

Findings:

*Environmental:* The subject area is already within the UGB, and thus has already met tests concerning environmental impacts; a change of designation does not affect suitability for urbanization.

*Energy:* A designation change to UM would not pose any discernable energy consequences, as the site is located within the UGB, and thus has already met tests concerning environmental impacts; change of designation does not affect suitability for urbanization.

*Economic:* The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process identified a slight surplus of industrial land.

*Social:* The surrounding area of the subject site is a mix of light industrial, institutional and residential uses. The changing of the subject site to the Urban Medium Density Residential GLUP will result in the site abutting other property also designated with the UM GLUP. The proposed change is not anticipated to have a negative social consequence as the surrounding area is already a mix of uses.

Conclusions:

*Environmental:* No discernable environmental consequences would result with the proposed change of designation.

*Energy:* No discernable energy consequences would result with the change of designation.

*Economic:* The proposed change would provide for additional housing and accommodating housing for the workforce.

*Social:* No discernable social consequences would result with the proposed change of designation.

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

*Public Facilities Element*

Findings:

Policy 2-A deals with the timely provision of essential urban facilities and services. As was pointed out in the Public Works Staff Report, there are

downstream sewage system facility constraints which might trigger the implementation of a restrictive zoning overlay.

Conclusions:

With the new sewer master plan in place, it was determined that there will be no unanticipated impacts to public facilities.

*Housing Element*

Findings:

Policy 3: In planning for needed housing, the City of Medford shall strive to provide a compact urban form that allows efficient use of public facilities and protects adjacent resource lands and consider actions such as upzoning buildable land to medium and high density residential.

The GLUP change to Urban Medium Density Residential and the subsequent rezoning to MFR-15 will allow for the development of up to 20 residential dwelling units in an area where no residential development was previously proposed.

Conclusions:

The proposed change does supply a small amount of residential land for development.

7. *All applicable Statewide Planning Goals.*

*Goal 1 - Citizen Involvement*

Findings:

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

Conclusions:

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

*Goal 2 - Land Use Planning*

Findings:

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

Conclusions:

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

*Goals 3 to Goal 5* are not applicable.

*Goal 6 – Air, Water and Land Resources Quality*

Findings:

There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusions:

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

*Goals 7 & 8* are not applicable.

*Goal 9 – Economic Development*

Findings:

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

Conclusions:

The proposed change will reduce the available industrial lands by one acre – a land use designation in which the recent UGB analysis demonstrated that a one acre surplus exists.

*Goal 10 – Housing*

Findings:

Goal 10 requires that 'plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.' A designation change to residential will allow for the development of 20 additional dwelling units.

Conclusions:

The proposed designation change will create a potential for the expansion of the City's existing housing stock.

*Goal 11 – Public Facilities and Services*

Refer to No. 3 above.

*Goal 12 – Transportation*

Findings:

The Transportation Planning Rule (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. A transportation impact analysis was not required as part of this project as the project is expected to generate fewer than 25 additional trips.

Conclusions:

The proposal will not have a significant impact on the public transportation system.

*Goal 13 – Energy Conservation*

Findings:

Providing for multiple family housing near existing employment uses and shopping areas decreases the amount of energy required to get to those places.

Conclusions:

The development is consistent with the goals that are outlined in Goal 13.

*Goal 14 – Urbanization*

Findings:

The subject property is situated between commercial, light industrial, institutional and residential uses and will be placed within an area that is already urbanized.

Conclusions:

The proposed GLUP change will not materially change the transition and mix of land uses or livability of the community.

*Goals 15 to 19 are not applicable.*

**Zone Change**

Staff has reviewed the applicant's findings and conclusions for the Zone Change (Exhibit P) and recommends the Commission adopt the findings as presented.

**Planned Unit Development**

Staff has reviewed the applicant's findings and conclusions for the Revision to the Planned Unit Development (Exhibit Q) and recommends the Commission adopt the findings with the following modifications:

- The Commission finds that an Exception application per MLDC 10.186 is required to allow for parking between the proposed buildings and the public right-of-way

- OR -

- The Commission agrees with the applicant findings stating that the standard set forth in MLDC 10.717(F)(1), because it is ambiguous in its application to this housing project, is not clear and objective and should not be applied.

## **RECOMMENDED ACTION**

Minor Comprehensive Plan (GLUP Map) Amendment

Forward a favorable recommendation for approval of GLUP-19-004 to the City Council per the Staff Report dated September 5, 2019, including Exhibits A to KK.

Zone Change and Revision to Planned Unit Development

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of ZC-19-014 & PUD-19-003 per the staff report dated September 5, 2019, including Exhibits A through KK.

## **EXHIBITS**

- A Conditions of Approval, dated September 5, 2019
- B Vicinity Map, received June 28, 2019
- C GLUP Map, received June 28, 2019
- D Zoning Map, received June 28, 2019
- E Transportation System Map, received June 28, 2019
- F North Medford Circulation Plan, received June 28, 2019
- G Assessor's Map, received June 28, 2019
- H Site Plan, received June 28, 2019
- I Preliminary Grading and Drainage Plan, received June 28, 2019
- J Elevations, received August 22, 2019
- K Floor Plans, received June 28, 2019
- L Landscape Plan, received June 28, 2019
- M Narrative, received June 28, 2019
- N Site Images, received June 28, 2019
- O Applicant's Findings of Fact and Conclusions of Law (GLUP), received June 28, 2019
- P Applicant's Findings of Fact and Conclusions of Law (Zone Change), received June 28, 2019
- Q Applicant's Findings of Fact and Conclusions of Law (PUD), received June 28, 2019
- R Appendix to Applicant's Exhibit 1, received August 22, 2019
- S Public Works Staff Report (GLUP), dated August 14, 2019

- T Public Works Staff Report (Zone Change), dated August 14, 2019
- U Public Works Staff Report (PUD Revision), dated August 14, 2019
- V Building Department Memo, dated August 14, 2019
- W Medford Fire-Rescue Land Development Report, dated August 14, 2019
- X City Surveyor Memo, dated July 31, 2019
- Y Medford Water Commission Memo, dated August 14, 2019
- Z Floodplain Coordinator Memo, dated August 8, 2019
- AA Email from ODOT, received August 7, 2019
- BB Planning Commission Report PUD-99-141, received June 28, 2019
- CC Legal Description, received June 28, 2019
- DD Tower Business Park Survey, received June 28, 2019
- EE Covenants, Conditions & Restrictions, received June 28, 2019
- FF PUD Amendment request, received June 28, 2019
- GG Jackson County Assessor valuation data, received June 28, 2019
- HH Tower Retail Center Subdivision Survey, received June 28, 2019
- II Letter from Willam Merrihew, received August 28, 2019
- JJ Density Calculation Form, dated September 3, 2019
- KK E-Mails from applicant re: Sewer Capacity issues, dated August 14, 2019  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**SEPTEMBER 12, 2019**

## EXHIBIT A

Tower Business Park Arrowhead Business Center LLC  
Conditions of Approval  
September 5, 2019

**All conditions of the Preliminary PUD plan approval (PUD-99-141) are still in effect.**

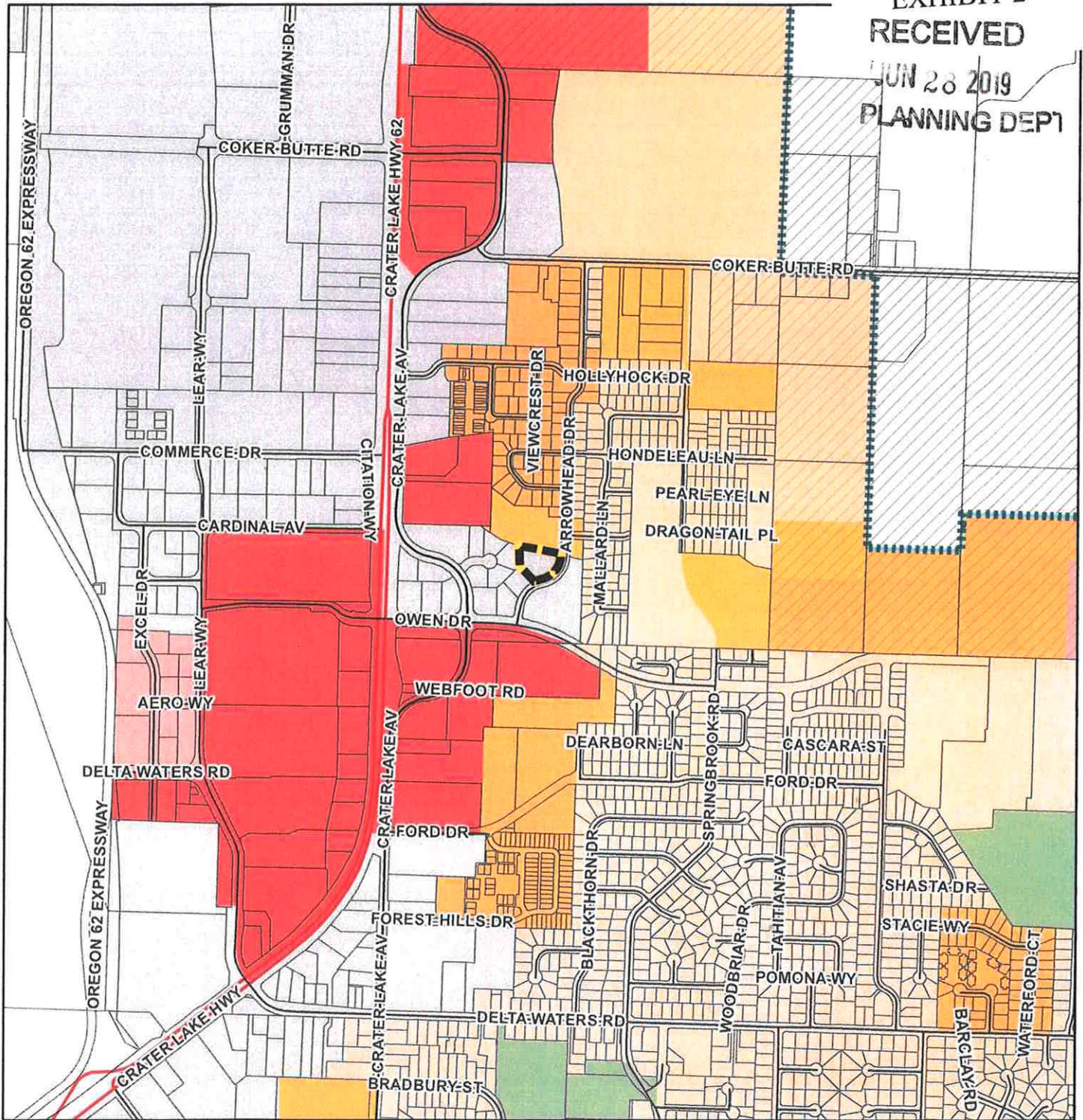
### CODE CONDITIONS

1. The change of zone (ZC-19-014) shall be effective upon City Council approval of the General Land Use Plan (GLUP) map amendment (GLUP-19-004);

Prior to issuance of any Building Permits for vertical construction, the applicant shall:

2. Comply with all applicable Multiple Family Residential Standards per MLDC 10.175A through 10.719;
3. Comply with the Public Works Staff Reports dated August 14, 2019 (Exhibits S, T & U);
4. Comply with the Medford Water Commission Memorandum, dated July 24, 2019 (Exhibit I);
5. Comply with the Medford Fire Department Report dated August 12, 2019 (Exhibit W).

EXHIBIT 2  
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	Subject	<b>Medford GLUP</b>		PS
	Tax Lots	A		SC
	UGB	CC		UH
	Urban Reserves	CM		UM
		GI		UR
		HI		

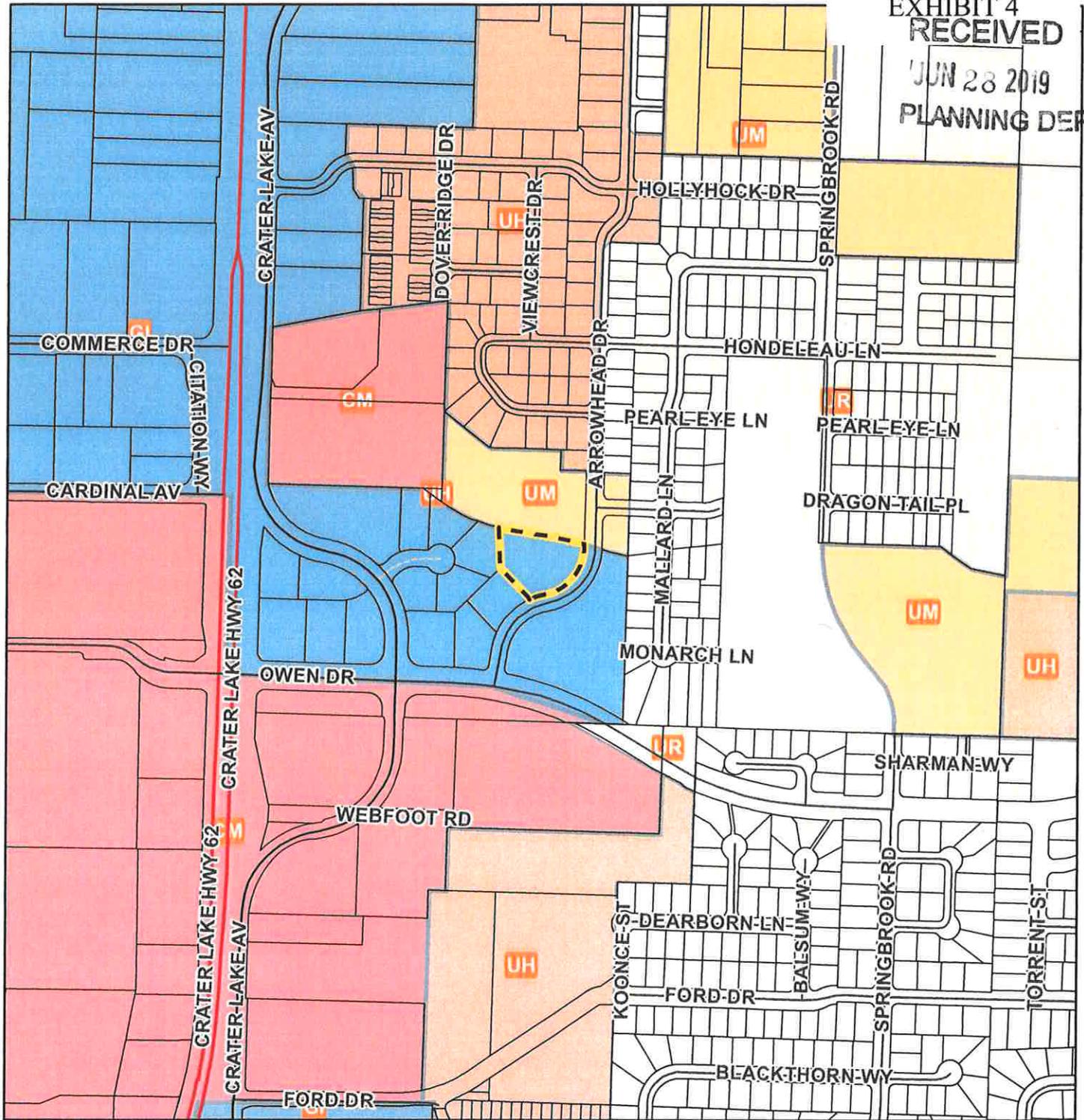
**Vicinity Map**  
 GLUP Amendment; Zone Change;  
 & PUD Amendment  
 Reece  
 37-1W-08BC-2511

CITY OF MEDFORD  
 EXHIBIT # B  
 FILE # PUD-19-003 / GLUP-19-  
 004 / ZC-19-014  
 Date: 6/3/2019

0 500 1,000 Feet

Source: CSA Planning, Ltd.; Jackson County GIS; Medford GIS

EXHIBIT 4  
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	Subject		HI-HEAVY INDUSTRIAL
	Tax Lots		LS-LIMITED SERVICE AREA
	A- AIRPORT		PS-PARKS & SCHOOLS
	CC-CITY CENTER		UR-URBAN RESIDENTIAL
	CM-COMMERCIAL		UM-URBAN MEDIUM
	SC-SERVICE COMMERCIAL		UH-URBAN HIGH DENSITY
	GI-GENERAL INDUSTRIAL		

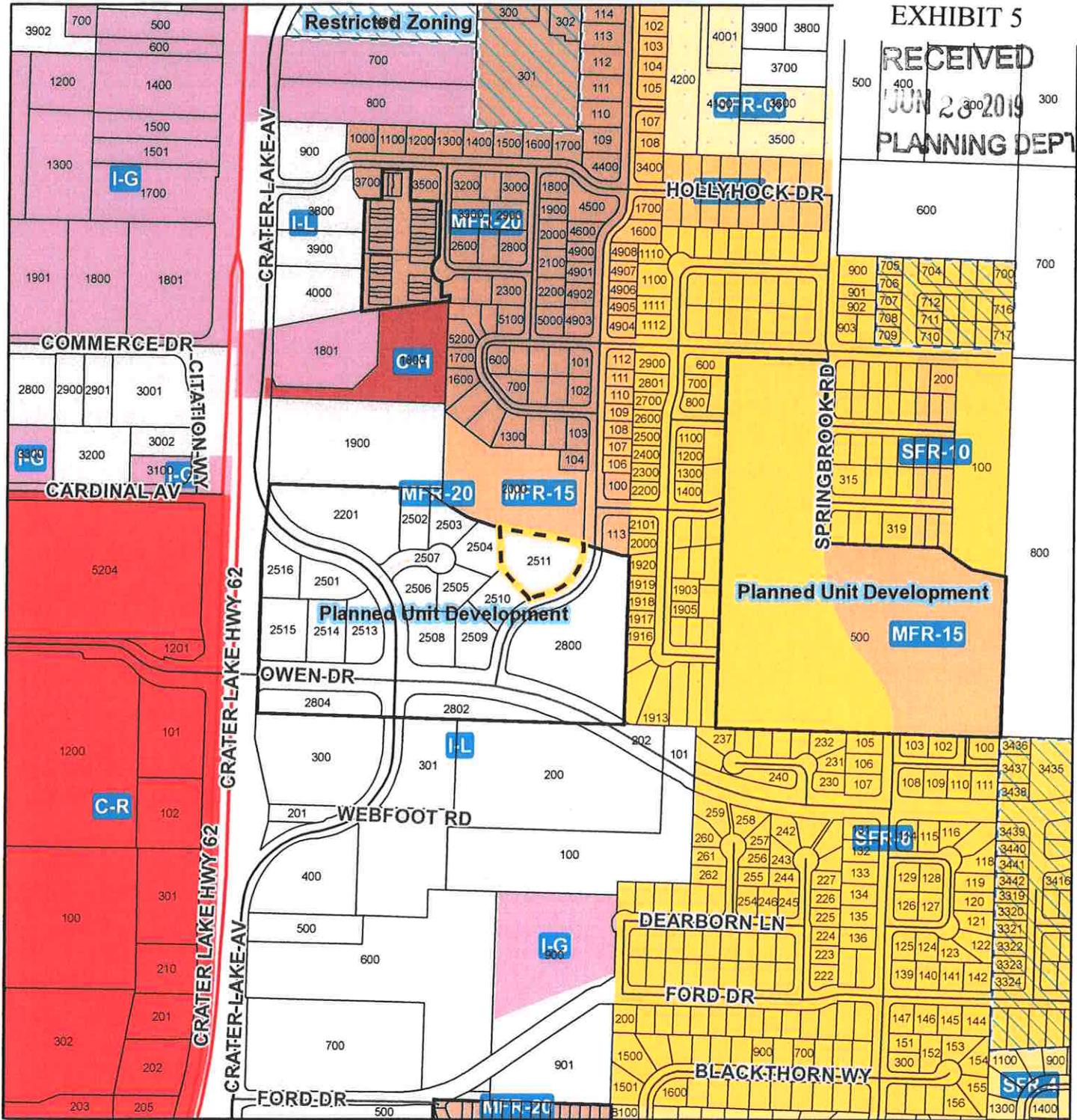
**GLUP Map**  
 PUD Amendment  
 Reece  
 37-1W-08BC-2511

CITY OF MEDFORD  
 EXHIBIT #   
 FILE # PUD-19-003 / GLUP-19-004 / ZC 19 014  
 Date: 2/13/2019

0 250 500 Feet

Source: CSA Planning, Ltd. Jackson County GIS; Medford GIS

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- |  |                  |  |                           |
|--|------------------|--|---------------------------|
|  | MFR - 20 Units   |  | Heavy Commercial          |
|  | MFR - 15 Units   |  | Regional Commercial       |
|  | SFR -10 Units    |  | General Industrial        |
|  | SFR -6 Units     |  | Light Industrial District |
|  | SFR -4 Units     |  | Restricted Zoning         |
|  | SFR - (00)1 Unit |  | Planned Development       |
|  | Tax Lots         |  | Subject                   |

**Zoning Map**  
**PUD Amendment**  
**Reece**  
**37-1W-08BC-2511**

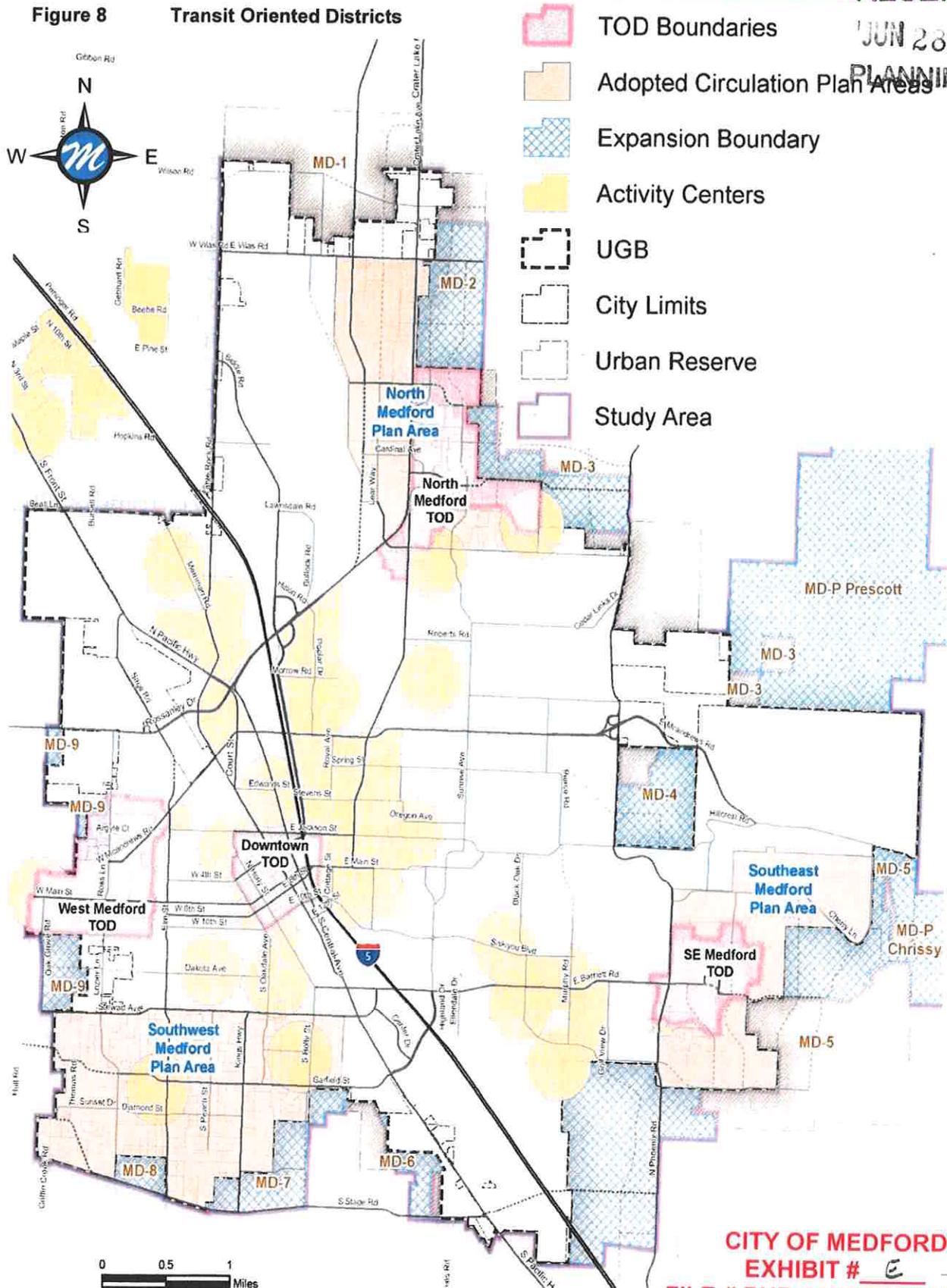
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**CITY OF MEDFORD**  
 EXHIBIT # **D**  
 Date: 2/18/19  
 FILE # **PUD-19-003 / GI UC-19-004 / ZC-19-014**

Source: CSA Planning, Ltd. Jackson County GIS; Medford

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Figure 8 Transit Oriented Districts

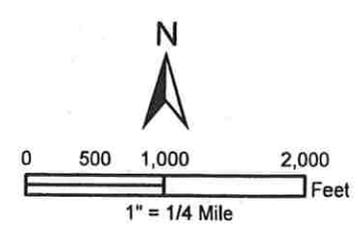
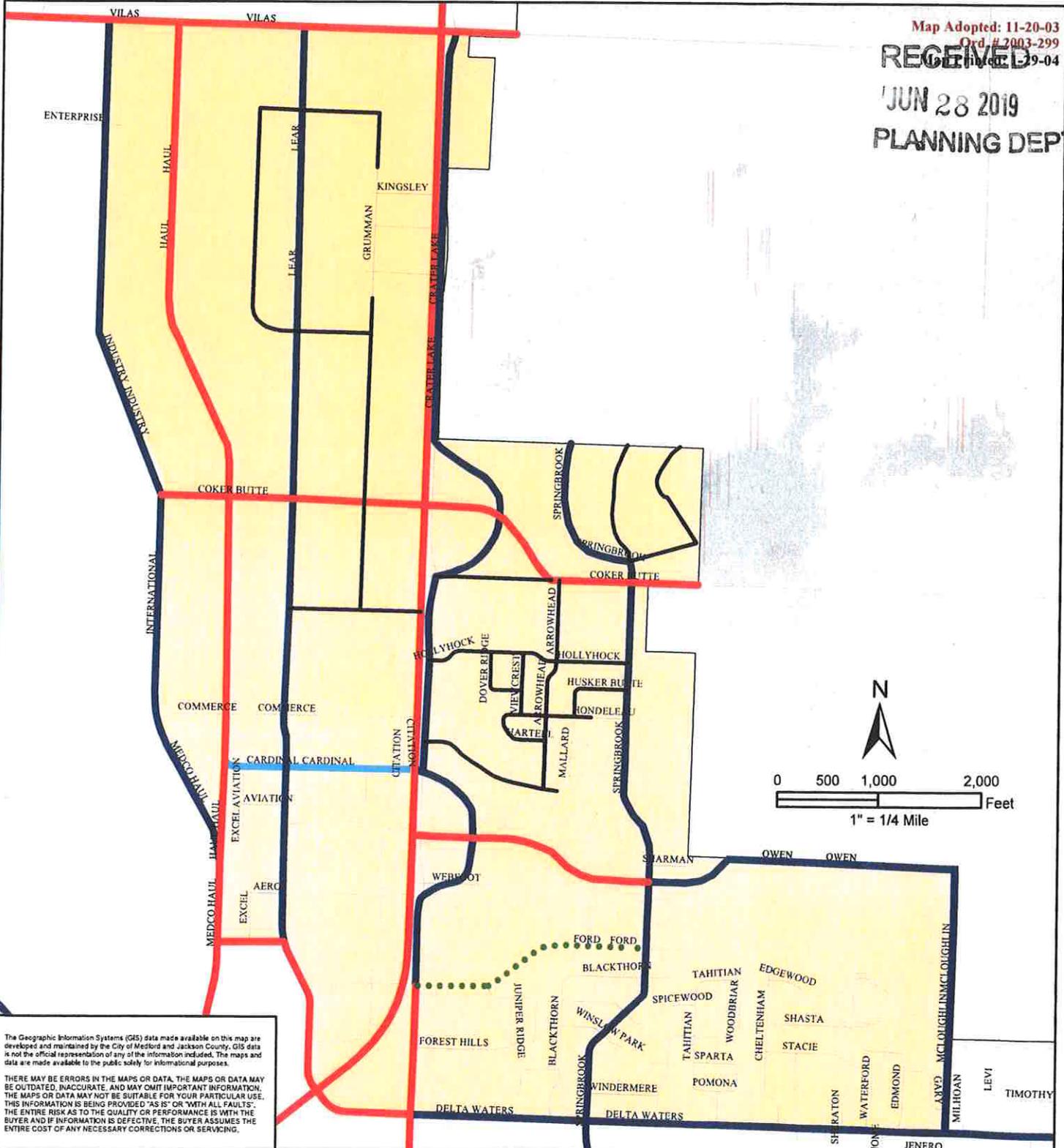


CITY OF MEDFORD  
EXHIBIT # E  
FILE # PUD-19-003 / GLUP-19-004 / ZC-19-014

# Adopted North Medford Circulation Plan

Map Adopted: 11-20-03  
Ord. # 2003-299  
Revised: 11-29-04

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The Geographic Information Systems (GIS) data made available on this map were developed and maintained by the City of Medford and Jackson County. GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. THE MAPS OR DATA MAY NOT BE SUITABLE FOR YOUR PARTICULAR USE. THIS INFORMATION IS BEING PROVIDED "AS IS" OR "WITH ALL FAULTS". THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER AND IF INFORMATION IS DEFECTIVE, THE BUYER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICING.

**Street Classifications**

- Major Arterial
- Major Collector
- Local Streets
- Minor Arterial
- Minor Collector
- Other Streets
- ..... Standard Residential

UGB  
 Adopted Circulation Plan Area



CITY OF MEDFORD  
EXHIBIT # F

21

FOR ASSESSMENT AND  
TAXATION ONLY

S.W.1/4, N.W.1/4, SEC.8, T.37S., R.1W., W.M.  
JACKSON COUNTY  
1" = 100'



CANCELLED TAX  
LOT NUMBERS

105 KILLED TO STREET  
2200, 2202, 2300, 2302, 2303,  
2400, 2401 ADDED TO 2501  
2402, 2301 ADDED TO 2201  
2500, 2600 ADDED TO 2501  
2512 KILLED TO STREET  
2601, 2700 ADDED TO 2501  
2803 KILLED TO STREET  
2804A1

SUBJECT

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37 1W 08BC  
MEDFORD  
REV MAP SEPTEMBER 01, 1997  
REV JUNE 21, 2012

Page 338

CITY OF MEDFORD  
EXHIBIT # 6  
FILE # PUD-19-003 / GLUP-19-  
004 / ZC-19-001

GIS DATA  
06/21/2012 2:28:02 PM

Handwritten initials







SOUTH ELEVATION OF NORTH UNITS  
SCALE = 3/32" = 1'-0"



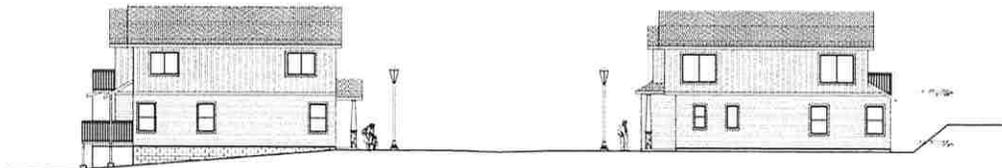
NORTH ELEVATION OF NORTH UNITS  
SCALE = 3/32" = 1'-0"



NORTH ELEVATION OF SOUTH UNITS  
SCALE = 3/32" = 1'-0"



SOUTH ELEVATION OF SOUTH UNITS  
SCALE = 3/32" = 1'-0"



EAST (STREET) ELEVATION  
SCALE = 3/32" = 1'-0"



STRAUS  
&  
SEIBERT

ARCHITECTS, LLP  
1725 EAST MAIN STREET, SUITE 200  
MEDFORD, OREGON, 97504  
PHONE: 541.779.4383  
FAX: 541.779.3241

ARROWHEAD BUSINESS CENTER  
3583 ARROWHEAD DRIVE  
MEDFORD, OREGON

PRELIMINARY  
NOT FOR  
CONSTRUCTION

DATE: 11.28.18  
DRAWN BY: [Signature]  
REVIEWED BY: [Signature]  
AUG 27 2019

PLANNING DEPT.

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CITY OF MEDFORD

EXHIBIT # *D*

FILE # P10-19-003 / 08/15/2019

*see file*



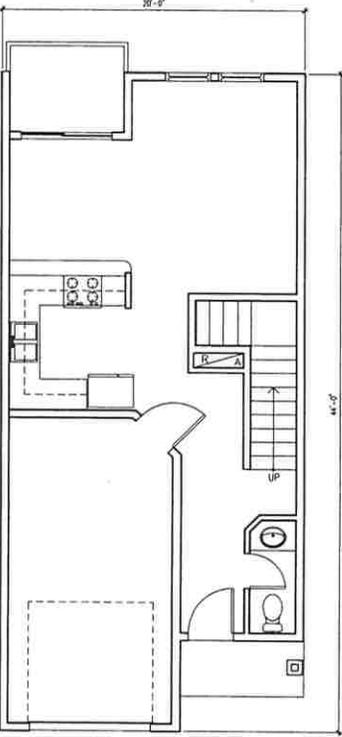
STRAUS & SEIBERT

ARCHITECTS LLP  
1115 MADISONVILLE BLVD  
MEDFORD, OREGON 97504  
PHONE 541 774-8011  
FAX 541 774-8801

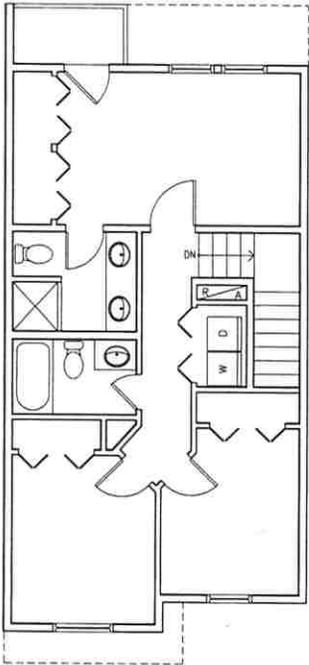
ARROWHEAD BUSINESS CENTER  
3583 ARROWHEAD DRIVE  
MEDFORD, OREGON

PRELIMINARY  
NOT FOR  
CONSTRUCTION

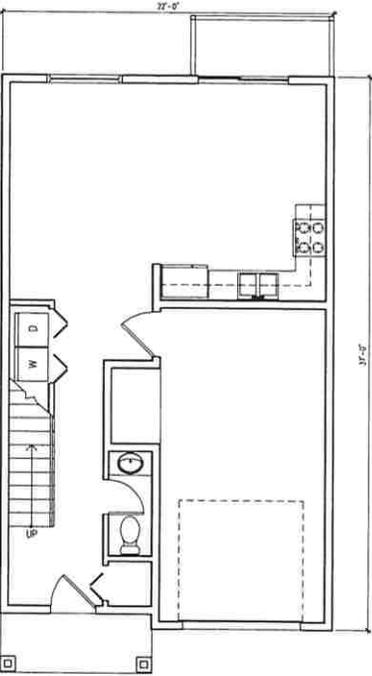
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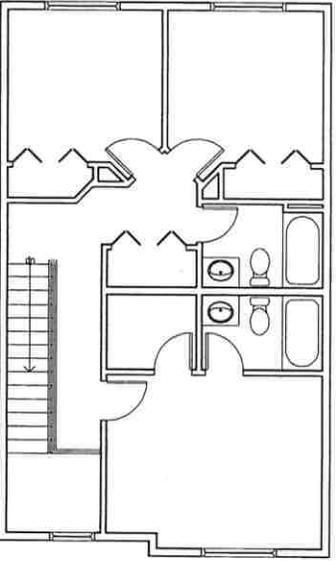
TYPICAL COMPLEX  
1ST FLOOR PLAN  
1/4"=1'-0"



TYPICAL COMPLEX  
2ND FLOOR PLAN  
1/4"=1'-0"



END UNITS OF SOUTH COMPLEX  
1ST FLOOR PLAN  
1/4"=1'-0"



END UNITS OF SOUTH COMPLEX  
2ND FLOOR PLAN  
1/4"=1'-0"





NARRATIVE

The subject property, being Lot 6 of the Tower Business Park Subdivision (a Planned Community and PUD) is 1.16 net acres in size (1.40 acres, gross) and is located at 3583 Arrowhead Drive adjacent to an MFR-15 zoned parcel to the north developed with multi-family housing. Owners of the subject property want to construct multi-family housing on the subject lot. A comprehensive plan map amendment, zone change, and revision to the Tower Business Park Planned Unit Development is needed to allow multi-residential use. Accordingly, Applicants hereby request a revision of the Preliminary PUD Plan for the Tower Business Park (Planning File No. PUD-99-141). The revision is to allow for construction of multi-plex (rowhouse style) residential buildings including 18 dwelling units rather than a light industrial use as was indicated on the original Preliminary PUD Plan. A Final PUD Plan will be prepared for subsequent review and approval by the City to incorporate any required changes and final design details subject to Planning Commission approval of the revised Preliminary PUD Plan. No further land division is proposed.

The nature of this application is a Type III Review, and is filed for concurrent/simultaneous review with applications to amend the GLUP Map from GI to UM and to change the zoning from I-L (Light Industrial) to MFR-15 (Multi-family Residential, 15 dwelling units per gross acre).

3

EXHIBIT 6  
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EXHIBIT # N (of 11)  
FILE # PUD-19-003 / GLUP-19-004 / ZC-19-014

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EXHIBIT # 4 of 11  
FILE # PUD-19-003 / GLUP-19-  
004 / ZC-19-014

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EXHIBIT # 304 V  
FILE # PUD-19-003 / GLUP-19-  
004 / ZC-19-014

Page347



Page348

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FILE # PUD-19-003 / GLUP-19-  
004 / ZC-19-014  
4 of 11

9 ft

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Imagery Date: 6/2017 42°22'09.40" N



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EXHIBIT # N S of (1)  
FILE # PUD-19-003 / GLUP-19-  
004 / ZC-19-014



Page 350

**CITY OF MEDFORD**  
**EXHIBIT # 6 of 11**  
**FILE # PUD-19-003 / GLUP-19-004 / ZC-19-014**



Page351

CITY OF MEDFORD  
EXHIBIT # 2 of 11  
FILE # PUD-19-003 / GLUP-19-  
004 / ZC-19-014



CITY OF MEDFORD  
EXHIBIT # 2 of 11  
FILE # PUD-19-003 / GLUP-19-  
004 / ZC-19-014



Page353

**CITY OF MEDFORD**  
**EXHIBIT # 7 90411**  
**FILE # PUD-19-003 / GLUP-19-**  
**004 / ZC-19-014**



Page354

**CITY OF MEDFORD**  
**EXHIBIT #** 10 of 11  
**FILE #** PUD-19-003 / GLUP-19-  
004 / ZC-19-014

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Page 355

**CITY OF MEDFORD**  
**EXHIBIT #** 110411  
**FILE #** PUD-19-003 / GLUP-19-  
004 / ZC-19-014

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

IN THE MATTER OF A MINOR )  
GENERAL LAND USE PLAN MAP )  
AMENDMENT, CHANGING THE )  
COMPREHENSIVE PLAN MAP )  
DESIGNATION FROM GENERAL )  
INDUSTRIAL (GI) TO URBAN MEDIUM )  
DENSITY RESIDENTIAL (UM) FOR A )  
1.16 ACRE LOT (371W08BC-2511) )  
LOCATED AT 3583 ARROWHEAD )  
DRIVE WITHIN THE CORPORATE )  
LIMITS OF THE CITY OF MEDFORD, )  
OREGON. )

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
Applicants' Exhibit 1

Applicants/Owners: Dan and Gina )  
Reece; Arrowhead Business Center, LLC )

Agent: CSA Planning, Ltd. )

I  
**SCOPE AND NATURE OF THE APPLICATION**

The subject property, being Lot 6 of the Tower Business Park PUD, is 1.16 net acres in size (1.40 acres, gross) and is located at 3583 Arrowhead Drive adjacent to an MFR-15 zoned parcel to the north developed with multi-family housing. Owners of the subject property want to construct multi-family housing on the subject lot. A comprehensive plan map amendment, zone change, and revision to the Tower Business Park Planned Unit Development is needed to allow multi-residential use. Accordingly, this application for a minor comprehensive plan amendment is made to change the General Land Use Plan (GLUP) map designation for the subject property from General Industrial (GI) to Urban Medium Density Residential (UM).

The nature of this application is a Type IV Minor Comprehensive Plan Amendment, and is filed for concurrent/simultaneous review with dependent applications for a zone change (I-L to MFR-15) and PUD amendment.

II

**EVIDENCE SUBMITTED WITH APPLICATION**

---

Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed GLUP Map amendment complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 372W12A
- Exhibit 4.** Map of Current General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning
- Exhibit 6.** Photos of subject and nearby properties
- Exhibit 7.** Legal Description for Proposed Zoning Boundary
- Exhibit 8.** Medford Transportation System Plan Maps
  - a. North Medford Circulation Plan
  - b. Transit Oriented Districts Map
- Exhibit 9.** Signed and Completed Application Form and Agent Authorization.

III

**APPLICABLE SUBSTANTIVE CRITERIA**

---

The criteria under which the subject application for a minor comprehensive plan (GLUP) map amendment may be approved are recited verbatim below.

***CITY OF MEDFORD LAND DEVELOPMENT CODE***

**MLDC 10.222 Minor Type IV Amendments**

...

B) Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. ...

***CITY OF MEDFORD COMPREHENSIVE PLAN  
Review and Amendment Procedures***

**CRITERIA FOR PLAN AMENDMENTS**

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting



final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

**Map Designations** – Amendments shall be based on the following:

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

#### IV

#### FINDINGS OF FACT

The following facts reached and found to be true with respect to this matter:

1. **Property Location:** The subject property is located at 3583 Arrowhead Drive within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is identified as Tax Lot 2511 on Jackson County Assessment Plat 371W08BC.
3. **Owners:** Dan E. Reece and Gina R. Reece, as tenants by the entirety, as to an undivided one-half (1/2) interest; Arrowhead Business Center, LLC - an Oregon limited liability company - as to an undivided one-half (1/2) interest.
4. **Existing Land Use:** The subject property is vacant.
5. **Existing and Proposed GLUP Map Designation:** General Industrial (GI) is the existing designation. Urban Medium Residential Density (UM) is proposed.
6. **Existing Zoning:** I-L (Light Industrial). An associated application to re-zone to MFR-15 has been filed for concurrent/simultaneous review with the GLUP Map Amendment.
7. **Adjacent Zoning:** Surrounding properties to the west, south and east are currently zoned I-L (Light Industrial). An MFR-15 zoning district of approximately 4.25 acres abuts to the north, with an MFR-20 zoning district of approximately 26 acres beyond that to the north.
8. **Zoning Overlays:** North Medford Transit Oriented Development (TOD) Boundary Area; Airport Area of Concern (AC); Planned Unit Development Admin Mapping (Tower Business Park PUD).
9. **Surrounding Land Uses:** The land uses which presently surround the property are:
  - South:** Two-story office building - 7,849 square feet on 0.5 acres (Tower Business Park Lot 5; 371W08BC-2510)
  - East:** Church - approximately 17,700 square feet) on 3.24 acres (Tower Business Park Lot 12; 371W08BC-2800)



**North:** Apartments (48 Units) on 3.29 acres (Canterbury Hills; 371W08BC-2000)

**West:** Cosmetology/Beauty School - 5,432 square foot one-story building on 0.54 acres (Tower Business Park Lot 8; 371W08BC-2504) and 5,200 square foot two-story building on 0.44 acres (Tower Business Park Lot 7; 371W08BC-2505)

#### 10. Essential (Category 'A') Public Facilities:

- A. Sanitary Sewage Collection and Treatment:** The site lies within the Medford sewer service area. An 8-inch sanitary sewer line in Arrowhead Drive serves the site. Sewage treatment is provided at the regional treatment plant. The City of Medford Sanitary Sewer Service Collection System Master Plan (January 2019), which has been incorporated as part of the Public Facility Element of the Medford Comprehensive Plan, establishes future planning flow factors for each land use type in Table 2.20 of the plan. Pursuant to Table 2.20, the wastewater flow factor for the General Industrial land use class (i.e., the GLUP Map) is 1,000 gallons per acre per day. The future planning flow factor for Urban Medium Density Residential land is 930 gallons per acre per day. Accordingly, development under the proposed UM GLUP Map Designation would be expected to generate 70 fewer gallons per acre per day than development under the existing GI GLUP Map Designation.
- B. Water Service:** Medford Water Commission has an existing 12-inch water line on the east side of Arrowhead Drive. A one-inch copper service line connects to the southwest corner of the property from the 12-inch line. A hydrant also exists along the southwest corner of the property just east of the service line.
- C. Storm Drainage:** This site lies within the Midway Drainage Basin. The City of Medford has existing storm drain facilities in the area. With required improvements at the time of development, the subject property can be adequately served with storm drainage facilities.
- D. Transportation Facilities:**
- **Access:** Subject property fronts along Arrowhead Drive, a local order street meeting the commercial/standard residential street cross section standards within a 63-foot wide right-of-way.
  - **Summary Traffic Impacts:** Because the proposed change from GI to UM for 1.16 net acres (1.4 gross acres) will generate fewer than 25 additional peak hour trips, a traffic impact analysis is not required. See, TIA waiver form attached to application as approved by the city's transportation manager.

### V

#### CONCLUSIONS OF LAW

---

The following conclusions of law and ultimate conclusions are reached with respect to this proposed GLUP Map amendment. The following discussion and conclusions of law are preceded by the criteria to which they relate:



**City of Medford Comprehensive Plan Amendment Approval Criteria  
Medford Land Development Code (MLDC) 10.190**  
(Inapplicable provisions omitted)

**MLDC 10.222 Minor Type IV Amendments**

...

B) Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. ....

**Discussion:** The adopted substantive approval criteria which govern minor comprehensive plan amendments are contained in the Review and Amendments section of the Medford Comprehensive Plan. The approval criteria in the plan's Review and Amendment Procedures section are preceded by the following language which gives context to how the criteria are to be considered:

**CITY OF MEDFORD COMPREHENSIVE PLAN**  
*Review and Amendment Procedures*

**CRITERIA FOR PLAN AMENDMENTS**

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

**Map Designations** – Amendments shall be based on the following:

- (1) A significant change in one or more Goal, Policy, or Implementation Strategy.

**Findings:** The Housing Element was last updated in December 2010. Policy 2 therein provides that the City shall designate areas for residential development that are or will be conveniently located close to pedestrian, bicycle, and transit or high capacity transportation routes, community facilities and services, and employment to ensure that the benefits of public investment in those facilities area available to as many households as possible. Implementation 2-A is to pursue amendments as needed to achieve transit-supportive density near current and future transit streets, especially where parks or schools are present. Policy 5 is that the City shall provide opportunities for alternative housing types and patterns, such as planned unit developments, mixed-uses, and other techniques that reduce development costs, increase density, and achieve projects that are flexible and responsive to the site and surroundings, including the conservation and enhancement of areas having special scenic, historic, architectural, or cultural value.

The subject property is within the North Medford TOD boundary where a mix of employment and higher density residential uses is to be promoted. The subject property is located in a planned unit development with a mix of commercial and light industrial uses – including a church and a vocational college – and adjacent to an existing medium-density residential area to the north. The property is also near to a major regional commercial retail area west of Crater Lake Highway where employment and shopping can be provided in close proximity to the future residents. The proposed change will also enable the planned unit development to



accommodate a more diverse mix of uses on a property that is shovel-ready to build multi-family housing.

\* \* \* \* \*

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

**Findings:** The City has recently updated its urban growth boundary to accommodate urban land needs through the year 2028. The plan identified a small surplus of industrial land (one acre) and added 27 gross acres to satisfy the identified 27-acre need for UM land. The proposed adjustment is effectively a swap out of about one acre, which is statistically insignificant against an overall land base of more than 20,000 acres in the City of Medford's UGB. While the overall twenty-year land supply of GI and UM lands are balanced, much of land is still outside the City limits is subject to preparation and adoption of urbanization plans, completion of annexation proceedings, and approval of future zone changes, land division and development plans that will take years to perfect. There is a critical shortage currently of affordable housing such that the City has recently adopted an Affordable Housing Construction Excise Tax to fund programs and incentives to encourage construction of homes affordable to households consistent with the Area Median Income (AMI). Qualitatively, the subject property is well located adjacent to an existing UM density development, across the street from a church, and located within a mixed-use (light industrial and commercial office buildings and a beauty college) planned unit development to accommodate a small multi-family housing project. Also, an application is currently pending (Planning File GLUP-19-00001) to amend the GLUP Map designation of a 1.34 acre parcel (MAPLOT ID 371W08CC-800) from UH to GI adjacent to the Rogue Valley Transportation District headquarters and maintenance facility, which is also in the North Medford TOD area. Although designated as UH land, that parcel is already zoned I-L and is needed as the only vacant land adjacent to the RVTD facility that can accommodate the regional public transit service provider's fleet growth and operations. The mutual land use changes would effectively equate out the respective employment and multi-family residential opportunities (UM land and UH land both allow multifamily zoning for 15 dwelling unit per acres).<sup>1</sup> The RVTD parcel is surrounded on three sides by warehouses, the RVTD maintenance yard, and building supply businesses that are of a heavier industrial character than the business park, church and beauty college amongst which the subject parcel is situated. The mutual changes will therefore effect more cohesive land use patterns given the respective siting situations.

\* \* \* \* \*

- (3) The orderly and economic provision of key public facilities

**Findings:** The subject property is a subdivision lot that is already fully served by key public facilities and the surrounding area is already developed at urban intensities. This is an infill property within an otherwise developed neighborhood and is not a situation that requires key public facilities to be extended or expanded in any way, and is thus an orderly and economic use of key public facilities.

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<sup>1</sup> Corresponding zoning districts are MFR-20 and MFR-30. Minimum density for MFR-20 and maximum density for MFR-15 zoning (to implement proposed UM designation) are 15 dwelling units per gross acre.



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

**Conclusions of Law:** The proposed amendment will accommodate the buildout of the property as a residential component of a mixed-use planned unit development that itself is within a mixed-use transit-oriented development (TOD) overlay area.

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(5) Environmental, energy, economic and social consequences.

**Findings:** There are no environmental resources located on or adjacent to the subject lot. Approval would have positive energy consequences as it would accommodate housing adjacent and near existing employment and shopping areas, thereby reducing reliance on automobiles to drive further distances. Economic consequences would be a slight reduction of land available for light industrial use (office/business park) but would provide for development of affordable market rate housing stock that would both add to the tax base and accommodate housing for the workforce. Social consequences will be that more housing will be available in the near term to address the current critical shortage.

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

**Findings:** Responsive findings are required only for policies expressed as regulatory requirements, but not for aspirational objectives. After reviewing the policies of the comprehensive plan, it is concluded that only the following goals and policies (addressed below) function as approval criteria for comprehensive plan map (GLUP) amendments and all others are held to be inapplicable. The below cited goals and policies are followed by the findings and conclusions as to how the proposal complies with the same.

#### ECONOMIC ELEMENT

**Policy 1-3:** The City of Medford shall, as appropriate under the Goal above, support the retention and expansion of existing businesses.

**Implementation 1-3(b):** When evaluating GLUP Map amendments, assess the potential impacts of those amendments on neighboring land uses.

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

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

**Implementation 1-5(d):** Ensure that demand projections for medium and large Commercial and Office sites are captured in aggregate land demand projections during GLUP map amendments and/or UGB expansions.

**Policy 1-6:** The City of Medford shall maintain a competitive Short-Term (five-year) supply of employment land equal to at least one-quarter (25%) of the amount of land projected to be demanded over the twenty-year planning horizon.



**Findings:** The subject property is vacant and not a site for an existing business such that Policy 1-3 is not implicated. The City's recently adopted urban growth boundary amendment included an initial phase to amend GLUP Map designations within the former UGB and then an accommodation and balancing of remaining land needs in the expansion areas pursuant to Implementation 1-5(b). As found previously here above, GI designated land was slightly oversupplied and UM land need met. The change proposed is slight and very much within the margins of error for estimation of land needed to serve population and employment growth over a 20 year period for a city the size of Medford. A concurrent application related to the RVTD property is also pending that will change a like amount of UH land (which may be developed at 15 units per acre under MFR-20 zoning, similar to UM with MFR-15 zoning) to GI to accommodate expansion of RVTD headquarter offices and fleet operations. The respective changes effective off-set one another quantitatively and will result in a better juxtaposition of residential and industrial lands spatially and qualitatively. Accordingly, the proposal also meets Implementation 1-5(d) and Policy 1-6.

**PUBLIC FACILITIES ELEMENT**

**General Section**

**Goal 2:** To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

**Policy 2-A:** [Limited Service Area Language Omitted] "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

**Sanitary Sewers:** Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the applicable sewer plan document as interpreted by the City Engineer.

**Domestic water:** Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the applicable water system plan document as interpreted by the Water Commission Manager.

**Storm drainage facilities:** Sufficient to serve any proposed development consistent with the General Land Use Plan GLUP map designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as interpreted by the City Engineer.

**Findings:** Finding of Fact No. 10 in Section IV here above establishes adequacy of public facilities. The subject property is fully serviceable lot of a mixed-use PUD subdivision with a full range of urban street and public utilities already in place.

\* \* \* \* \*

(7) All applicable Statewide Planning Goals.

Goal 1 – Citizen Involvement

**Findings:** A minor GLUP map amendment requires compliance with the overall comprehensive plan as adopted in accordance with the Goal 1 Citizen Involvement program. Procedure for review of minor amendments includes notice to nearby and affected parties and public hearings before the Planning Commission and the City Council for citizens to be heard.



### Goal 2 – Land Use Planning

**Finding:** The City has a land use planning process and policy framework as a basis for all decision and actions related to use of and to assure and adequate base for such decisions. The proposed minor map amendment must comply with the City’s adopted comprehensive plan, in accordance with the requirements of Goal 2. Goal 2 also provides a procedure for taking exceptions to Statewide Planning Goals. The exceptions process is not implicated in this case where no exception is requested or required.

### Goal 3 – Agricultural Lands

**Finding:** Goal 3 does not apply within urban growth boundaries

### Goal 4 – Forest Lands

**Finding:** Goal 4 does not apply within urban growth boundaries

### Goal 5- Natural Resources, Scenic and Historic Areas, and Open Spaces

**Finding:** No Goal 5 resource inventory includes or affects the subject property.

### Goal 6 – Air, Water and Land Resources Quality

**Finding:** The goal is to maintain and improve the quality for the air, water and land resources of the state. The subject lot has already been created as part of a subdivision to serve a mix of light industrial and commercial use, with municipal sewer and water already available to the lot. Sanitary sewer discharge levels for UM land use is less than that for GI land uses pursuant to the City of Medford Sanitary Sewer Service Collection System Master Plan (January 2019). Accommodation of housing near employment and services help to maintain air resources by reducing the distance needed to travel. Accordingly, it is found that the proposed change to UM land complies with Goal 6.

### Goal 7 – Areas Subject to Natural Hazards

**Finding:** The subject property is not in an area, such as a flood hazard area, that is subject to Goal 7.

### Goal 8 – Recreation

**Finding:** The subject property is not land that has been planned for recreational use or destination resort siting under Goal 8.

### Goal 9 – Economic Development

**Finding:** The goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. The proposed change is to remove less than two acres from an employment land category (GI-General Industrial) to a non-industrial use designation (UM – Urban Medium Density Residential). Pursuant to OAR 660-009-0010(4) in LCDC’s Goal 9 implementing rule for Economic Development, removal of less than two acres of industrial or employment land within an urban growth boundary is not subject to further review under the rule. The change is slight relative to the City’s overall land base. GLUP Map Designation boundaries are not, in any case, intended to be site specific. Small changes at the boundaries are appropriately considered based on the qualitative characteristics of particular sites. The proposed

amendment to medium density residential, in this case, is appropriate given the subject lot's location within a mixed-use PUD in a transit-oriented development district and adjacent to an existing UM district which has already been developed with a housing project.

#### Goal 10: Housing

**Finding:** Goal 10 is to provide for the housing needs of the state. The goal requires that buildable lands be inventoried and it encourages the availability of adequate numbers of needed housing at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density. The proposed UM designation is to be implemented by the MFR-15 zoning district (zone change application has been filed for concurrent review). The MFR-15 zone allows for a wide range of housing types at residential density between 10 and 15 units per acre. An application for preliminary PUD plan amendment approval, filed for concurrent simultaneous review, would allow for construction of two multi-plex building to provide 21 dwellings. The property, once rezoned and subject to approval of the request PUD amendment, is shovel-ready for the project. The City's Housing Element, based on the Housing Needs Analysis included therein, projected a need for an additional 39 gross buildable acres of UM designated land to accommodate 993 needed dwelling units through the year 2029. Table 39, Housing Element. After accounting for internal GLUP Map amendments adopted prior to amending the growth boundary (i.e., the UGBA Phase 1: Internal GLUP Amendment, file CPA 13-032), the need was reduced to 27 buildable acres. However, Selected Area Location ("SAL") 630b re-designated two "buildable" acres – being portions of tax lots 372W35DB2501 and 372W35DC400 along Thomas Road, from UR to UM. That land had already been approved for subdivision and development under the still-existing SFR-6 zoning district at less than full density for that zone. Moreover, the portion of land that was re-designated is mostly wetlands that are to be preserved and protected as part of the Stella Estates PUD. The point of this observation is to establish that small changes such as currently proposed do not materially affect the overall city-wide 20-year land need. Land need projections over a twenty year planning period for a large area are not intended to be perfectly precise and include margins of error – as did the mapping of "buildable" lands at high level of review for city-wide inventory. Goal 10, in any case, is concerned with providing enough housing and to allow for flexibility of housing location, type and density. Approval of proposed application would further that goal.

#### Goal 11 – Public Facilities and Services:

**Finding:** The goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural land. The subject property is urban land that is already developed and fully served by urban public facilities and services.

#### Goal 12 – Transportation

**Finding:** The proposed GLUP Map Designation amendment from GI to UM will generate fewer than 25 additional peak hour trips and, as such, will not significantly impact any transportation facilities.

#### Goal 13 – Energy Conservation



**Finding:** The goal provides that land and uses developed on the land be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principals. Providing for multi-family housing near existing employment and shopping areas within a transit-oriented development overlay district is consistent with the goal's planning guidelines to minimize depletion of non-renewable resources and to increase density gradients along high capacity transportation corridors.

Goal 14 – Urbanization

**Finding:** The goal is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The subject lot is situated between office buildings, a church, medium density and high-density housing to the north along the west side of Arrowhead Drive, and single family homes along the east side of Arrowhead Drive to the north. As such, the amendment will not materially change the transition and mix of land uses or livability of the community.

Goals 15 to 19

**Finding:** Not applicable to Southern Oregon

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VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, it is ultimately concludes that the criteria prerequisite to a General Land Use Plan Map Amendment from *GI (General Industrial)* to *UM (Urban Medium-Density Residential)* on one parcel of land identified as Map 371W08BC Tax Lot 2511 has been substantiated for each of the relevant criteria cited herein above as Comprehensive Plan Amendment.

Respectfully submitted on behalf of Applicants:

CSA PLANNING, LTD.



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Dated: 27 JUNE 2019



RECEIVED  
JUN 28 2019  
PLANNING DEPT

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

IN THE MATTER OF A ZONE CHANGE )  
FROM I-L (INDUSTRIAL, LIGHT) TO )  
MFR-15 (MULTI-FAMILY )  
RESIDENTIAL – 15 DWELLING UNITS )  
PER GROSS ACRE) FOR A 1.16 ACRE )  
LOT (1.4 GROSS ACRES) LOCATED )  
AT 3583 ARROWHEAD DRIVE WITHIN )  
THE CORPORATE LIMITS OF THE )  
CITY OF MEDFORD, OREGON. THE )  
PROPERTY IS ALSO IDENTIFIED AS )  
MAPLOT NO. 371W08BC-2511. )

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW  
Applicants' Exhibit 1

Applicants/Owners: Dan and Gina )  
Reece; Arrowhead Business Center, LLC )

Agent: CSA Planning, Ltd. )

I

SCOPE AND NATURE OF THE APPLICATION

The subject property, being Lot 6 of the Tower Business Park PUD, is 1.16 net acres in size (1.40 acres, gross) and is located at 3583 Arrowhead Drive adjacent to an MFR-15 zoned parcel to the north developed with multi-family housing. Owners of the subject property want to construct multi-family housing on the subject lot. A comprehensive plan map amendment, zone change, and revision to the Tower Business Park Planned Unit Development is needed to allow multi-residential use. Accordingly, Applicants hereby request a zone change from I-L to MFR-15 for the subject property and adjacent street right-of-way to center line (1.4 gross acres).

The nature of this application is a Type III Zone Change, and is filed for concurrent/simultaneous review with applications to amend the GLUP Map from GI to UM and to amend the Preliminary PUD Plan for the Tower Business Park.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence in support of this land use application:

**Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed zone change complies with the relevant

CITY OF MEDFORD  
EXHIBIT # P

FILE # PUD-19-003 / GLUP-19-  
004 / ZC-19-014

14

substantive approval criteria

- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 372W12A
- Exhibit 4.** Map of Current General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning
- Exhibit 6.** Photos of subject and nearby properties
- Exhibit 7.** Legal Description for Proposed Zoning Boundary
- Exhibit 8.** Medford Transportation System Plan Maps
  - a. North Medford Circulation Plan
  - b. Transit Oriented Districts Map
- Exhibit 9.** Signed and Completed Application Form and Agent Authorization.

### III

#### APPLICABLE SUBSTANTIVE CRITERIA

The City of Medford criteria under which a zone change application must be considered are in MLDC 10.227 and the relevant approval criteria are recited verbatim below:

##### **MLDC 10.204(B) ZONE CHANGE APPROVAL CRITERIA**

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

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.
- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.  
.....
- (3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.
  - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
  - (b) Adequate streets and street capacity must be provided in one (1) of the following ways:
    - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

- (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
  - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs: 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 an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
  - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations or restrictions shall be established by deed restriction or covenant, which must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:
- (i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards,
  - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
  - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

#### IV

#### FINDINGS OF FACT

The following facts reached and found to be true with respect to this matter:

1. **Property Location:** The subject property is located at 3583 Arrowhead Drive within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is identified as Tax Lot 2511 on Jackson County Assessment Plat 371W08BC.



3. **Owners:** Dan E. Reece and Gina R. Reece, as tenants by the entirety, as to an undivided one-half (1/2) interest; Arrowhead Business Center, LLC - an Oregon limited liability company - as to an undivided one-half (1/2) interest.
4. **Existing Land Use:** The subject property is vacant.
5. **Existing and Proposed GLUP Map Designation:** General Industrial (GI) is the existing designation. Urban Medium Residential Density (UM) is proposed by separate application that has been submitted for concurrent simultaneous review.
6. **Existing Zoning:** I-L (Light Industrial).
7. **Adjacent Zoning:** Surrounding properties to the west, south and east are currently zoned I-L (Light Industrial). An MFR-15 zoning district of approximately 4.25 acres abuts to the north, with an MFR-20 zoning district of approximately 26 acres beyond that to the north.
8. **Zoning Overlays:** North Medford Transit Oriented Development (TOD) Boundary Area; Airport Area of Concern (AC); Planned Unit Development Admin Mapping (Tower Business Park PUD).
9. **Surrounding Land Uses:** The land uses which presently surround the property are:
  - South:** Two-story office building - 7,849 square feet on 0.5 acres (Tower Business Park Lot 5; 371W08BC-2510)
  - East:** Church - approximately 17,700 square feet) on 3.24 acres (Tower Business Park Lot 12; 371W08BC-2800)
  - North:** Apartments (48 Units) on 3.29 acres (Canterbury Hills; 371W08BC-2000)
  - West:** Cosmetology/Beauty School - 5,432 square foot one-story building on 0.54 acres (Tower Business Park Lot 8; 371W08BC-2504) and 5,200 square foot two-story building on 0.44 acres (Tower Business Park Lot 7; 371W08BC-2505)
10. **Essential (Category 'A') Public Facilities:**
  - A. **Sanitary Sewage Collection and Treatment:** The site lies within the Medford sewer service area. An 8-inch sanitary sewer line in Arrowhead Drive serves the site. Sewage treatment is provided at the regional treatment plant. The City of Medford Sanitary Sewer Service Collection System Master Plan (January 2019), which has been incorporated as part of the Public Facility Element of the Medford Comprehensive Plan, establishes future planning flow factors for each land use type in Table 2.20 of the plan. Pursuant to Table 2.20, the wastewater flow factor for the General Industrial land use class (i.e., the GLUP Map) is 1,000 gallons per acre per day. The future planning flow factor for Urban Medium Density Residential land is 930 gallons per acre per day. Accordingly, development under the proposed UM GLUP Map Designation would be expected to generate 70 fewer gallons per acre per day than development under the existing GI GLUP Map Designation.
  - B. **Water Service:** Medford Water Commission has an existing 12-inch water line on the east side of Arrowhead Drive. A one-inch copper service line connects to the southwest corner of the property from the 12-inch line. A hydrant also exists along the southwest corner of the property just east of the service line.

**C. Storm Drainage:** This site lies within the Midway Drainage Basin. The City of Medford has existing storm drain facilities in the area. With required improvements at the time of development, the subject property can be adequately served with storm drainage facilities.

**D. Transportation Facilities:**

- **Access:** Subject property fronts along Arrowhead Drive, a local order street meeting the commercial/standard residential street cross section standards within a 63-foot wide right-of-way.
- **Summary Traffic Impacts:** Because the proposed change from GI to UM for 1.16 net acres (1.4 gross acres) will generate fewer than 25 additional peak hour trips, a traffic impact analysis is not required. See, TIA waiver form attached to application as approved by the city's transportation manager.

V

**CONCLUSIONS OF LAW**

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The following conclusions of law and ultimate conclusions are reached with respect to this proposed Zone Change application. The following discussion and conclusions of law are preceded by the criteria to which they relate:

**MLDC 10.204(B) ZONE CHANGE APPROVAL CRITERIA**

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

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

**Finding:** Subject to approval of the companion application to amend the GLUP Map Designation from GI to UM, the proposed MFR-15 zoning is the only zoning district corresponding to the UM designation pursuant to the Medford General Land Use Plan Element. Projected traffic generation will be less under MFR-15 zoning than the current I-L zoning. Using City of Medford's standard projection of 300 average daily trips per net acre for the I-L zoning district, light industrial use on 1.16 net acres would be expected to generate 348 trips per day on average. Using ITE Trip Generation Manual (10<sup>th</sup> Edition) Land Use #220 (Multi-Family Housing, low rise – containing one or two floors) average daily trip rate of 7.32 per dwelling units, 21 dwelling units (1.4 acres X 15 units per acre) would be expected to generate 153.72 tips per day which is 194.28 trips per day fewer than under the current I-L zone. Accordingly, the City's Transportation Manager has approved a TIA waiver concurring that no further analysis is required. Subject to approval of the GLUP Map Designation amendment to UM, then, it is concluded that MLDC 10.204(B)(1) is met.

\*\*\*\*\*



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

**Finding:** There are no additional locational standards under Section 2 that are applicable for zone changes to MFR-15. Accordingly, MLDC 10.204(B)(2) does not apply to this request.

\* \* \* \* \*

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

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

**Finding:** The subject property is a lot within a subdivision in which facilities for storm drainage, sanitary sewer and water facilities have been provided and extended to each lot. Lateral have already been extended to the property for a water meter and fire hydrant located along Arrowhead Drive. The UM land designation, pursuant to the City of Medford Sanitary Sewer Service Collection System Master Plan (January 2019), has a lower planning flow factor of just 930 gallons per acre per day versus the General Industrial planning flow factor of 1,000 gallons per acre per day. With stormwater facility improvements required at the time of development whether I-L or MFR-15, the public stormwater line in Arrowhead Drive to which the property drains is adequate to serve the property. Accordingly, it is found that subsection 3(a) is met.

- (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 proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs: 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 an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department

determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

**Finding:** There are no new streets planned or needed through the subject property, which has direct frontage along Arrowhead Drive – a 63-foot wide street already built to city “commercial” street standard (being the same as a standard residential street). A sidewalk and street tree planter strip will need to be added along the frontage of the property when it is developed. As traffic generation is expected to be less for multi-family residential development than for light industrial, no additional facilities are required to allow the zone change. Accordingly, it is found that the proposal complies with subsection 3(b).

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

- (i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards,
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

....

**Finding:** All Category A facilities are found to be adequate to serve the property if rezoned to MFR-15. Accordingly, there is no need to impose special development conditions for the same.

\* \* \* \* \*



VI

**ULTIMATE CONCLUSIONS**

Based upon the foregoing findings of fact and conclusions of law, and subject to approval of the concurrent application for GLUP Map Amendment from GI to UM for the subject property, it is ultimately concluded that the criteria for a zone change from I-L (Industrial, Light) to MFR-15 (Multi-Family Residential, 15 dwelling units per gross acre) has been substantiated for each of the relevant criteria cited herein above.

Respectfully submitted on behalf of Applicants:

CSA PLANNING, LTD.



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Dated: 27 June 2019

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN APPLICATION )  
TO AMEND THE TOWER BUSINESS )  
PARK PRELIMINARY PLANNED UNIT )  
DEVELOPMENT PLAN (FILE NO. PUD-99- )  
141) TO ALLOW MULTI-FAMILY )  
RESIDENTIAL DEVELOPMENT OF A 1.16 )  
ACRE LOT LOCATED AT 3583 )  
ARROWHEAD DRIVE IN THE CITY OF )  
MEDFORD, OREGON. THE SUBJECT )  
PROPERTY IS ALSO IDENTIFIED AS )  
MAPLOT NO. 371W08BC-2511 AND AS )  
LOT 6 OF TOWER BUSINESS PARK )  
SUBDIVISION AS RECORDED IN )  
VOLUME 29 OF PLATS AT PAGE 33 OF )  
RECORDS OF JACKSON COUNTY, )  
OREGON )

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

*Applicant's Exhibit 1*

Applicants/Owners: Dan and Gina )  
Reece; Arrowhead Business Center, LLC )

Agent: CSA Planning, Ltd. )

I

NATURE AND SCOPE OF APPLICATION

The subject property, being Lot 6 of the Tower Business Park Subdivision (a Planned Community and PUD) is 1.16 net acres in size (1.40 acres, gross) and is located at 3583 Arrowhead Drive adjacent to an MFR-15 zoned parcel to the north developed with multi-family housing. Owners of the subject property want to construct multi-family housing on the subject lot. A comprehensive plan map amendment, zone change, and revision to the Tower Business Park Planned Unit Development is needed to allow multi-residential use. Accordingly, Applicants hereby request a revision of the Preliminary PUD Plan for the Tower Business Park (Planning File No. PUD-99-141). The revision is to allow for construction of multi-plex (rowhouse style) residential buildings including 18 dwelling units rather than a light industrial use as was indicated on the original Preliminary PUD Plan. A Final PUD Plan will be prepared for subsequent review and approval by the City to incorporate any required changes and final design details subject to Planning Commission approval of the revised Preliminary PUD Plan. No further land division is proposed.

The nature of this application is a Type III Review, and is filed for concurrent/simultaneous review with applications to amend the GLUP Map from GI to UM and to change the zoning



CITY OF MEDFORD

EXHIBIT # Q

FILE # PUD-19-003 / GLUP-19-

004e/12C019-014

from I-L (Light Industrial) to MFR-15 (Multi-family Residential, 15 dwelling units per gross acre).

II

**EVIDENCE SUBMITTED WITH APPLICATION**

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Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed Findings of Fact and Conclusions of Law (this document) which demonstrates how the modified Preliminary PUD Plan application complies with the applicable substantive criteria of the MLDC
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 371W08BC
- Exhibit 4.** Map of Current General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning
- Exhibit 6.** Photos of subject and nearby properties
- Exhibit 7.** Legal Description for Proposed MFR-15 Zoning Boundary
- Exhibit 8.** Medford Transportation System Plan Maps
  - a. North Medford Circulation Plan
  - b. Transit Oriented Districts Map
- Exhibit 9.** Proposed Preliminary PUD Plan Set for Subject Lot
  - a. Site Plan
  - b. Building Elevations
  - c. Floor Plans
  - d. Color Palette
- Exhibit 10.** Conceptual Stormwater/Grading/Utility Plan
- Exhibit 11.** Original Tower Business Park PUD Plan (File No. PUD-99-141)
- Exhibit 12.** Planning Commission Report – Tower Business Park PUD (File No. PUD-99-141)
- Exhibit 13.** Tower Business Park Subdivision Plat (CS 17863)
- Exhibit 14.** Tower Business Park CC&Rs
- Exhibit 15.** Tower Retail Center Subdivision Plat (CS 21063)
- Exhibit 16.** Real Property Value Summary Reports by Lot - Jackson County Assessor's Data
- Exhibit 17.** Owner Authorization Letter on behalf of Delta Center III LLC and PITB Investments LLC (respective owners of Tax Lots 2513, 2514, 2515 and 2516)
- Exhibit 18.** PUD Application Form with Neighborhood Meeting Documentation, TIA Waiver, and limited POA authorizing CSA Planning, Ltd. to act on behalf of Applicants/Property Owners

III

**RELEVANT SUBSTANTIVE APPROVAL CRITERIA**

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The criteria under which an application for Preliminary PUD Revision may be approved are established at Section 10.198 of the Medford Land Development Code (MLDC). The criteria are recited verbatim below and again in Section V where each is followed by the conclusions of law:

**10.198 Revision or Termination of a PUD**

- A. Revision of a Preliminary or Final PUD Plan. The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:
1. Applicant for Revision; Filing Materials; Procedures: An application to revise an approved PUD Plan shall be on forms supplied by the Planning Department. 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. For changes deemed by the Planning Director to be minor but not de minimis, the Planning Director shall exercise appropriate discretion under Section 10.190(C)(1) to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions. PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.
  2. Consolidated Procedure: At the discretion of the Planning Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.
  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 10.190(D) or 10.196(D), 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 10.190(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.

**10.190 Planned Unit Development (PUD) - Application and Approval Provisions.**

...

- D. **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 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 ownership, or
    - e. is otherwise required by the Medford Land Development Code.
  2. The proposed PUD complies with the applicable requirements of this Code, or
    - a. the narrative describes the proposed modified standards of the Code and how they are related specifically to the implementation of the rationale for the PUD as described in the application, and
    - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
    - c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulations system or the development as a whole.
  3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:

- a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
  - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
  - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.
4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
  5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.192(B)(7)(c), the applicant shall alternatively demonstrate that either: (a) demands for the Category "A" public facilities listed below are equivalent or less than for one or more permitted use listed for the underlying zone, or (b) By the time of development the property can be supplied with the following Category "A" public facilities in sufficient condition and capacity to support development of the proposed use:
    - i. Public sanitary sewerage collection and treatment facilities.
    - ii. Public domestic water distribution and treatment facilities
    - iii. Storm drainage facilities.
    - iv. Public streets.

Determination of compliance with this criterion shall be based on standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.
  6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.184.
  7. If approval of the PUD application includes the division of land or the approval of other concurrent development permit applications as authorized in Subsection 10.190(B), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.

#### IV

#### FINDINGS OF FACT

The following facts are established and found to be true with respect to this matter:

1. **Property Location:** The subject property is located at 3583 Arrowhead Drive within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is identified as Tax Lot 2511 on Jackson County Assessment Plat 371W08BC and also as Lot 6 of Tower Business Park Subdivision, Volume 29 of Plats at Page 33 of Records of Jackson County, Oregon.
3. **Property Size:** 1.16 acres (net); 1.4 acres (gross) per surveyed legal description (Applicants' Exhibit 7).
4. **Owners:** Dan E. Reece and Gina R. Reece, as tenants by the entirety, as to an undivided one-half (1/2) interest; Arrowhead Business Center, LLC - an Oregon limited liability company - as to an undivided one-half (1/2) interest.
5. **Existing Land Use:** The subject property is vacant.
6. **Existing and Proposed GLUP Map Designation:** General Industrial (GI) is the existing designation. Urban Medium Residential Density (UM) is proposed by separate application that has been submitted for concurrent simultaneous review.

7. **Existing and Proposed Zoning:** I-L (Light Industrial) is the existing zone. MFR-15 zoning is proposed by separate application that has been submitted for concurrent simultaneous review.
8. **Adjacent Zoning:** Surrounding properties to the west, south and east are currently zoned I-L (Light Industrial). An MFR-15 zoning district of approximately 4.25 acres abuts to the north, with an MFR-20 zoning district of approximately 26 acres beyond that to the north.
9. **Zoning Overlays:** North Medford Transit Oriented Development (TOD) Boundary Area; Airport Area of Concern (AC); Planned Unit Development Admin Mapping (Tower Business Park PUD).
10. **Surrounding Land Uses:** The land uses which presently surround the property are:
  - South:** Two-story office building - 7,849 square feet on 0.5 acres (Tower Business Park Lot 5; 371W08BC-2510)
  - East:** Church - approximately 17,700 square feet) on 3.24 acres (Tower Business Park Lot 12; 371W08BC-2800)
  - North:** Apartments (48 Units) on 3.29 acres (Canterbury Hills; 371W08BC-2000)
  - West:** Cosmetology/Beauty School - 5,432 square foot one-story building on 0.54 acres (Tower Business Park Lot 8; 371W08BC-2504) and 5,200 square foot two-story building on 0.44 acres (Tower Business Park Lot 7; 371W08BC-2505)
11. **Tower Business Park PUD Background:** The Tower Business Park Preliminary PUD Plan was approved by the Medford Planning Commission on June 8, 2000. *See*, Applicants' Exhibits 11 (Preliminary PUD Plan) and 12 (Planning Commission Report) for Planning File No. PUD-99-141. The project included concurrent requests for tentative subdivision plan (to create 15 lots for development and common area tracts for wetland/creek preservation and private streets) and for zone change approval (I-G to I-L). The original tract of seven parcels included 21.41 net (22.01 gross) acres of property. The subject lot was originally shown as Lot 9 on the Preliminary PUD Plan proposed for light industrial use with a conceptual building envelope shown on the north half of the lot. It along with six other lots comprising a total of 4.35 acres are shaded pink on the plan as lots designated for light industrial use. A separate 3.1 acre lot (Lot 15, shaded green on the plan) was designated for church use as an allowable conditional use in the I-L zoning district. Lot 14, having 1.99 acres and shaded dark blue on the plan, was developed already with an existing light-industrial business (United Rental). Lots 1 through 6, totaling 4.35 acres and shaded light blue on the plan, were proposed for commercial use (specifically, uses allowed in the C-H zone). The commercial component comprised 19.9% of the total gross area of the PUD, thus complying with the 20% allowance for uses not otherwise allowed in the underlying I-L zone. Final platting of the property was completed in two phases resulting in a change of lot numbering. The initial platting of the Tower Business Park final plat (*See*, Applicants' Exhibit 13) created the subject property as Lot 6. Several of the planned commercial lots as shown on the Preliminary PUD Plan were initially platted as the single Lot 1 on the Tower Business Park subdivision plat. That lot was subsequently divided again into five lots platted as the Tower Retail Center Subdivision (*See*, Applicants' Exhibit 15). As platted between the two subdivision, there are seven lots within the PUD area allocated to commercial use rather than the six originally shown on the Preliminary PUD Plan.

However, the overall acreage did not change nor did the commercial area boundary change. To date, only the commercial lots and the subject lot remain vacant. All other lots (shaded dark blue, pink and green) have been developed.

**12. Tower Business Park PUD Property Ownership – Acreage and Assessed Value of Vacant Portion by Lot:** According to the records of the Jackson County Assessor and Medford Planning Department, the Tower Business Park PUD includes the properties identified in the table herein below by development lot based on Jackson County Assessment Data (See, Applicants’ Exhibit 16 – Real Property Value Summary Reports). Common tracts for private streets and natural area preservation are construed to be developed to intended PUD use.

**Table 1**

**PUD Ownership and Value; Authority to Amend the PUD**

Sources: Jackson County Assessor; CSA Planning, Ltd.

Map & Tax Lot	Acreage	Ownership of Record	Vacant or Developed?	Assessed Value – Vacant Land	TBP*/ TRC** Subdivision Lot #
37-1W-08BC-2513	0.69	Delta Center III LLC	Vacant	515,050	TRC 1
37-1W-08BC-2514	0.69	PITB Investments LLC	Vacant	417,190	TRC 2
37-1W-08BC-2515	0.85	PITB Investments LLC	Vacant	697,940	TRC 3
37-1W-08BC-2516	0.62	PITB Investments LLC	Vacant	417,190	TRC 4
37-1W-08BC-2501	0.60	Camas Holdings LLC	Vacant	403,080	TRC 5
37-1W-08BC-2506	0.46	Enoch Group LLC	Vacant	128,570	TBP 2
37-1W-08BC-2508	0.71	FBP Properties LLC	Vacant	203,910	TBP 3
37-1W-08BC-2509	0.59	Murphy Family LLC	Developed	N/A	TBP 4
37-1W-08BC-2510	0.50	Murphy Family LLC	Developed	N/A	TBP 5
37-1W-08BC-2511	1.16	Reece, Dan et al	Vacant	291,070	TBP 6
37-1W-08BC-2505	0.44	WLC Properties LLC	Developed	N/A	TBP 7
37-1W-08BC-2504	0.54	MB Property LLC	Developed	N/A	TBP 8
37-1W-08BC-2503	0.44	MB Property LLC	Developed	N/A	TBP 9
37-1W-08BC-2502	0.50	CW Tower Industries LLC	Developed	N/A	TBP 10
37-1W-08BC-2201	1.97	CW Tower Industries LLC	Developed	N/A	TBP 11

\*Tower Business Park; \*\*Tower Retail Center (subdivided TBP Lot 1)

**13. Majority Interest Owner Authorization for Preliminary PUD Plan Revision:**

Signed Owner Authorization on behalf of Delta Center III LLC and PIB Investments LLC (owners of Tax Lots 2513, 2514, 2515 and 2516) is provided at Applicants’ Exhibit 17. As per Table 1 above and the Jackson County Assessor’s Real Property Value Summary Reports in evidence at Applicants’ Exhibit 16, the authorizing owners and the Applicants control 2.63 acres (59.8%) of the remaining 4.4 acres of vacant land in the PUD and are owners of land and improvements which constitute more than 50% of the total assessed value of the vacant portion of the PUD (i.e., \$2,338,440 of \$3,074,000 total assessed value – being 76%).



- 14. Floodplain; Wetlands; Drainage:** There is no 100-year mapped floodplain on the property. Portions of the property contain wetlands as indicated on Exhibit 16. Drainage is generally to the northwest. Applicant's drainage plan is submitted as Exhibit 11. Wetlands within the property have been delineated and preservation/mitigation plans have been approved by the required State and Federal agencies as a part of the approval of Cedar Landing PUD. This application will not result in development that will impact any of the identified wetland areas and the proposed PUD plans are consistent with the approved wetland mitigation plan.
- 15. Neighborhood Circulation Plan:** The proposed subdivision is not located within one of Medford's Adopted Neighborhood Circulation Plans, however is located within the approved Cedar Landing PUD Master Plan.
- 16. Proposed PUD Revisions:** Change use of subject property to multi-family residential (MFR-15) consistent with proposed zone change; Replace previously approved conceptual building envelope with lot specific revised Preliminary PUD Plan for development of 18 rowhouse style apartments arrayed in three buildings as provided at Applicants' Exhibit 9. Final PUD Plan to be submitted subsequently for Planning Director approval.
- 17. Neighborhood Meeting:** Applicant conducted a neighborhood meeting in accordance with the requirements of the MLDC. Attached to this land use application are the Neighborhood Meeting Certificate of Mailing Form and the Neighborhood Meeting Verification Form. Notice was mailed to owners of more than 75 of the nearest tax lots. The meeting was held March 7, 2019 at the Medford Public Library. Applicants' representatives set up and waited over an hour past the duly noticed time, but no one else attended.

V

**CONCLUSIONS OF LAW**

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The following conclusions of law are based on the evidence enumerated in Section II and the findings of fact contained in above Section IV and which relate to the approval criteria for a Preliminary PUD Plan. The approval criteria are recited verbatim below and are followed by the conclusions of law.

***Criterion 1***

**10.198 Revision or Termination of a PUD**

- A.** Revision of a Preliminary or Final PUD Plan. The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:
  1. Applicant for Revision; Filing Materials; Procedures: An application to revise an approved PUD Plan shall be on forms supplied by the Planning Department. 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. For changes deemed by the Planning Director to be minor but not de minimis, the Planning Director shall exercise appropriate discretion under Section 10.190(C)(1) to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope



and nature of the proposed PUD revisions. PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.

2. Consolidated Procedure: At the discretion of the Planning Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.
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 10.190(D) or 10.196(D), 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 10.190(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.

**Finding:** 1) Applicants have signed the application form and provided, at Applicants' Exhibit 17, written authorization of the owners of four of the other remaining vacant PUD lots that, together with the Applicants, control a majority interest in more than 50% of the vacant land covered by the approved PUD and who are also owners of land and improvements within the PUD which constitute more than 50% of the total assessed value of the vacant portion of the PUD (documented here above in Section IV – Findings of Fact). 2) Applicants have provided a revised Preliminary PUD Plan including site plan, architectural renderings, conceptual drainage and grading plan, color palette and other material with far more detail than the conceptual building envelope depicted on the original Preliminary PUD Plan. Applicants understand that the consolidation provision in this section is at the discretion of the Planning Director and understand and accept that a separate application for final PUD Plan approval is otherwise required to incorporate any changes or supplemental detail plans required by the Planning Commission as approval conditions. 3) The scope of the proposed revision is limited to the subject Lot 6 of the Tower Business Park Subdivision/PUD as there are no common areas, street connection, or other residentially zoned or designated areas in the remainder of the planned unit development. Applicants understand and accept that the Planning Commission must also determine that the proposed revision is compatible with existing developed portions and have provided information to address the same.

\* \* \* \* \*

**10.190 Planned Unit Development (PUD) - Application and Approval Provisions.**

...

- D. **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 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 ownership, or
    - e. is otherwise required by the Medford Land Development Code.

**Finding:** The proposed revision is to add a residential component to the Tower Business Park PUD which will continue to also include a mix of commercial and industrial uses – including a church (which is a conditional use in the I-L zoning district). The proposal is dependent on approval of the companion zone change to MFR-15 given that the commercial component of the PUD already constitutes the 20% of total area that be developed with uses not otherwise allowed



in the current I-L zoning district. With the zone change to MFR-15, the proposed residential development of the subject property would correspond with the new zoning and would qualify for approval under 10.190(D)(1)(b). Further, the proposed revision would not affect any existing common areas which previously qualified the Tower Business Park for PUD approval pursuant to subsection (d) therein.

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

**Finding:** Applicants believe that the proposed plan comports with the applicable code requirements for development of multi-family residential dwellings in the MFR-15 zoning district. To the extent that any such standards are not found to fully comply, Applicants request the opportunity to provide supplemental findings for consideration of approving modifications to the same.

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.

**Finding:** The property is not subject to any of the enumerated measures above.

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

**Finding:** The proposal does not impact any common elements of the PUD. The subject Lot 6 front Arrowhead Drive, a public street, and has no need or right of access from any of the two private streets that serve other portions of the PUD. The remaining common tract to the south of Owens Drive will continue to function to preserve the wetlands and creek located there – and which are not located on or near the subject Lot 6.

5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.192(B)(7)(c), the applicant shall alternatively demonstrate that either: (a) demands for the Category "A" public facilities listed below are equivalent or less than for one or more permitted use listed for the underlying zone, or (b) By the time of development the property can be supplied with the following Category "A" public facilities in sufficient condition and capacity to support development of the proposed use:
  - i. Public sanitary sewerage collection and treatment facilities.
  - ii. Public domestic water distribution and treatment facilities
  - iii. Storm drainage facilities.
  - iv. Public streets.

Determination of compliance with this criterion shall be based on 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.

**Finding:** The proposed PUD revision application is accompanied by a zone change application such that the proposed multi-family development of Lot 6 will comport with the proposed MFR-15 zoning – subject to approval of that request.

6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.184.

7. If approval of the PUD application includes the division of land or the approval of other concurrent development permit applications as authorized in Subsection 10.190(B), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.

**Finding:** The proposal does not include a request for land division. The proposed PUD revision is dependent upon the companion applications for GLUP Map amendment and Zone Change, for concurrent simultaneous review, which include the requisite findings to address Article II.

\*\*\*\*\*

## VII

### ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, it is ultimately concluded that the case for revision to the Preliminary PUD Plan approval is consistent with all of the relevant criteria in the Medford Land Development Code (MLDC) as hereinabove enumerated and addressed.

Respectfully submitted on behalf of Applicants Dan and Gina Reece and Arrowhead Business Center, LLC:

CSA PLANNING, LTD.

  
\_\_\_\_\_  
Raul Woerner  
Consulting Land Use Planner

**Dated: June 27, 2019**

RECEIVED

AUG 27 2019

APPENDIX TO EXHIBIT 1

DEMONSTRATION OF COMPLIANCE WITH APPLICABLE PLANNING DEPT. DEVELOPMENT STANDARDS

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

ARTICLE III- ZONING DISTRICTS

10.309 MFR-15, Multiple-Family Residential - 15 dwelling units per gross acre

This urban residential district provides for medium density townhouses (rowhouses), duplexes, apartments, mobile home parks, and group quarters. It is suitable and desirable for locations near neighborhood activity centers or mass transit.

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

Minimum and Maximum Density Factor (df) . . . . . 10 to 15 DU/gross acre.

Compliance with Standards: Proposal is for 18 dwelling units (rowhouse style apartments arrayed in three structures on a single lot of 1.4 gross acres). Housing type is consistent with MFR-15 zoning. Residential density is 18 DU/1.4 gross acres = 12.9 DU/gross acre. Project complies with density standard.

\* \* \* \* \*

ARTICLE IV- PUBLIC IMPROVEMENTS STANDARDS AND CRITERIA

10.425 Street Access and Dedication Requirements.

Prior to the issuance of a development permit, land shown on any development proposal and intended for vehicular use shall have access to a paved street. Land intended for vehicular and accessway use by the general public shall be offered for dedication.

Compliance with Standards: Subject lot has frontage and access to Arrowhead Drive, a city street in exiting 65-foot wide right-of-way built to current standard residential street standards. Proposed development does not include land intended for vehicular and accessway use by the general public. Project complies with standards.

10.428 Street Circulation Design and Connectivity

These standards are intended to assure that development will ultimately result in complete blocks bound by a network of public streets, and/or private streets to constructed to City Standards open to public use. . . .

Compliance with Standards: Maximum block length and perimeter length standards applicable in transit oriented districts (subject lot is in the North Medford TOD) are 600 and 1,800 feet, respectively, per MLDC Table 10.426-1. Subject property was platted as Lot 6 of the Tower Business Park Subdivision as previously approved by the City of Medford to comport with then applicable subdivision standards. The resulting block length and perimeters of the subdivision exceed the current standards for access and circulation – private street "Tower E" providing access to the adjacent lots to the west from Crater Lake Avenue was approved by the City to end in a cul-de-sac rather than to connect through to Arrowhead Drive. The adjacent lots have since been developed in such manner that there is no practical manner in which to further extend any new streets through the subject lot. The western line is abutted by a large retaining wall supporting the adjacent office building (beauty school). The north line coincides with the Hopkins Canal and the adjoining



CITY OF MEDFORD  
EXHIBIT # R  
File # GMP-19-004 20-19-004  
PUB-19-005 Page 1

**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

property is full built with an apartment complex that has no means of connection. The lot to the south was recently built out with an office complex. There is no need to connect the parking areas between an apartment development and an office use given reasonably available frontage sidewalk along Arrowhead Drive. Finally, there is insufficient area to dedicate any more land from the subject lot in a manner that would provide enough buildable area to meet even minimum density standards. Because there are barriers that make street extensions through the property impractical, MLDC Section 10.426(C)(2)(d) is implicated such that the approving authority may find that block and perimeter standards may be exceeded, and Applicants hereby request the City so allow the same in this case. Accordingly, MLDC 10.426 standards are met.

**10.430 Lower-Order – Residential Street Classification System**

Residential streets conduct local traffic to collector and arterial streets at relatively low traffic volumes and speeds and provide important direct land access to individual parcels. There are three (3) categories of residential streets as follows:

**(A) Standard Residential Street Description.** [cross section shown in code requires 63-foot ROW with 36-foot wide pavement width, 8-foot wide planter strips, and 5-foot wide sidewalks]

**Compliance with Standards:** Other than frontage improvements for sidewalk and street tree planter, Arrowhead Drive is fully built at this time with the require pavement width, street lights, and curb and gutter along the subject lot frontage. The platted 65-foot wide right-of-way exceeds the minimum 63-foot wide standard residential street standards.

\* \* \* \* \*

**10.550 Access Standards**

**(1) Driveway Throat Width Standards.**

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

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

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

\*\*\*ADT = Average Daily Trips using the proposed driveway, determined from the latest version of the Institute of Transportation Engineering handbook based on the expected ultimate use of the site.

**(3) Driveway Spacing and Location Standards.**

b. Local Streets

A minimum distance of three (3) feet shall be maintained between the closest portions of adjacent driveway flares as measured along the curb on local streets, except where existing conditions dictate otherwise. ...



**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

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**Compliance with Standards:** A single driveway approach is proposed with a 20-foot wide throat width in accordance with throat width standards. The proposed driveway will access Arrowhead Drive at the midpoint of the subject lot frontage. There are no other adjacent driveways nearby – the minimum three-foot spacing standard is thereby met.

\* \* \* \* \*

**ARTICLE V-SITE DEVELOPMENT STANDARDS**

**10.714 Multiple-Family Dwellings**

The following standards apply to the development of multiple-family dwellings within the various residential districts. See Article III, Sections 10.308 for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

[Table omitted here]

**Compliance with Standards:**

Minimum Density Factor Range for MFR-15 (10 to 15 DU/gross acre) is met ( $18/1.4 = 12.9$ ).

Minimum Lot Area (9,000 square feet) is exceeded by existing 1.16 acre lot.

Maximum Coverage Factor standard (50%) is met ( $14,080 \text{ square foot building footprint} / 50,623 \text{ square foot lot} = 27.8\%$ )

Minimum Interior Lot Width/Depth/Frontage standards are exceeded by the existing lot although the standards not directly applicable to current project as no further division is proposed.

Minimum Front Yard Setback standard for MFR-15 where vehicular access to garages are parallel to the street (as proposed) is 15 feet. Proposal complies.

Minimum Side and Rear Yard Setbacks for MFR-15 are both 4 feet plus 1/2 foot for each foot in building height over 15 feet. Also, those portions of any multiple-family dwelling located within 20 feet of any property line common with property containing single-family zoning shall not exceed one story. There is no single-family zoned land adjacent to the site. The height of the gabled-roof buildings, as noted on the building elevations, will be 20'-10" which is 5.83 feet over 15 feet. The required minimum setback to side and rear is  $[4 + (5.83)/(2)] = 6.9$  feet. The buildings (containing Units 1-11) on the north side of the lot will be set back just over 20 feet from north property line as shown on the site plan (the intervening area is within a 20-foot wide easement for the irrigation district). The closest point of the south building (containing Unit 12 – 18) to the south side property line is 10 feet. No building shown on the site plan will be closer than 30 feet to the rear property line. Proposal complies.

**10.717 Multiple-Family Dwellings, Special Development Standards.**

A. Building Orientation and Entrances.

(1) Buildings shall be oriented to public streets and public street intersections.

**Compliance with Standard:** This requirement of subsection (1) is construed to apply to all multi-family buildings because there are no locational specifications as in subsections (2) and (3) which, for example, apply only to buildings at intersections or within 30 feet of a street. Subsection (1) if strictly applied would require buildings even far removed and screened from public streets to be



**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

---

oriented to the same. Multifamily complexes – which are a common type of apartment community – will generally not be able to meet this standard unless the property is surrounded by public streets. The standard does not allow buildings to be oriented to private streets, either, since the requirement is to orient to public streets and intersections.

The proposed project, like the neighboring Canterbury Hills project to the north, is designed with all building oriented to a common private entry lane. The rowhouse style units are all to be rentals, so they will be no individual lots created to front on a newly dedicated public street. The subject property slopes to the south/southeast and must retain the lower southeast corner as an open area for stormwater management purposes. That leaves limited direct frontage to the public street available to orient the buildings to the public street. The curvilinear frontage along Arrowhead Drive and odd “rudder” shape of the lot further limits how buildings can be arranged while also accommodating required parking and access standards.

Due to these factors, and because the proposed layout is similar and compatible with the established Canterbury Hills community to the north, **Applicants request that the City approve a modification of subsection 10.717(A)(1) for this proposed multi-family PUD in accordance with MLDC 10.192(B).** The orientation standard generally a locational standard for buildings and, as such, is a standard that may appropriately be modified within PUD projects. The proposed modification will allow for the buildings to orient to the interior common access drive.

(2) Buildings located at intersections shall incorporate a corner building entrance.

**Compliance with Standards:** This standard does not specify whether it applies only to public street intersections or to intersections with private streets or drives. If construed to mean public street intersections only, the standard is not implicated. If construed to apply to buildings located at the corner of an intersection with a private drive, as in this case, the standard would apply to each of the two buildings located adjacent to the common entry from Arrowhead Drive – and specifically to Units 11 and 18. Each of those units will have a portico covered entry at the respective corners that will face the private drive. There are no specifications provided on how to incorporate a “corner building entrance”. It is not clear if the City intended to require an entry to be actually set into the corner of the building or just to have an entry placed along in an adjacent façade along the corner, as is proposed in this case. Given the ambiguity of whether the standard applies at all to a private driveway intersection and as how a corner building entrance is to be incorporated, it is not a clear and objective. Because ORS 197.307(4) requires that local governments apply only clear and objective standards, conditions and procedures regulating the development of housing, this standard should not be applied. On the merits, the project has been designed to reasonably incorporate corner building entries as discussed above such that the project can be found to comply with the standard.

(3) For buildings located within 30 feet of a street, the main entrance(s) of ground floor units must face the street frontage. Main entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Deviations from this standard are allowed as follows:

- (a) On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.
- (b) For buildings with more than one entrance serving multiple units, only one entrance must meet this standard.
- (c) For buildings proposed to be perpendicular to public streets due to access requirements and/or dimensional constraints not created by the applicant, main entries may face up to 90 degrees away from the street provided both of the following apply:



**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

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- i. They are visible from the street.
- ii. The building side facing the street shall contain window occupying a minimum of 15% of the overall façade length.

**Compliance with Standards:** Two of the three multiplex buildings are to be located within 30 feet of Arrowhead Drive, which is the only public street fronting the subject lot. The proposed buildings will include attached two-story units of a townhouse style with each unit having its front entry facing the common access drive. The center loaded access design is proposed to efficiently accommodate parking and access standards, and to reserve an open area at the downgrade southeast corner to accommodate on-site stormwater treatment and management. The design also avoids the need for individual units to take direct garage/driveway access from Arrowhead Drive or otherwise to devote more area to additional paved surface parking elsewhere. It is also comparable to the layout of the neighboring Canterbury Hills apartment community, which is an attractive and well established multi-family development in this neighborhood.

Due to the foregoing reasons and as further explained below, **Applicants request that the City approve a modification of subsection 10.717(A)(3) for this proposed multi-family PUD in accordance with MLDC 10.192(B).** The modification will allow for the main entrances to each unit to face the common drive which will function as the internal “street” for these homes. All units, including those within sight of Arrowhead Drive, will include attractive and covered front entries in the manner of townhomes rather than typical walkup apartments. The porches and pedestrian scale “street” lights as shown will achieve a comparable street-like setting for the front doors of each dwelling unit as the standard is meant to promote. The end units (11 and 18) along Arrowhead Drive also have been designed to include windows that comprise 15% of the street-facing facades similar to the standard of subsection (3)(c) for buildings perpendicular to public streets. The curvature of the street and the existing lot configuration are such that the southerly building containing Unit 18 cants more than 90 degrees away from the frontage. However, it will have an entry facing the internal “street” subject to approval of the modification request and the 15% of window coverage on the street facing façade achieves a substantively similar design outcome to the standard.

**B. Building Mass and Façade.**

- (1) Outside of the Central Business Overlay District, residential buildings located within 30 feet of a street shall be limited in length to 150 feet, and any other residential buildings on the site shall be limited in length to 200 feet. There is no maximum building length within the Central Business District Overlay District.
- (2) On buildings greater than three stories in height all facades shall be divided into three elements (base, middle, and top) and visibly articulated to define each element.
  - a) The building base consists of the lowermost floor or two floors. The building top consists of the uppermost floor or two floors. The building middle consists of the remainder of the façade between the base and the top.
  - b) The building base, middle, and top shall each be differentiated through horizontal articulation and/or a discernible change in materials.
- 3) Street-facing facades shall contain windows covering a minimum of 15% of the façade length on each floor level.

**Compliance with Standards:** The subject property is not within the Central Business Overlay District. Therefore, subsection (1) requires that the two residential buildings proposed within 30 feet of Arrowhead Drive be limited in length to 150 feet and that the remaining building be limited in length to 200 feet. The code does not clearly define what is meant by length of a building. The



**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

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long axis of proposed buildings (which are two-story apartment in a rowhouse style) could reasonably be construed to be the width of a multiplex structure, with the front of the building being the center-facing entries to each unit and with the rear of the building being the back decks. The building depth, in that construction, would be measured from front to back, and would typically be synonymous with the term “building length” in architectural terms. Alternatively, the length of the building could be construed to mean the distance from the façade facing Arrowhead Drive (the front of the lot) to the opposing façade (being the west face of the buildings in this case). ORS 197.307(4) states, in relevant part, that a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. Because this standard is ambiguous in its application to this project, Applicants assert that the standard is not clear and objective and should not be applied. On the merits, whether “length” of buildings is measured either from entry to back porch or from street façade to opposite façade (west in this case), each of the buildings would still comply with the standard. Applicants raise the issue for here primarily with the understanding that this is one of the first, in not the first, multi-family residential projects to be reviewed under the Multi-Family Special Development Standards since enacted in 2018. The City should consider revisiting the code standards to consider if changes are merited to more clearly define the term “length” of buildings and to consider whether rowhouse/townhome style apartments ought to be clearly allowed to orient to the common access drive rather public streets.

**C. Building Articulation.**

(1) In order to preclude long expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as off-sets, projections, balconies, bays, windows, entries, porches, porticos, or similar elements. Rear and/or side elevations that are only visible from the interior of the site are not subject to these articulation requirements.

a) Horizontal surface: at least two of the design features outlined above shall be incorporated along the horizontal face of the building, to be repeated at intervals of no more than 40 feet.

b) Vertical surface: at least two of the design features outlined above shall be incorporated along the vertical face of the building, to be repeated at intervals of no more than 30 feet.

(2) When off-sets and projections are used to fulfill articulation requirements, they shall vary from other wall surfaces by a minimum of 2 feet, and such changes in plane shall have a width of 6 feet.

(3) Individual and common entries shall be articulated by roofs, awnings, or porticos that are a minimum of 6 feet wide and 4 feet deep.

(4) Windows shall be inset a minimum of 3 inches from the adjacent wall plane, or fully surrounded by trim in order to create the necessary minimum inset depth of 3 inches.

**Compliance with Standards:** The proposed buildings are of a rowhouse style with each unit being 20 to 22 feet in width. *See, Applicants’ Exhibit 9c – Floor Plans.* The façades of each building are articulated at corresponding intervals to distinguish each of the dwelling units as distinctive homes. Each unit front and rear façade has off-sets in the form of dormers, porches, porticos, shed-roofs, balconies and similar elements that conform with the 2 and 6 foot dimensional specifications for the same. *See, Applicants’ Exhibit 9b – Building Elevations.* There are no common entries. Individual entries for the all units are shown to have covered portico porch entries or entries otherwise covered by second floor overhangs as shown on the preliminary design plans consistent with subsection (3) above. Windows will be inset at 3 inches or fully surrounded by trim as required by subsection (4). The preliminary PUD Plans are not at that scaled to that level of detail. Applicants stipulate to incorporate the same in the detailed final plans required for building permit issuance.



**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

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D. Building Materials.

(1) The following primary building materials shall be utilized on a minimum of 65% of the street facing façade:

- (a) Brick;
- (b) Stone
- (c) Stucco;
- (d) Flat metal composite panels;
- (e) Wood siding and wood simulation materials;
- (f) Fiber reinforced cement siding or panels;
- (g) Ceramic tile; and
- (h) Transparent glass.

(2) The following building materials shall not be allowed on more than 35% of each individual façade:

- (a) Corrugated metal;
- (b) Plain or split-faced concrete block;
- (c) Plain concrete; and
- (e) Spandrel glass.

(3) Vertical changes in wall cladding materials shall take place on inside corners. Horizontal changes in wall cladding materials shall take place at cornices, belt courses, and other such horizontal elements.

(4) The following building materials are prohibited:

- (a) Vinyl siding; and
- (b) Plywood siding (e.g., T1-11).

(5) Fencing materials shall be durable, maintainable, and attractive. The following fencing materials are prohibited:

- (a) Plastic or vinyl fencing; and
- (b) Chain link fencing.

**Compliance with Standards:** Siding material is noted on the plans to be fiber reinforced cement as allowed under subsection (1). Stone veneer will also be applied to along the garage and pillar bases. The southern building will have concrete masonry block foundation to take up grade, but the foundation blocking is below the façade wall and will be generally screened by the rear decks and landscaping. If construed to be part of rather than foundational component below the respective rear and front facades, the area nonetheless is considerably less than 35% allowance for materials under subsection (2), and no other subsection (2) listed materials are proposed. Vertical and horizontal changes in wall cladding materials are incorporated in accordance with subsection (3) as shown on the building elevation drawings at Applicants' Exhibit 9b. No prohibited materials as listed in subsection (4) are proposed, nor is any fencing subject to subsection (4) proposed.

E. Roof Forms.

(1) All sloped roofs shall have a minimum 4:12 pitch.

(2) All sloped roofs shall have eaves projecting a minimum of 12 inches from the building wall.

(3) All roofs with a slope of less than 4:12 pitch shall be articulated by a parapet wall projecting a minimum of 12 inches above the roof line, or be architecturally treated such as with a decorative cornice.



**Compliance with Standards:** A 7:12 roof pitch is noted on the building elevations, exceeding the subsection (1) standard for sloped roofs. A minimum 1-foot eave projection is also noted on the elevation drawings and as required by subsection (2). Subsection (3) is not applicable as all roof pitches exceed the 4:12 standard.

F. Vehicle Circulation and Parking.

(1) In order to strengthen the presence of buildings on the street, no parking spaces shall be located within any required front yard area, and no automobile circulation or parking areas shall be located between buildings and the street. Any proposed deviation from this standard shall be subject to a request for Exception as outlined in Section 10.186.

**Compliance with Standards:** The required front yard setback for multi-family dwellings without garage entries or carports facing the street is 15-feet. There are no parking spaces proposed within 15-feet of the front property line (Arrowhead Drive). The provision prohibiting location of automobile circulation and parking areas between buildings and the street, strictly read, would seem to disallow parking and circulation anywhere on the property unless access and parking could somehow be rear loaded behind every building on the property. A driveway providing automobile access must otherwise necessarily be located somewhere between the buildings and the street. A center-loaded common access design as proposed cannot eliminate all parking and access between the rear units and the street. If the standard is construed to not be strictly applicable in that manner, it is still unclear how to apply the standard. Unit 11, for example, has a landscaped yard between its east side façade and Arrowhead Drive to the east. But Arrowhead Drive then curves to the west such that the front garage entry to Unit 11 – being on the south (front) side of the building – would be located between that building and the street. The garaged space itself, being within the building rather than outside and between, would not violate the standard in that interpretation but could not be accessed. The area between Unit 18 and Arrowhead Drive to the south and east, as another example, includes a fully landscaped yard area in those directions. However, there are two parking spaces (numbered 8 and 9) that could still be considered as being located between that building and Arrowhead Drive as it bends northward. Parking spaces 6 and 7, although far removed from Arrowhead Drive, would be located between the street and the rear building containing Units 1 through 6. Because this standard is ambiguous in its application to this housing project, the standard is not clear and objective and should not be applied. ORS 197.307(4) states, in relevant part, that a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing.

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**10.732 Fencing of Lots**

- (1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the approving authority. (Effective Dec. 1, 2013.)
- (2) Fencing located in the side or rear yards (when not a through-lot) shall not exceed eight (8) feet in height. Height shall be measured as follows:



**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

- (a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.
- (b) In other required yards, it shall be the total effective height above the finished grade measured on the side nearest the abutting property.

(3) No fencing shall conflict with the site distance requirements of Section 10.735, Clear View of Intersecting Streets.

**Compliance with Standards:** No new fencing is proposed. A black wrought-iron fence exists along the common property line with Tax Lot 2000 to the north which was constructed as part of the Canterbury Hills apartment community.

\*\*\*\*\*

**10.743 Off-Street Parking Standards**

- (1) Vehicle Parking – Minimum and Maximum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10.743-1.  
Where a use is not specifically listed in table 10.743-1, parking requirements shall be determined by the Planning Director or designee finding that the use is similar to one of those listed in terms of parking needs.  
Parking spaces that count toward the minimum requirement are parking spaces meeting minimum dimensional and access standards in garages, carports, parking lots, bays along driveways, and shared parking areas.
- (2) Number of Required Parking Spaces. Off-street vehicle parking spaces shall be provided as follows:
  - (a) Parking Space Calculation. Parking space ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.
  - (b) Parking Categories.
    - (i) Table 10.743-1 contains parking ratios for minimum required number of parking spaces and maximum permitted number of parking spaces for each land use.
      - A. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.
      - B. Maximum Number of Permitted Parking Spaces. The number of parking spaces provided shall not exceed the maximum number of parking spaces allowed for each listed land use.

<u>Land Use Category</u>	<u>Minimum Number of Required Parking Spaces</u>	<u>Maximum Permitted Parking Spaces</u>
Residential, Multiple Family	1.5 spaces per dwelling unit	n/a

**Compliance with Standards:** The proposed plan indicates that each of the eighteen dwelling units will have an enclosed single-car garage and that nine parking spaces will also be provided in shared surface parking areas for a total of 27 spaces overall (meeting the standard of 1.5 spaces per dwelling unit).

- (4) Reductions in Required Parking Spaces.  
The total number of required motor vehicle parking spaces for an existing or new industrial, commercial, or office development may be reduced by five percent (5%) for each of the activities listed below that are provided by the owners or operators in perpetuity, up to a maximum of ten percent (10%) reduction in the total number of motor vehicle spaces required per development.
  - (a) Providing showers and lockers for employees who commute by bicycle or foot;
  - (b) Providing twice as many covered, secured bicycle parking spaces as required by this code;
  - (c) Providing a public plaza as defined herein adjacent to a transit route with transit service currently available, which is within one quarter (1/4) mile of a major transit stop on that route. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop. The plaza must be open to the public, and at least 300 square feet in size exclusive of connecting walkways.



## **APPENDIX TO EXHIBIT 1**

### **Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

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- (d) Providing a transit shelter with landscaping, and trash receptacle;
- (e) Other incentives provided in an approved Transportation Demand Management Plan (TDM) approved by the Approving Authority.

**Compliance with Standards:** Reductions under the above provisions are not available for residential development – and no reduction is requested.

#### (5) Two-Wheeled Vehicle Parking.

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

**Compliance with Standards:** No two-wheeled spaces are proposed.

#### **10.745 Location of Parking Facilities**

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

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

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

#### **10.746 General Design Requirements for Parking**

##### (3) Parking Area Planters.

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

- a. Parking areas exceeding 24 parking spaces shall contain areas of interior landscaping, such as planter islands or planter projections into the parking area, which comply with the planting schedule provided in Subsection 10.746 (3)f. and Section 10.780, Landscape and Irrigation Requirements, and as approved by the approving authority.
- b. Planters shall be dispersed throughout the parking area and contain, at minimum, the landscaping area square footage specified in the Planting schedule of Subsection 10.746 (3)f. Square footage of each parking area planter may vary; however, each parking area planter shall meet the soil volume requirements of Subsection 10.780 G(10)a.
- c. Prior to installing plant materials in parking area planters, the developer shall remove detrimental construction materials and prepare the soil within the planters in accordance with Subsection 10.780 G(9). If structural soils are necessary, areas under planned impervious surfaces surrounding planters, shall be prepared in accordance with Subsection 10.780 G(10)(a).
- d. So as to not obstruct driver vision, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and eight (8) feet above the top of the curb. The property owner shall maintain shrub and tree growth in planter areas to ensure shrubs are kept lower than three (3) feet and tree canopies are maintained above eight (8) feet.
- e. Trees planted in parking area planters shall have a moderate to broad spreading canopy.

**Compliance with Standards:** The number of exterior parking area spaces (i.e., nine) is less than 24. To the extent that garaged spaces are construed to be landscaped with planters under this



**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

provision, Applicants assert that such an interpretation would be ambiguous and as such would not be a basis for denial of a housing development under Oregon’s “needed housing” statute.

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

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

**Compliance with Standards:** There are fewer than 24 outdoor parking spaces.

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

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

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

**Compliance with Standards:** Parking spaces 8 and 9 as numbered on the site plan are the only spaces that are near an adjacent street. These are set back at least 20 feet from the street. To the extent these are construed to “abut” the street, the intervening area will be generously landscaped to effectively screen the spaces as shown on the submitted landscape plan.

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

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

<b>Total Parking In Lot</b>	<b>Required Minimum Number of Accessible Spaces</b>	<b>Required Minimum Number of Van-Accessible Spaces</b>	<b>Required Minimum Number of Spaces marked “Wheelchair User Only”</b>
1 – 25	1	1	0

**Compliance with Standards:** One accessible space is required (which must be “Van-Accessible”). The preliminary PUD plan does not show a van-accessible space, but there is room to accommodate the same (e.g., spaces 6 & 7 could be modified to include the require access aisle and markings with a minor adjustment to the adjacent landscape planter). Applicants stipulate to accept an approval condition requiring that they incorporate a van-accessible space in the Final PUD Plan for the project for the City’s review and approval.

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

**Compliance with Standards:** The subject property does not obtain access from an arterial or collector street. Accordingly, this standard is not implicated.



**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

(16) Parking Space Minimum Dimension Standards.

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

**Compliance with Standards:** All parking spaces within the proposed parking areas are at a 90 degree angle and all comply with the above standards. Applicants stipulate to include striping and dimensional details on the final PUD Plan for the project.

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

**Compliance with Standards:** No compact spaces are currently proposed.

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

**Compliance with Standards:** No encroachment within a required landscape yard is proposed.

\* \* \* \* \*

**10.747 General Provisions, Bicycle Parking**

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

**10.748 Bicycle Parking Standards**

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

Residential, multiple-family: One space per unit (4 units or more).

**Compliance with Standards:** Each dwelling unit will have an attached garage in which bicycles may be secured to comply with the one space per unit requirement. Applicants stipulate to include detail designs for bicycle parking with the Final PUD plan for the project.

**10.749 Location of Bicycle Parking Facilities**

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

**Compliance with Standards:** Bicycle parking is proposed to be included in enclosed garages for each dwelling unit.

\* \* \* \* \*



**APPENDIX TO EXHIBIT 1**

**Demonstration of Compliance with Applicable Development Standards**

PUD Plan Revision – Tower Business Park, Lot 6

Applicants Dan & Gina Reece; Arrowhead Business Center LLC

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**10.773 Pedestrian Walkway Connections and Routing**

A pedestrian walkway shall be provided:

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

**Compliance with Standards:** All adjacent properties are fully developed – no walkways have been extended to the subject property. The sidewalks along Arrowhead Drive provide for reasonable direct pedestrian connection to the adjacent lots to the north and south. The proposed development does include interior walkways providing connectivity between the street and the dwelling units consistent with the standards.

\* \* \* \* \*

**10.781 Concealment of Trash Receptacles**

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

**Compliance with Standards:** A concrete block trash enclosure with solid wood doors is located at the western end of the parking lot adjacent to the existing retaining wall for the adjacent lot. The enclosure is incorporated within the landscape planter in that area.

\* \* \* \* \*





## **PUBLIC WORKS DEPARTMENT STAFF REPORT**

### **Arrowhead Business Center – Revision to PUD (*MFR Housing*) 3583 Arrowhead Drive (TL 2511)**

**Project:** Consideration of a revision to the approved Preliminary PUD Plan for Lot 6 of the Tower Business Park Planned Unit Development to allow for the construction of rowhouse-style residential buildings, including an amendment to the General Land Use Plan map from GI (General Industrial) to UM (Urban Medium Density Residential) and to change the zoning to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on 1.16 acres.

**Location:** Located at 3583 Arrowhead Drive within the I-L (Light Industrial) zoning district (371W08BC2511).

**Applicant:** Applicant: Dan & Gina Reece; Agent: CSA Planning, Ltd.; Planner: Steffen Roennfeldt.

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 services and facilities under its jurisdiction meet those requirements. The services and facilities that Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

#### **I. Sanitary Sewer Facilities**

The proposed GLUP Amendment and Zone Change has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has capacity constraints. Based on this information, the Public Works Department recommends this GLUP Amendment and Zone Change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the Developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed GLUP Amendment and Zone Change.

## II. Storm Drainage Facilities

The subject property currently drains to the south. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development. This site may be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

## III. Transportation System

This change results in a decrease in the potential trip generation of the PUD and the underlying zoning. No further traffic analysis is required.

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

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.



## **PUBLIC WORKS DEPARTMENT STAFF REPORT**

### **Arrowhead Business Center – Revision to PUD (*MFR Housing*) 3583 Arrowhead Drive (TL 2511)**

**Project:** Consideration of a revision to the approved Preliminary PUD Plan for Lot 6 of the Tower Business Park Planned Unit Development to allow for the construction of rowhouse-style residential buildings, including an amendment to the General Land Use Plan map from GI (General Industrial) to UM (Urban Medium Density Residential) and to change the zoning to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on 1.16 acres.

**Location:** Located at 3583 Arrowhead Drive within the I-L (Light Industrial) zoning district (371W08BC2511).

**Applicant:** Applicant: Dan & Gina Reece; Agent: CSA Planning, Ltd.; Planner: Steffen Roennfeldt.

#### **I. Sanitary Sewer Facilities**

The proposed GLUP Amendment and Zone Change has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has capacity constraints. Based on this information, the Public Works Department recommends this GLUP Amendment and Zone Change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the Developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed GLUP Amendment and Zone Change.

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### III. Transportation System

This change results in a decrease in the potential trip generation of the PUD and the underlying zoning. No further traffic analysis is required.

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

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

The above report is based on the information provided with the General Land Use Plan Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.



## **PUBLIC WORKS DEPARTMENT STAFF REPORT**

### **Arrowhead Business Center – Revision to PUD (*MFR Housing*) 3583 Arrowhead Drive (TL 2511)**

**Project:** Consideration of a revision to the approved Preliminary PUD Plan for Lot 6 of the Tower Business Park Planned Unit Development to allow for the construction of row house-style residential buildings, including an amendment to the General Land Use Plan map from GI (General Industrial) to UM (Urban Medium Density Residential) and to change the zoning to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on 1.16 acres.

**Location:** Located at 3583 Arrowhead Drive within the I-L (Light Industrial) zoning district (371W08BC2511).

**Applicant:** Applicant: Dan & Gina Reece; Agent: CSA Planning, Ltd.; Planner: Steffen Roennfeldt.

**Applicability:** The Medford Public Works Department's conditions of Preliminary Plan Approval for Tower Business Park PUD were adopted by Order of the Medford Planning Commission on June 22<sup>nd</sup>, 2000 (PUD-99-141). The approval for Tower Business Park PUD received a minor amendment on December 17<sup>th</sup>, 2003 and again on May 13<sup>th</sup>, 2001 a De minimis revision by the Planning Director. Final Plan approval was adopted by Order of the Medford Planning Commission on February 13<sup>th</sup>, 2003. The adopted conditions by each of these actions shall remain in full force as originally adopted except as amended or added to below.

CITY OF MEDFORD  
EXHIBIT # 11  
File # GLUP 19-004 ZC-19-000  
PUD-19-003

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

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

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

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

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

## A. STREETS

### 1. Dedications

Arrowhead Drive is classified as Standard Residential street within the Medford Land Development Code (MLDC) 10.430. Right-of-way has already been dedicated with the final plat for *"Tower Business Park PUD"*(Survey #17863). No additional right-of-way is required.

There is currently a 15-foot Public Utility Easement (PUE) along the frontage of Arrowhead Drive that was originally dedicated with the final plat for *"Tower Business Park PUD"* (Survey #17863).

### 2. Public Improvements

#### a. Public Streets

Standard street section improvements have been completed on Arrowhead Drive, including pavement, curb and gutter and street lights as part of the Tower Business Park (P1266D) improvements. No additional improvements are required, except for a 5-foot sidewalk with an 8-foot planter strip.

## b. Street Lights and Signing

No additional street lights are required.

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

## c. Pavement Moratoriums

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

## d. Access to Public Street System

In accordance with MLDC 10.550, the driveway shall be built with a radius approach, and have a maximum width of 24-feet.

## B. STORM DRAINAGE

### 1. Drainage Plan

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval.

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

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

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

### 2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development will be submitted with the improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or

concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

### 3. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481 and 10.729.

If the proposed development is to be constructed in phases, then 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.

### 4. Verification

Upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design Engineer shall verify that the construction of the stormwater quality and detention system was constructed per plan. Verification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

### 5. Erosion Prevention and Sediment Control

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

## C. GENERAL CONDITIONS

### 1. Construction and Inspection

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

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

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

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

## 2. Site Improvements

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

## 3. System Development Charges (SDC)

Buildings in this development are subject to system development charges (SDCs). All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

**SUMMARY CONDITIONS OF APPROVAL**  
**Arrowhead Business Center – Revision to PUD (*MFR Housing*)**  
**3583 Arrowhead Drive (TL 2511)**

PUD-19-003

**A. Streets**

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

- All previously approved conditions within PUD-99-141 shall remain in full effect.
- Arrowhead Drive – No additional right-of-way dedication is required.
- 15-foot Public Utility Easement has been dedicated.

**2. Improvements:**

**Public Streets**

- All previously approved conditions within PUD-99-141 shall remain in full effect.
- Arrowhead Drive – No additional improvements, aside from 5-foot sidewalk with 8-foot planter strip.

**Lighting and Signing**

- All previously approved conditions within PUD-99-141 shall remain in full effect.
- No additional street lights are required.

**Access to Public Street System**

- In accordance with MLDC 10.550, the driveway shall be built with a radius approach, and have a maximum width of 24-feet.

**Other**

- No pavement moratorium currently in effect along this frontage to Arrowhead Drive.

**B. Storm Drainage:**

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers verification of stormwater facility construction.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.
  
- = City Code Requirement
- = Discretionary recommendations/comments

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



# MEDFORD

BUILDING SAFETY

## MEMORANDUM

To: Steffen Roennfeldt, Planning Department

From: Chad Wiltrout, Building Department (541) 774-2363

CC: Dan & Gina Reece, Applicant; CSA Planning, Ltd., Agent

Date: August 14, 2019

Subject: PUD-19-003/GLUP-16-004/ZC-16-014\_Arrowhead Business Center & MFR Housing

*Please Note:*

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

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

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

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

CITY OF MEDFORD  
 EXHIBIT # ✓  
 File # GLUP-19-004 ZC-19-014  
PUD-19-003



# MEDFORD

BUILDING SAFETY

5. A geotechnical engineer shall provide a design for soils at building locations pursuant to 1803 of the Oregon Structural Specialty Code.

Comments:

6. Proposed construction in proximity to property lines shall comply with table 602 and code section 705 of the Oregon Structural Specialty Code.
7. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.
8. Accessibility for units per Chapter 11 and ICC A117.1
9. Based on the information provided the Occupancy would be an R-2. Type of construction is limited to Table 503.
10. Provide Fire Protection Systems per Chapter 9 of the OSSC and the 2014 Oregon Fire Code.
11. The building may require a design by an Oregon licensed design professional to meet the structural design requirements per chapters 16 and 23 OSSC.
12. Com-check forms are required for lighting, mechanical equipment and exterior envelope to show energy efficiency compliance with the 2014 Oregon Energy Efficiency Specialty Code.
13. A code analysis providing occupant load, means of egress plan, type of construction, occupancy classification, fire protection systems, etc... will be required.
14. Special inspections may be required by chapter 17 Oregon Structural Specialty Code.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 8/12/2019
Meeting Date: 8/14/2019

LD File #: PUD19003 Associated File #1: GLUP19004 Associated File #2: ZC19014

Planner: Steffen Roennfeldt

Applicant: Dan & Gina Reece

Project Location: 3583 Arrowhead Drive within the I-L (Light Industrial) zoning district (371W08BC2511);

ProjectDescription: Consideration of a revision to the approved Preliminary PUD Plan for Lot 6 of the Tower Business Park Planned Unit Development to allow for the construction of rowhouse-style residential buildings, including an amendment to the General Land Use Plan map from GI (General Industrial) to UM (Urban Medium Density Residential) and to change the zoning to MFR-15 (Multiple Family Residential - 10 to 15 dwelling units per gross acre) on 1.16 acres

Specific Development Requirements for Access & Water Supply

Conditions

Table with 3 columns: Reference, Comments, Description. Contains two rows of conditions regarding fire hydrants and fire apparatus access roads.

CITY OF MEDFORD
EXHIBIT # W
FILE # GLUP-19-004 ZC-19-014
PUD-19-003

OFC 503.4	Parking shall be posted as prohibited along the fire lanes and in the fire department turn-around area.	<p>Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).</p> <p>Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 &amp; 2 family residential areas) and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING-FIRE LANE" (See handout).</p> <p>For privately owned properties, posting/marking of fire lanes may be accomplished by any of the following alternatives to the above requirement (consult with the Fire Department for the best option):</p> <p>Alternative #1: Curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals.</p> <p>Alternative #2: Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot intervals.</p> <p>Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).</p> <p>This restriction shall be recorded on the property deed as a requirement for future construction.</p> <p>A brochure is available on our website at:  <a href="http://www.ci.medford.or.us/Files/Fire%20Lane%20Brochure.pdf">http://www.ci.medford.or.us/Files/Fire%20Lane%20Brochure.pdf</a></p>
OFC 503.2.5	Fire department turn-around area required.	<p>Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.</p> <p>The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's.</p>
OFC 903	A fire sprinkler system is required for this occupancy.	<p>Fire sprinkler system requirement information.</p> <p>Where a fire sprinkler system is required, it shall meet the requirements of the Oregon Fire Code and the applicable National Fire Protection Association (NFPA) Standard.</p> <p>Consult the Medford Water Commission for proper water meter sizing for fire sprinkler systems.</p>

### Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

[www.medfordfirerescue.org](http://www.medfordfirerescue.org)



# MEDFORD PLANNING

## MEMORANDUM

Subject Legal Description  
File no. PUD-19-003/GLUP-19-004/ZC-19-014  
To Jon Proud, Engineering  
From Steffen Roennfeldt, Planning Department  
Date July 31, 2019

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. PUD-19-003/GLUP-19-004/ZC-19-014  
Applicant: Dan & Gina Reece  
Agent: CSA Planning, Raul Woerner

Steffen-

The description accurately describes the area shown in the submitted exhibit B map, with the exception of one incorrect call as noted on attached. Reviewed by Sean Metzger 08-09-19

cp

Attachments:

Vicinity Map, Legal description

CITY OF MEDFORD  
EXHIBIT # X  
File # GLUP-19-004 ZC-19-014  
PUD-19-003

EXHIBIT A

BEGINNING at the Northwest corner of Lot 6 of Tower Business Park, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the westerly line of said Lot 6, South 04°04'39" East 145.88 feet; thence continue along said westerly line, South 45°00'00" East 130.11 feet; thence South 27°56'46" East 10.00 feet to the most southerly corner of said Lot 6; thence South 27°56'46" East 32.50 feet to the centerline of Arrowhead Drive; thence along said centerline, along the arc of a 200.00 foot radius non-tangent curve to the right (the long chord to which bears North 70°03'35" East 55.71 feet) a distance of 55.89 feet; thence continue along said centerline, along the arc of a 200.00 foot radius curve to the left (the long chord to which bears North 39°09'40" East 252.21 feet) a distance of 271.60 feet to the northerly line of the aforesaid Tower Business Park; thence along said northerly line, North 77°19'07" West 139.12 feet; thence continue along said northerly line, North 81°09'32" West 199.94 feet to the point of beginning.  
 (containing 1.40 acres, more or less)

↓  
 Rec = 251.21

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Darrell L. Huck*

OREGON  
 FEBRUARY 4, 1983  
 DARRELL L HUCK  
 2023

EXPIRES 6/30/2019

Darrell L. Huck  
 L.S. 2023 – Oregon  
 Expires 6/30/2019  
 Hoffbuhr & Associates, Inc

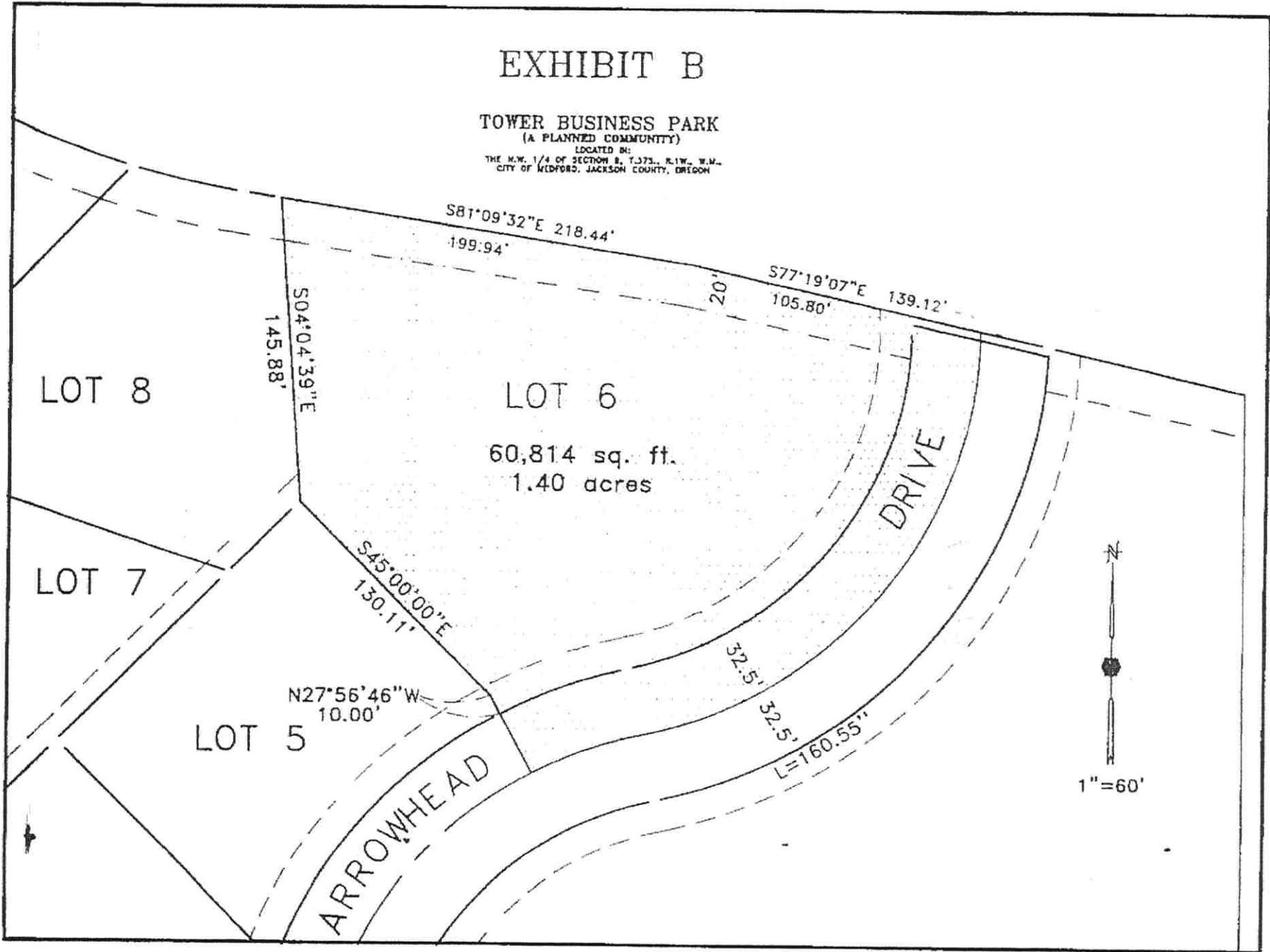
(18164 zone ch desc.doc)

CITY OF MEDFORD  
 EXHIBIT # \_\_\_\_\_  
 FILE # PUD-19-003 / GLUP-19-004 / ZC-19-014

# EXHIBIT B

## TOWER BUSINESS PARK (A PLANNED COMMUNITY)

LOCATED IN:  
THE N.W. 1/4 OF SECTION 8, T.37S., R.1W., W.M.-  
CITY OF MEDFORD, JACKSON COUNTY, OREGON



# TOWER BUSINESS PARK (A PLANNED COMMUNITY)

LOCATED IN:  
THE N.W. 1/4 OF SECTION 8, T.37S., R.1W., W.M.,  
CITY OF MEDFORD,  
JACKSON COUNTY, OREGON



### \*\*\* DECLARATION \*\*\*

### \*\*\* SURVEYOR'S CERTIFICATE \*\*\*

KNOW ALL MEN BY THESE PRESENTS, that we, Ronald F. Brenneman and S. Loretta Brenneman, Trustees of the Ronald F. Brenneman Family Estate Trust under, Tower Business Park, L.L.C. an Oregon limited liability company, and Pentecostal Church of God, Oregon-Southern Idaho District, Inc. an Oregon non-profit corporation, are the owner in fee simple of the lands hereon described, and have subdivided the same into lots, tracts and streets as shown hereon, and the number of each lot and the course and length of all lines are plainly set forth, and that this plat is a correct representation of the subdivision, and we do hereby dedicate to the public for public use the public streets show hereon, together with these easements labeled as public utility easements, and we do hereby create an easement for common area (TOWER EAST) for the benefit of the owners, heirs, and assignees of Lot 2 and Lots 7-11, and we do hereby create the private storm drainage easements for storm drainage purposes across Lots 4, 7 and 8 to benefit the owners of Lots 2, 5, 7, and 8, across Lots 10 and 11 to benefit the owners of Lots 9 and 10, and we do hereby create the private sanitary sewer easement for sanitary sewer purposes across Lot 2 for the benefit of the owner of Lot 7, and we do hereby create the easements for Midway Creek as shown hereon for storm drainage and creek maintenance purposes, for the benefit of the City of Medford, and we do also hereby grant to the City of Medford in fee simple, those areas portrayed and designated hereon as one foot street plugs. By the approval of this plat, the City of Medford declares that upon dedication of the extension of the affected streets, it thereby dedicates the street plugs for public street purposes. We also hereby grant to the City of Medford a perpetual easement for the installation and maintenance of water mains in the area shown hereon as private street. We also hereby create the temporary easement for an emergency vehicle turn around in Lot 12 which is extinguished upon the extension of Arrowhead Drive Northwesterly. We also hereby create the 20.00 foot wide canal easement across Lots 6, 8, 9, 10 and 12 for the benefit of Regue River Valley Irrigation District, for access to and maintenance of Hopkins Canal. We hereby designate void Subdivision as TOWER BUSINESS PARK.

STATE OF OREGON )  
County of Jackson ) ss.  
I, Douglas C. McMahon, a duly Registered Professional Land Surveyor of the State of Oregon, do hereby certify that I have correctly surveyed and marked with the proper monuments as provided by law the tract of land hereon shown and this plat is a correct representation of the same, and the following is an accurate description of the tract:

Commencing at a brass disc monumenting the West one-quarter (1/4) corner of Section 8 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence South 89°54'05" East along the East-West centerline of said Section 8, a distance of 30.00 feet to a point on the Easterly right-of-way line of Crater Lake Avenue, said point being marked with a brass disc for the INITIAL POINT OF BEGINNING; thence North 00°04'31" West along said right-of-way line 559.35 feet; thence North 05°34'34" East 200.74 feet; thence North 00°02'31" West 36.53 feet to a point on the Northwesterly boundary of that tract, being the last tract described in instrument No. 92-37938 of the Deed Records of said Jackson County; thence leaving said right-of-way line South 89°50'31" East along the Northwesterly boundary of said tract, 552.47 feet to a point on the average centerline of Hopkins Canal; thence along said average centerline South 56°01'13" East 97.48 feet; thence along the arc of a 405.33 foot radius curve to the left (the long chord to which bears South 68°35'22" East 176.42 feet) on an arc distance of 177.84 feet; thence South 81°09'32" East 218.44 feet; thence South 77°19'07" East 267.30 feet to the Northeast corner of tract described in instrument No. 93-08026 of said Deed Records; thence leaving the average centerline of Hopkins Canal, South 00°05'29" East along the Easterly boundary of said tract, 585.25 feet to a point on the aforementioned East-West centerline of said Section 8; thence North 89°54'05" West along said East-West centerline, 1293.84 feet to the INITIAL POINT OF BEGINNING.

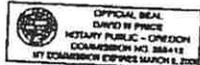
IN WITNESS WHEREOF, We have set our hands and seals this 23 day of June, 2003.

STATE OF Oregon )  
County of Medford ) ss.  
The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of June, 2003 by Ronald F. Brenneman, Trustee on behalf of the Ronald F. Brenneman Family Estate Trust, freely and voluntarily.



Ronald F. Brenneman  
Ronald F. Brenneman, Trustee

STATE OF Oregon )  
County of Medford ) ss.  
The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of June, 2003 by S. Loretta Brenneman, Trustee on behalf of the Ronald F. Brenneman Family Estate Trust, freely and voluntarily.

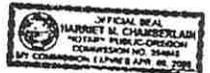


S. Loretta Brenneman  
S. Loretta Brenneman, Trustee

TOWER BUSINESS PARK, L.L.C.  
IN WITNESS WHEREOF, I have set my hand and seals this 30<sup>th</sup> day of June, 2003.

STATE OF OREGON )  
County of Jackson ) ss.  
The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of June, 2003 by Reid Murphy, as a managing member on behalf of Tower Business Park, L.L.C., freely and voluntarily.

Reid Murphy  
Reid Murphy, Managing Member

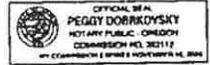


### PENTECOSTAL CHURCH OF GOD:

IN WITNESS WHEREOF, We have set our hands and seals this 27<sup>th</sup> day of June, 2003.

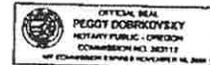
STATE OF Oregon )  
County of Medford ) ss.  
The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of June, 2003 by Harold Gore as President on behalf of the Pentecostal Church of God, Oregon-Southern Idaho District, Inc., freely and voluntarily.

Harold Gore  
Harold Gore, President



STATE OF Oregon )  
County of Medford ) ss.  
The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of June, 2003 by Michael D. Skaggs as Secretary on behalf of the Pentecostal Church of God, Oregon-Southern Idaho District, Inc., freely and voluntarily.

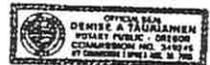
Michael D. Skaggs  
Michael D. Skaggs, Secretary



Klamath First Federal Savings and Loan Association, the undersigned beneficiary of a certain Trust Deed recorded April 10, 2002 as Document No. 02-20069 of the Official Records at Jackson County, Oregon, affecting the land described herein, hereby releases from the lien of said Trust Deed all property shown hereon as dedicated to the public for public use.

STATE OF OREGON )  
County of Jackson ) ss.  
The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of June, 2003 by Steve Herrick as Vice President on behalf of Klamath First Federal Savings and Loan Association, freely and voluntarily.

Steve Herrick  
Steve Herrick, Vice President



### \*\*\* APPROVALS \*\*\*

MEDFORD CITY PLANNING:  
That, pursuant to authority granted in Ordinance No. 5785 this plat is hereby approved.

David W. Price  
Planning Director  
Date: August 1, 2003

Reviewed and approved this 17<sup>th</sup> day of July, 2003.

Paul D. Lewis  
City Engineer  
City Surveyor

Reviewed and approved as required by O.R.S. 92.100 as of August 6<sup>th</sup>, 2003.

Paul D. Lewis  
City Engineer

All fees, assessments or other charges as required by O.R.S. 92.095 have been paid as of August 6<sup>th</sup>, 2003.

David W. Price  
Tax Collector

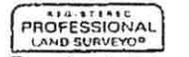
For each of the County Court approving this plat see Volume 205, Page 294-295 of County Commissioners Journal of Proceedings.

RECORDED:  
Filed for record this 7<sup>th</sup> day of AUGUST, 2003 at 3:08 o'clock P.M. and recorded in Volume 29 of Plats of

Plats of Records of Jackson County, Oregon.  
Kathleen S. Beckwith  
County Clerk  
Barbara Johnson  
Deputy

57 1W 08BC TL 2200, 2300, 2400, 2500, 2600, 2700 & 2800

I certify this plat to be an exact photocopy of the original.  
Douglas C. McMahon  
Surveyor



Douglas C. McMahon  
Surveyor

REHEW 12/31/04

JUN 28 2019

RECEIVED

PLANNING DEPT

Page 416

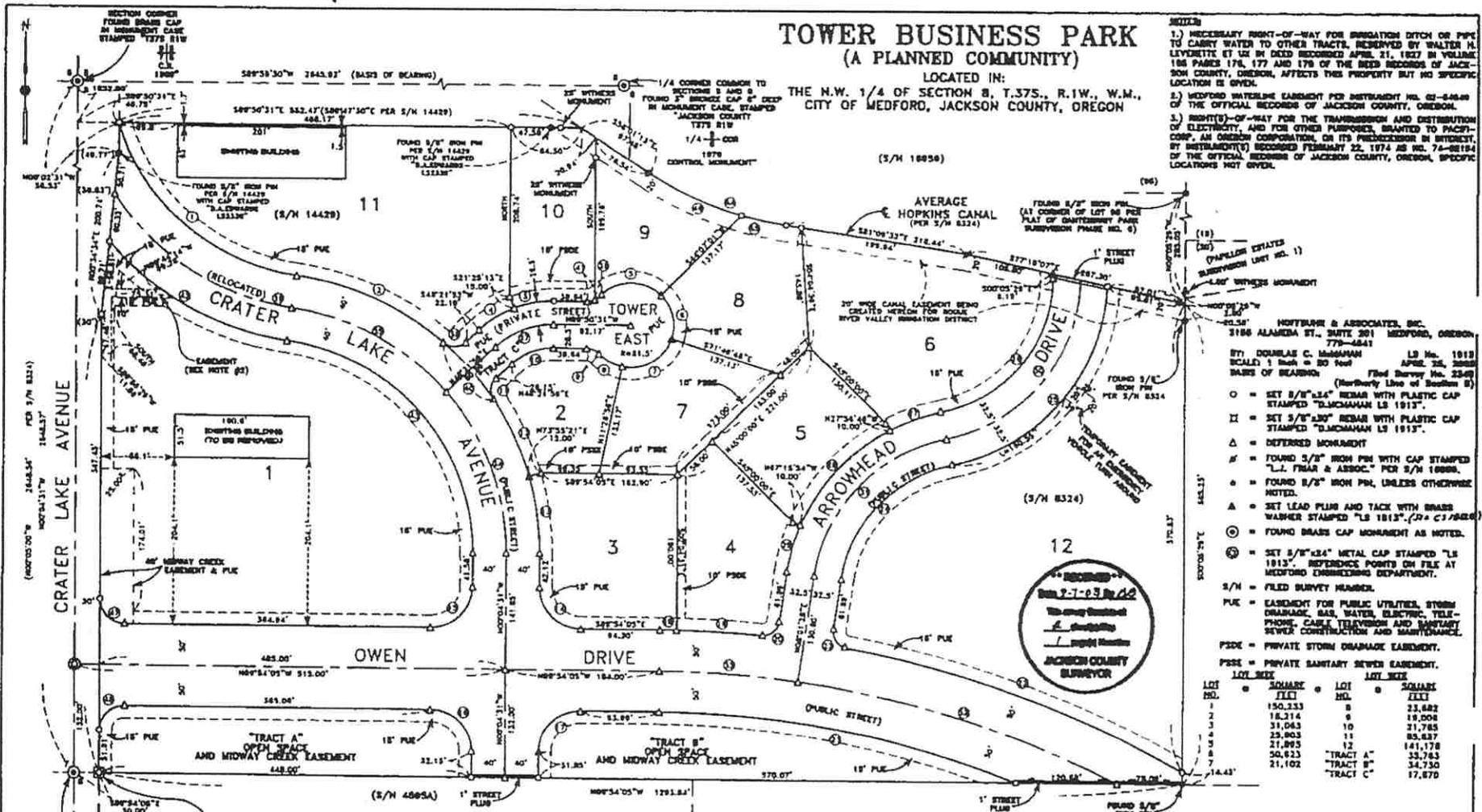
FILE # PUD-19-003 / GLUP-19-004 / ZC-19-014

# TOWER BUSINESS PARK (A PLANNED COMMUNITY)

LOCATED IN:  
THE N.W. 1/4 OF SECTION 8, T.37S., R.1W., W.M.,  
CITY OF MEDFORD, JACKSON COUNTY, OREGON

NOTES:

- 1.) NECESSARY RIGHT-OF-WAY FOR IRRIGATION DITCH OR PIPE TO CARRY WATER TO OTHER TRACTS, RESERVED BY WALTER H. LEVITTET ISE IN DEED RECORDED APRIL 21, 1927 IN VOLUME 186 PAGES 176, 177 AND 178 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON, AFFECTS THIS PROPERTY BUT NO SPECIFIC LOCATION IS GIVEN.
- 2.) WOODS WATERLINE EASEMENT FOR INSTRUMENT NO. 62-6468 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
- 3.) RIGHT(S)-OF-WAY FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, AND FOR OTHER PURPOSES, GRANTED TO PACIFIC-CORP. AN OREGON CORPORATION, OR ITS PREDECESSOR IN INTEREST, BY INSTRUMENT(S) RECORDED FEBRUARY 22, 1974 AS NO. 74-82184 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, SPECIFIC LOCATIONS NOT GIVEN.



HOFFBURN & ASSOCIATES, INC.  
3186 ALAMEDA ST., SUITE 301 MEDFORD, OREGON  
779-4841

BY: DOUGLAS C. MCGAHAN  
SCALE: 1 inch = 50 feet  
BASE OF BEARING: (Northwesterly Line of Section 8)

○ = SET 3/8" x 1/4" NUBBS WITH PLASTIC CAP STAMPED "DMCGAHAN LS 1913".  
 II = SET 3/8" x 3/8" NUBBS WITH PLASTIC CAP STAMPED "DMCGAHAN LS 1913".  
 Δ = DEFERRED MONUMENT  
 \* = FOUND 3/8" IRON PIN WITH CAP STAMPED "L.J. FEAR & ASSOC." FOR S/N 1988B.  
 ● = FOUND 1/2" IRON PIN, UNLESS OTHERWISE NOTED.  
 ▲ = SET LEAD PLUG AND TACK WITH BRASS WALKER STAMPED "LS 1913".  
 ⊙ = FOUND 3/8" IRON PIN, UNLESS OTHERWISE NOTED.  
 ⊕ = SET 3/8" x 1/4" METAL CAP STAMPED "LS 1913".

S/N = FILED SURVEY NUMBER.  
 PUE = EASEMENT FOR PUBLIC UTILITIES, STORM DRAINAGE, GAS, WATER, ELECTRIC, TELEPHONE, CABLE TELEVISION AND SANITARY SEWER CONSTRUCTION AND MAINTENANCE.  
 PSSE = PRIVATE STORM DRAINAGE EASEMENT.  
 PSSE = PRIVATE SANITARY SEWER EASEMENT.

LOT NO.	LOT SIZE	LOT SIZE	LOT SIZE
NO.	SQUARE FEET	ACRES	SQUARE FEET
1	150,233	8	23,682
2	18,214	8	18,008
3	31,063	10	21,785
4	25,903	11	25,127
5	21,895	12	141,178
6	50,623	"TRACT A"	32,763
7	21,102	"TRACT B"	34,750
8		"TRACT C"	17,679

RECORDED  
 FEB 27-03 BY 42  
 THE CLERK OF THE  
 COUNTY OF JACKSON  
 OREGON

STATION	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
2	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
3	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
4	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
5	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
6	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
7	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
8	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
9	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
10	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
11	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
12	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
13	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
14	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
15	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
16	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
17	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
18	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
19	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'
20	S 89° 54' 05" W	120.82'	S 89° 54' 05" W	120.82'

INITIAL POINT FOUND 2" BRASS DISC IN CONCRETE, STAMPED "TOWER SURVEY PINE INITIAL POINT"  
 NOTE: THIS BRASS DISC WAS SET IN THE EARLY 1980'S BY THIS OFFICE FOR THIS SAME PROJECT THAT UNTIL NOW HAS NOT BEEN ABLE TO PROTECT IT. UNTIL NOW HAS NOT BEEN ABLE TO PROTECT IT. UNTIL NOW HAS NOT BEEN ABLE TO PROTECT IT. UNTIL NOW HAS NOT BEEN ABLE TO PROTECT IT.

I certify this plat to be an exact photocopy of the original  
 Douglas C. McGahan  
 Surveyor

All deferred monuments will be set or reset no later than December 31, 2003.

All deferred monuments are now set, see Document No. 05-0854 of Official Records this 16th day of February, 2003.  
 Approved: *Douglas C. McGahan*  
 Jackson County Surveyor

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
*Douglas C. McGahan*  
 OREGON  
 DOUGLAS C. MCGAHAN  
 No. 3913  
 EXPIRES 12/31/04

SURVEY NO. 17863

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250  
OREGON REVISED STATUTES

SURVEY FOR: Pacific Western of Medford, LLC  
1175 East Main Street, Suite 1F  
Medford, Oregon 97504

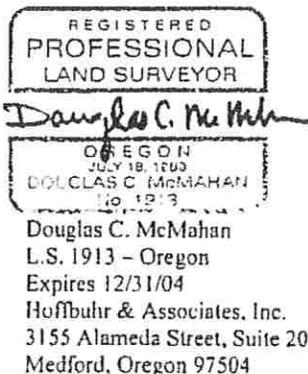
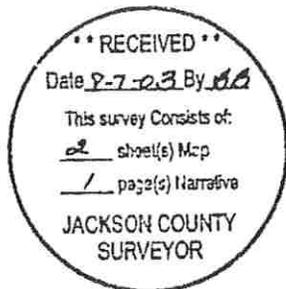
LOCATION: In the Northwest one-quarter (1/4) of Section 8, Township 37 South,  
Range 1 West, Willamette Meridian City of Medford, Jackson County,  
Oregon.

PURPOSE: To survey, monument and prepare final plat for TOWER BUSINESS  
PARK per City of Medford Planning File No. PUD-99-141 and per the  
client's request.

PROCEDURE: Utilizing found monumentation per Filed Surveys No. 2348, 8324 and  
14429 and other monumentation as shown for control, I established proper  
monuments as shown on the accompanying map. All measurements were  
made with an electronic total station. Documents No. 99-23939, No. 01-  
53512, No. 01-42177, No. 01-42178 and No. 01-48191 of the Jackson  
County Deed Records were used to determine the boundary of subject  
properties

BASIS OF  
BEARING: File Survey No. 2348 (Northerly Line of Section 8)

DATE: April 25, 2003



(99-041)  
(twprk.dcm)  
DCM:am



BOARD OF WATER COMMISSIONERS

**Staff Memo**

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

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

**SUBJECT:** PUD-19-003, GLUP-19-004, and ZC-19-014

**PARCEL ID:** 371W08BC TL 2511

**PROJECT:** Consideration of a revision to the approved Preliminary PUD Plan for Lot 6 of the Tower Business Park Planned Unit Development to allow for the construction of rowhouse-style residential buildings, including an amendment to the General Land Use Plan map from GI (General Industrial) to UM (Urban Medium Density Residential) and to change the zoning to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on 1.16 acres located at 3583 Arrowhead Drive within the I-L (Light Industrial) zoning district (371W08BC2511); Applicant: Dan & Gina Reece; Agent: CSA Planning, Ltd.; Planner: Steffen Roennfeldt.

**DATE:** August 14, 2019

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of a new water meter sized to serve the three (3) proposed buildings is required. The new Water Meter shall be located between the existing 3/4-inch water meter to this parcel and the existing Fire Hydrant which is located approximately 40-feet northeast of existing water meter. (See *Water Facility Map*)
4. Proposed Fire Sprinkler Vault shall be located near the existing Fire Hydrant on north side of Arrowhead Drive. Applicants civil engineer shall coordinate with MWC Engineering staff on water facility layout.
5. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.
6. The existing 3/4-inch water meter and fire hydrant are required to be protected in place along the north side of Arrowhead Drive.



---

BOARD OF WATER COMMISSIONERS  
**Staff Memo**

---

7. The existing  $\frac{3}{4}$ -inch water meter near the southerly property corner can be utilized for a dedicated landscape irrigation meter.

**COMMENTS**

1. Off-site water line installation is required. (See Condition 3 & 4 above)
2. On-site water facility construction is not required.
3. The Medford Water Commission Water Distribution System has adequate capacity to serve this proposed development.
4. Static water pressure at the existing fire hydrant is 70 psi.
5. MWC-metered water service does exist to this property. (See Condition 7 above)
6. Access to MWC water lines is available. There is an existing 12-inch water line in Arrowhead Drive that extends northerly from Owen Drive and runs approximately 75-feet northwesterly along Arrowhead Drive from the south property corner.



0 25 50 100 Feet  
Scale: 1"= 100'

Water Facility Map  
City of Medford  
Planning Application:  
PUD-19-003/GLUP-19-004  
& ZC-19-014

August 14, 2019

**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



This map is based on a digital plan created by Medford Water Commission. It is not a legal document. Medford Water Commission cannot accept responsibility for errors, omissions, or other inaccuracies. This map is for informational purposes only.

Page 421



## MEMORANDUM

**To:** Steffen Roennfeldt, Planner III  
**From:** Carla Angeli Paladino, Principal Planner *CAP*  
**CC:** Liz Conner, Planner II, CFM  
**Date:** August 8, 2019  
**Subject:** Proposal for PUD revision, GLUP and Zone Change at 3583 Arrowhead Drive (371W08BC 2511)

### PROJECT DESCRIPTION

Planned Unit Development revision for Lot 6 to allow rowhouse-style development in conjunction with a General Land Use Plan (GLUP) amendment from General Industrial (GI) to Urban Medium Density Residential (UM), and zone change from Light Industrial to Multiple Family Residential 15 (MFR-15) on 1.16 acres

### SITE CHARACTERISTICS

- Vacant parcel (per 2016 aerials)
- Hopkins Canal along the northern property line
- No Riparian Corridor identified per MLI data
- No Special Flood Hazard Area Zone identified per MLI data
- FIRM Panel 41029C1976F (effective 05/03/2011)

### FLOODPLAIN REGULATIONS

The subject property is located in Zone X on the Flood Insurance Rate Map and is unregulated. No specific flood hazard regulations apply to the property.

It is recommended that flood insurance be purchased even if the property is not located within a Special Flood Hazard Area.

## Steffen K. Roennfeldt

---

**From:** Cinthya Y. Perezchica  
**Sent:** Wednesday, August 7, 2019 4:00 PM  
**To:** Steffen K. Roennfeldt  
**Subject:** FW: Land Development meeting Agendas

See comments

**From:** MCDONALD John [mailto:John.MCDONALD@odot.state.or.us]  
**Sent:** Friday, August 2, 2019 10:43 AM  
**To:** Cinthya Y. Perezchica <Cinthya.Perezchica@cityofmedford.org>  
**Cc:** HOROWITZ Micah <Micah.HOROWITZ@odot.state.or.us>  
**Subject:** RE: Land Development meeting Agendas

~~EXTERNAL EMAIL~~

Cinthya,

We reviewed Case #1 (GLUP-19-003/ZC-19-013) and determined that the zone change will not have a significant effect on a state transportation facility.

We have no comments on Case #2 (PUD-19-003/GLUP-19-004/ZC-19-014).

FYI. I am leaving on an extended military leave beginning in September. Micah Horowitz will take over development review starting Monday, August 5. It's been a pleasure corresponding with you.

Sincerely,

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

**From:** Cinthya Y. Perezchica  
**Sent:** Thursday, August 01, 2019 11:37:27 AM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Angela R. Durant; Bob Neathamer; Brian ; Brian N. Sjothun; Brian W. Robinson; Carla G. Paladino; HARSHMAN Cathaleen A \* Cathy; Chad E. Wilttrout; Chad Pliier - ECSO; Cinthya Y. Perezchica; Craig Muedeking; Darrell - Hoffbuhr; David Searcy ; MOREHOUSE Donald; Douglas E. Burroughs; Dustin J. Severs; Earl R. Lighthill; Gayle G. Cotone; Gene Abell; Greg G. Kleinberg; Haley C. Cox; Heather M. Merrihew; Jennifer L. Ingram; Jim Maize; Jim Martin - Century Link; Jodi K. Cope; Joe Slaughter ; MCDONALD John; Karen M. Spoons; Karl H. MacNair; Katie M. Zerkel; Kelly Evans; Kimberly Bouttiete ; Kimberly C. London; Kimberly R. Bouttiette; Kyle W. Kearns; Liz A. Conner; Lori Hollis; Madison T. Simmons; Mark Dew; Mary E. Montague; Matt H. Brinkley; Mike LaNier; Mike Montero; ODOT Reg 3 Planning Manager; Pete R. Young; Raul Woener; Rodney Grehn; Ryan MacLaren; Sam D. Barnum; Sarah K. Sousa; Scott Sinner; Steffen K. Roennfeldt; Stephany L. Smith-Pearson; Timothy D. Stevens; Todd A. Sales; Wade Denny - RVSS; WANG Wei \* Michael; Wendell Smith - Rogue Disposal; ZC S Engineering  
**Subject:** Land Development meeting Agendas

Good morning,

EXHIBIT 12

City of Medford

June 8, 2000  
RECEIVED

JUN 28 2019  
PLANNING DEPT

PLANNING COMMISSION REPORT

**File No.:** PUD-99-141 Tower Business Park

**Applicant:** Pacific Western of Medford (Hoffbuhr & Associates, agent)

**Request:** Consideration of preliminary plan approval, including tentative plat and a concurrent zone change from I-G (General Industrial) to I-L (Light Industrial), of a planned unit development (Tower Business Park) consisting of 15 lots and a mixture of commercial and industrial uses on 21.41 acres of property located on the east side of Crater Lake Avenue approximately 1100 feet south of Hollyhock Drive.

**Background:**

The subject site is currently comprised of seven parcels, two of which contain existing structures including an equipment rental business which is to remain and occupy proposed Lot 14. The second commercial building is to be removed from the area of proposed Lots 3 and 4.

Two aspects of the site pose design challenges which are to be accommodated by the proposed plan. First is the designated arterial street which is to intersect Crater Lake Highway at the planned main entrance to the Crater Lake Plaza shopping center and which crosses the site (Exhibit "K"). The second is the possible presence of a wetland associated with Midway Drainage (creek) which crosses the property and/or Garrett Creek along the southeastern portion of the site (Exhibit "L"). These issues are discussed below.

This proposal is similar to commercial/industrial developments which include several buildings under a single ownership, but are occupied by a variety of tenants, with shared access. However, as this project proposes the creation of lots which have shared private access, and in some cases no other public street frontage, it is required to be reviewed as a Planned Unit Development which allows the combined review of a land division and zone change, when applicable. The 15-lot subdivision is included as part of this application to create individual parcels for each of the existing and future structures. As provided by the PUD review process, a zone change for the entire site is also proposed.

The scope of this preliminary PUD review is the proposed mix of uses, the change of zone, and the creation of lots (tentative plat) proposed for those uses.

PUD-99-141

June 8, 2000

**Relevant Sections of the Land Development Code:**

The Planned Unit Development (PUD) standards and criteria as contained in Sections 10.230 through 10.245 of Land Development Code establish the basis of review for this proposal. Relevant sections of the code are as follows:

10.230 PUD General Provisions

10.235 Preliminary PUD Plan (including Approval Criteria)

10.240 Final PUD Plan (including Approval Criteria)

10.245 Revision or Termination of a PUD

As a change of zone is proposed for the entire property, the criteria contained in Section 10.227 Zone Change Criteria are also applicable.

As a land division is also proposed, the criteria contained in Section 10.270 Land Division Criteria are also applicable.

**Findings:**

The applicant's findings entitled Findings of Fact and Conclusions of Law (Exhibit "C"), received May 12, 2000, include a detailed discussion of the planned development as well as the requisite findings for the change of zone and land division. Each of the criteria for approval are identified in the findings; therefore, they are not repeated herein. The findings summarize the acreage totals for the project as well as the proposed mix of uses. References to the applicant's findings contained in this report are shown in *italics* to assist in locating the applicable supporting text.

**Project Review**

The staff discussion and analysis which follows includes references to the applicant's findings where relevant Code sections are also discussed.

**Acreage Limitation:** The proposed PUD will contain 21.41 acres of property and, therefore, complies with the one-acre minimum.

**Consolidated Applications:** Applications for a change of zone from I-G to I-L and a land division have been included as part of this proposal. The zone change and land division criteria are identified and discussed in the applicant's findings (*Pages 18 through 24*) and additional comments are included below.

PUD-99-141

June 8, 2000

**Common Area/Ownership:** As the proposal includes a land division creating 15 lots plus common areas associated with the private streets, establishment of a Homeowners' Association is required.

### **Deviations from Standards**

According to the applicant's findings, deviations which are being proposed in this PUD application pertain to lot frontage, the creation of private streets, and the inclusion of commercial uses on 4.37 acres of the development as discussed below.

#### 1. **Lots and Parcels:**

No deviations proposed. The buildings are to be contained on individual lots per the proposed land division. All lots will meet the minimum width, depth, and minimum lot area standards of the proposed I-L zone.

#### 2. **Yards, Setbacks, and Building Height:**

No deviations from the yard (setbacks) standards of the I-L zone are proposed.

No building designs have been submitted and no deviation from building height is proposed.

#### 3. **Parking, Bicycles, and Pedestrian Standards:**

No deviations from the parking standards are sought for any uses developed within the PUD. It should be noted that on-street parking will be prohibited along the private streets, which the applicant proposes to be 24 feet in width (*Page 3*), based upon requirements for emergency fire vehicle access.

**Decision:** The Planning Commission's approval included a condition that the width of the private streets be 30 feet curb-to-curb. The applicant indicated that parking would be restricted from the private streets.

No deviations are requested, therefore, bicycle parking and on-site pedestrian facilities will be required as prescribed by code.

Sidewalks are proposed along the south side and the bulb of the cul-de-sac of the two private streets (*Page 3*). As Lot 13, like Lots 10, 11, and 12, has no other street frontage available for walkway connections to the public street, it is recommended that a sidewalk be provided along both sides of the easterly private street.

**Decision:** The Planning Commission's approval included a condition that **both** private streets have 5-foot wide sidewalks on both sides of the streets.

PUD-99-141

June 8, 2000

4. **Frontage, Access, Landscaping and Signs:**

All but two of the lots will have the requisite 70 feet of frontage on the proposed public and/or private streets. A deviation from the 70-foot frontage requirement is proposed for Lots 10 and 11 which will have 66 and 39 feet of frontage on the private street, respectively (*Page 3*). Granting of such a deviation is reasonable given the shared access that will be provided by the private streets.

No deviations from landscaping standards are proposed (*Page 4*). A 10-foot, Type "A" buffer is to be provided along the east boundary of Lot 15 which is proposed to be developed with a church, a permitted use in the I-L zone. This is the minimum required buffer along the proposed I-L/SFR interface.

The applicant has not proposed any specific deviations to signage (*Page 4*), therefore, the signage standards for the underlying I-L zone shall be used.

5. **Streets Generally:**

There are to be three public streets within the PUD: Crater Lake Avenue (a collector), Tower Drive (arterial), and Arrowhead Drive (standard residential). As no deviations are proposed, all of these streets will be constructed to full city standards. Requirements for the construction of the streets are addressed below per comments received from the Public Works Department and the Oregon Department of Transportation (ODOT). It should be noted that Owen Drive is the name that the City has been using for the east/west arterial (Tower Drive), which includes a dedicated segment to the east, therefore, it is necessary that this project also use "Owen Drive." Such a condition is included.

6. **Private Streets:**

Two of the new streets proposed within the PUD are proposed to be private, 24-foot wide cul-de-sacs. A deviation to accessway requirements associated with cul-de-sacs is proposed (*Page 3*). Given the configuration of the site resulting from the necessary realignment of Crater Lake Avenue, opportunities for street and accessway connectivity are limited. The applicant has proposed the use of the private cul-de-sacs as a means of shared access to the groupings of parcels. A sidewalk is proposed along the south side of the private streets (*Page 4*).

**Decision:** The Planning Commission's approval included a condition that the width of the two private streets be 30 feet curb-to-curb, with eight-foot wide park strips within the PUE's, and 5-foot wide sidewalks on both sides.

PUD-99-141

June 8, 2000

All private streets are subject to Fire Marshal approval in terms of emergency vehicle access which in the case of 24-foot streets prohibits on-street parking.

**Note:** There will be no parking on the private streets.

The traffic impacts of the project are further discussed below in the context of the requisite findings for the proposed commercial uses and zone change (*Pages 13 through 16 and 21 through 24*).

7. **Street Lighting:**

No deviations are sought with regards to street lighting (*Page 3*). The Engineering Division has required that ten street lights be installed on public streets within the PUD in accordance with Public Works standards. Specifications for street lighting on the private streets shall be included at the time of final plan approval, subject to approval of the City Engineer. Such a condition is included in the report.

8. **Housing Density:**

No residential uses are proposed and the site is zoned industrial, therefore, no summary of the housing density associated with the PUD is necessary nor included in the applicant's findings. It should be noted that residences for caretakers/managers are allowed as an accessory use to permitted uses in the industrial zones and could be utilized within this development consistent with the applicable special use standards of the Code per Section 10.835.

9. **Allowed Uses:**

As authorized by Section 10.230 (D)(9)(b) of the Land Development Code, the applicant is proposing that commercial uses associated with the C-H (Heavy Commercial) zone, some of which are not otherwise permitted in the underlying industrial zone, be allowed. As these commercial uses will occupy approximately 4.37 of the 22.01 gross acres within the PUD, the proposal complies with the 20 percent limitation (i.e., 4.4 acres maximum). The applicant's findings include the requisite discussion of the facilities adequacy criteria (*Pages 12 through 17*) and Conditional Use Permit applicability (*Pages 17 and 18*). In summary, all facilities are shown to be adequate to support the anticipated mix of uses. Street adequacy is based upon the inclusion of the church (a permitted use in the I-L zone) which has reduced trip generation demands thus offsetting potential increases associated with the proposed commercial portion of the project. The approved PUD shall include the development of a church on Lot 15. Development of any other use on Lot 15 would be considered a revision subject to review and approval. A condition reflecting same is included.

PUD-99-141

June 8, 2000

Housing Types: The applicant has not included a summary of housing types as no residences are proposed in this industrial/commercial development.

#### 10. **Mixed Land Uses (Designations):**

The entire property is designated General Industrial on the General Land Use Plan Map (GLUPM) as discussed in the applicant's findings. This proposal will not affect general land use designations within the PUD boundaries.

#### **Common Elements**

As mentioned above, the proposed land division will create private streets for access and frontage for four of the lots, therefore, formation of a Homeowners' Association is necessary. The applicant shall record documents containing assurances that such common areas (elements) will be improved and maintained for their intended purpose (Section 10.230 [E][3]).

#### **Site Plan and Architectural Commission (SPAC) Review**

The applicant has not submitted designs for any of the individual industrial/commercial structures. No specific uses, except for the church and the existing rental business, have been identified and no site development deviations are sought. However, in recognition of the Planning Commission's authority to approve such designs as a one-step review process (Sections 10.230[F][G]), postponed review of specific designs is proposed by the applicant (*Pages 2 and 3*). A master site design should be reviewed that shows the common aspects of Lots 1 through 4 and Lots 5, 10, 11, 12, and 13 which utilize shared site elements (e.g., the private streets, etc.), prior to final plan approval.

As development of the individual lots occurs, it is recommended that each be reviewed by the Site Plan and Architectural Commission as is typical for industrial/commercial projects in the city. Only Planning Commission review of the site design associated with the private streets and their respective frontages is recommended prior to final plan approval. Such conditions are included. If the Planning Commission wishes to review specific design elements for all of the sites as a component of final plan review, the condition should be modified to reflect same.

#### **Specific Site Issues**

**Street Circulation:** Circulation and connectivity has been addressed by the applicant in the findings (*Pages 7 and 8*) as depicted on the preliminary PUD plan. The plan is consistent with the adopted North Medford Circulation Plan (Exhibit "K") particularly as it applies to the planned intersection of Owen Drive with Crater Lake Highway. The Public Works Department (Exhibit "D") has indicated that phased construction of the northerly Crater Lake Avenue bypass/off-set will be necessary until the southerly bypass can be constructed and the intersection of Owen Drive with Crater Lake Highway can be constructed. The Oregon Department of Transportation (ODOT) has indicated that

PUD-99-141

June 8, 2000

a Traffic Impact Study (TIS) will be necessary as a prerequisite to issuance of an access permit for the highway intersection (Exhibit "F-1"). Conditions pertaining to streets are included in the report.

**Drainage:** The subject PUD is located within the Midway Drainage Basin with the creek channel crossing the site. The Engineering Division (Exhibit "D") has included conditions that the channel be modified to convey 25-year storm flows. It should be noted that such work is subject to approval of permits from the Oregon Division of State Lands (DSL).

**Wetlands:** In association with the above mentioned drainage, there is an inventoried wetland on or near the southeast portion of the site (Exhibit "L"). A wetlands delineation must be completed to evaluate the extent and local significance of the wetland and permits must be secured from Oregon Division of State Lands (DSL) prior to development. As the location and/or alignment of Owen Drive may be affected, conditions addressing this issue are included.

#### **CONSOLIDATED APPLICATION - ZONE CHANGE:**

Prior to approval of a zone change, the proposal must be found to meet both of the criteria as per Section 10.227 "Zone Change Criteria" as follows:

- "1. *The change is consistent with the Comprehensive Plan's Goals, Policies and General Land Use Plan Map.*
2. *Category A urban service and facilities are available to adequately serve the property, or will be made available upon development.*

*Consideration of the above criteria shall be based on the eventual development potential for the area and the specific zoning district being considered."*

#### **Findings:**

The applicant's findings (Exhibit "C") received May 12, 2000, attached hereto, address the above zone change criteria (*Pages 18 through 24*) with additional comments pertaining to availability of the urban services included in the analysis which follows.

#### **Project Review:**

The zone change review from I-G to I-L applies to the entire project site of 21.41 acres. The applicant is seeking I-L zoning to allow lighter industrial uses such as those developing in the immediate area including the existing equipment rental business on the project site. Statements in the findings as well as comments received from review agencies characterize the proposed zone change as lateral in that the I-L and I-G zones are generally equivalent in demands on Type "A" public facilities. Additional comments in regard to those facilities are included below.

PUD-99-141

June 8, 2000

**Comprehensive Plan**

As per the applicant's findings (Exhibit "C"), this proposal can be found to be consistent with applicable Comprehensive Plan Goals and Policies. The proposal is consistent with the General Land Use Plan (GLUP) Map in that the subject area is designated for General Industrial use. The existing I-G and proposed I-L zones are permitted in this designation.

**Urban Facilities and Services**

The "Public Facilities Element" of the Comprehensive Plan lists two categories of public facilities. Category "A" facilities include sanitary sewer, storm drain, and water systems; and transportation (streets). These facilities are the minimum necessary to support development and must, therefore, be available or made available upon development for approval of this type of application.

Category "B" facilities include fire and police protection, parks, schools, solid waste management (garbage), and health services. These facilities enhance and protect development within the city and are provided in response to development that occurs, rather than prior to approval of development. No findings, regarding availability of Category "B" facilities, are, therefore, required prior to approval of this zone change application.

**Category "A" Facilities**Sanitary Sewer

The site is located within the BCVSA service area although it has been determined that it may be best served by the city (Exhibits "D" and "H"). It is concluded that the sewer collection system is adequate to serve the site provided that the necessary extensions are completed to serve future development. Sewage treatment is provided at the regional treatment plant which has adequate system capacity to serve this site.

Storm Drainage

Any drainage plan designed at the time of development shall be consistent with the Medford Area Drainage Master Plan for the Midway Drainage. The future development of this area has been accounted for within the Medford Area Drainage Master Plan and, with required improvements at time of development, the subject property can be adequately served with storm drainage facilities.

As mentioned above, channel modifications to convey flood waters are required through the project, subject to DSL approval.

PUD-99-141

June 8, 2000

Water

According to the Medford Water Commission (Exhibits "E" and "E-1"), with construction of a properly looped water system, adequate water capacity is available to serve this property. It is concluded that with regard to water, Category "A" urban facilities will be made available upon development.

Streets

Per comments from the Engineering Division (Exhibit "D"), the proposed zone change is not considered to cause significant additional impacts on the street system. The Oregon Department of Transportation (ODOT) has no comments regarding the concurrent zone change. A requirement for a Traffic Impact Study (TIS) as a prerequisite to access to Crater Lake Highway (Highway 62) or Crater Lake Avenue by Owen Drive, is identified and included as a condition (Exhibits "F" and "F-1").

The Jackson County Roads representative indicates that county maintenance responsibilities will cease for that portion of Crater Lake Avenue improved within this project.

**CONSOLIDATED APPLICATION - LAND DIVISION:****Summary of Relevant Criteria for Land Divisions:**

The Planning Commission must determine that the application:

1. Is consistent with the city's long range Comprehensive Plan and all applicable lot design standards contained in the Land Development Code.
2. Will not prevent development of adjacent property, create names which can be confused with existing developments, and, cause any land use conflicts with adjoining lands within the EFU (Exclusive Farm Use) zoning district.
3. Creates a street pattern which is consistent with existing street patterns unless the approving authority finds it is in the public interest to modify a street pattern, distinguishes private streets from public streets on the plat, sets forth restrictions related to said private streets, and, if applicable, includes streets and lots which maximize use of passive solar energy.

The proposed PUD includes a subdivision, and the applicant's findings identify the projects' compliance with the requisite criteria (*Pages 19 - 21*). Some of the specific items/concerns associated with the land division, to be assured at the time of final plat, are discussed below.

PUD-99-141

June 8, 2000

Public Works Department

Per the Recommendations from the Public Works Department (Exhibit "D"), street improvement requirements include a design for the private streets (width, sidewalks, and planters strips). However, deviations are sought which would modify this specification.

**Decision:** The Commission's approval included a private street width of 30 feet. All other aspects of the street improvement requirements remain as per Exhibit "D", except that the 8-foot park strip will be located in the PUE, provided the utility companies agree.

It should also be noted that a storm drainage easement is necessary for the portion of Midway Creek that crosses the project. A condition has been included for the easement.

Fire Marshal

The Fire Marshal (Exhibit "G") has identified the need for fire hydrants throughout the subdivision to meet prescribed spacing standards of the fire safety codes. This will require the installation of eight hydrants at various locations along the proposed streets.

Utilities

Public Utility Easements are to be extended along all street frontages and to each of the lots served by the private street.

Water service must be installed to each lot.

Common Area

A Homeowners Association must be established to include provisions for the installation and maintenance of all common elements (streets, landscaping/open space, lighting, walkways, etc).

**Discretionary Issues**

The Rogue River Valley Irrigation District's (RRVID) Hopkins Canal runs along the northeasterly boundary of the PUD a distance of approximately 800 feet. RRVID has recommended that the canal be placed underground to RRVID specifications. As the canal is also a component of the storm drain system, the design must also be approved by the City of Medford (Exhibit "H"). It should also be noted that the Leisure Service Master Plan prescribes pedestrian routes along the various irrigation facilities. A discretionary condition has been included in the report requiring that this condition be satisfied concurrently with the development of the PUD.

PUD-99-141

June 8, 2000

**Conclusion:**

Per the analysis and conditions contained herein, the Planning Commission can find Tower Business Park (PUD-99-141) to be consistent with the criteria for a planned unit development, a change of zone from I-G (General Industrial) to I-L (Light Industrial), and a land division.

**Action Taken:**

Direct staff to prepare a Final Order for approval of PUD-99-141, per the Planning Commission Report dated June 8, 2000; including:

- Exhibit "A" Master Plan received October 14, 1999;
- Exhibit "B" Tentative Plat received October 14, 1999;
- Exhibit "C" Applicant's Findings of Fact and Conclusions of Law received May 12, 2000;
- Exhibit "D" Recommendations from the Public Works Department No. PUD-99-141 dated May 19, 2000;
- Exhibit "E" Memorandum from the Medford Water Commission dated May 19, 2000;
- Exhibit "E-1" Memorandum from the Medford Water Commission dated November 23, 1999;
- Exhibit "F" Letter from ODOT dated May 23, 2000;
- Exhibit "F-1" Memorandum from ODOT dated June 8, 2000;
- Exhibit "G" Memorandum from the Bureau of Fire Prevention dated December 1, 1999;
- Exhibit "H" Letter from Bear Creek Valley Sanitary Authority dated May 22, 2000;
- Exhibit "I" Letter from Rogue River Valley Irrigation District dated December 1, 1999;
- Exhibit "J" Memorandum from Parks and Recreation dated December 1, 1999;
- Exhibit "K" North Medford Circulation Plan (per CP-97-75);
- Exhibit "L" Medford Area Wetlands Map (detail);
- Exhibit "M" Assessor's Map;

and the following conditions:

1. Prior to issuance of the first building permit, the applicant shall do the following:
  - a. Receive Final Plan approval pursuant to Section 10.240.
  - b. Receive approval of the final plat and return a mylar copy of the recorded plat to the Planning Department.
2. At the time of application for Final Plan approval, a master site plan shall be submitted showing:
  - a. The two private streets having a curb-to-curb width of 30 feet.

PUD-99-141

June 8, 2000

- b. Five-foot wide sidewalks along both sides of the two private streets, with eight-foot wide park strips located within the 15-foot PUE, if approved by the utility companies.
  - c. Landscaping along the private street frontages consistent with the requirements of the C-H zone per Land Development Code Section 10.797.
  - d. Specifications for street lighting on the private streets, approved by the City Engineer.
  - e. The location and alignment of Owen Drive resulting from, and consistent with, the wetlands delineation study.
3. Prior to development for each parcel, plans (site, building, landscape, etc.) shall be submitted for Site Plan and Architectural Commission review and approval per Land Development Code Section 10.285 - 10.296. Such review is in lieu of postponed Planning Commission review of designs as provided by Sections 10.235(A)(2)(c) and 10.235(F)(2). Such applications shall incorporate features included in the final plan review as identified in Condition #2.
  4. The mix of uses in the Tower Business Park PUD shall include the development of a church on Lot 15. Development of any other use on Lot 15 would be considered a revision subject to review and approval by the Planning Commission pursuant to Section 10.245 Revision or Termination of a PUD.
  5. Prior to final plat approval, the following items shall occur or their completion assured:
    - a. Recordation of documents containing assurances that the common elements (i.e., private streets and walkways, street lighting, landscaping and irrigation, etc.) will be improved and maintained for their intended purpose. Such assurance may include Covenants, Conditions, and Restrictions (CCR's) which provide for the installation and perpetual maintenance of all shared elements of the planned development contained in common areas.
    - b. A wetlands delineation study shall be completed for the Midway Drainage.
    - c. 100-foot wide public right-of-way dedication for Owen Drive. The location and alignment of the street shall be adjusted as necessary to avoid the **locally significant wetlands** associated with Midway Drainage or Garrett Creek and such wetland area reserved by plat dedication or easement as open space or conservation area.
    - d. A 15-foot Public Utility Easement (PUE) shall be provided along all street frontages within Tower Business Park.
    - e. The name of the east/west arterial changed from Tower Drive to **Owen Drive**.

PUD-99-141

June 8, 2000

- f. 55-foot wide public right-of-way dedication for Arrowhead Drive.
  - g. 80-foot wide public right-of-way dedication for Crater Lake Avenue realignment.
  - h. Verification by a licensed surveyor shall be provided to determine the precise height, location, and square footage of existing structures to determine lot coverage and adequacy of structural setbacks relative to proposed property lines.
  - i. Extension of water lines as necessary, including easements, to serve each lot to Medford Water Commission specifications (Exhibit "E").
  - j. Easement for the maintenance of Midway Creek (Exhibit "D").
  - k. Installation of fire hydrants, reflective markers, and no parking designations subject to approval of the Fire Marshal (Exhibit "G").
  - l. The Hopkins Canal shall be placed underground to RRVID specifications. The design must also be approved by the City of Medford.
6. Prior to final plat approval, the applicant shall comply with Recommendations from the Public Works Department, dated May 19, 2000 (Exhibit "D").
  7. Prior to issuance of a highway access permit and construction of the Owen Drive intersection with Crater Lake Highway or Crater Lake Avenue, a Traffic Impact Study (TIS) shall be completed subject to review and approval of the Oregon Department of Transportation (Exhibits "F" and "F-1").

MEDFORD PLANNING COMMISSION



Carl Bartlett, Chair

**PLANNING COMMISSION AGENDA: JUNE 8, 2000**

# TOWER BUSINESS PARK A PLANNED UNIT DEVELOPMENT

LOCATED IN:  
THE NW 1/4 OF SECTION 8, T318, R1W, W1M.  
City of Medford, Jackson County, Oregon  
SCALE: 1" = 100' OCT. 13, 1999  
TAX LOT 2200, 2300, 2400, 2500, 2600, 2700 & 2800 (37RUBC)

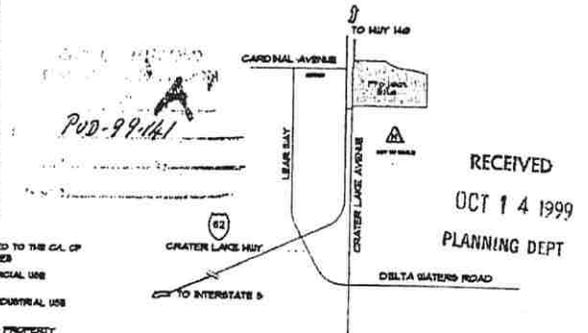
OWNER  
RONALD BRENESTAN  
P.O. BOX 23916  
PORTLAND, OREGON 97212

APPLICANT  
PACIFIC WESTERN OF MEDFORD, LLC  
838 ALDER CREEK DRIVE  
MEDFORD, OREGON 97504-8900  
(541) 772-3443

EDD/BIT \_\_\_\_\_ DATE \_\_\_\_\_  
FILE NO. \_\_\_\_\_ DATE \_\_\_\_\_  
ASSESSOR'S PARCEL NO. \_\_\_\_\_  
ZONING DISTRICT \_\_\_\_\_  
TIN LOT SIZE \_\_\_\_\_  
NO. OF LOTS \_\_\_\_\_  
PLATS TRACT \_\_\_\_\_  
COPP. PLAN DESIGNATION \_\_\_\_\_  
RECEIVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
REVIEWED BY \_\_\_\_\_ DATE \_\_\_\_\_

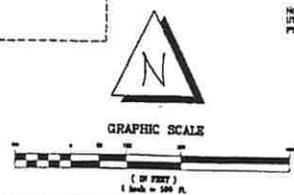
SCHOOL DISTRICT \_\_\_\_\_ S-480  
IRRIGATION DISTRICT \_\_\_\_\_ RRV/D  
SANITATION DISTRICT \_\_\_\_\_ CITY OF MEDFORD  
AREA \_\_\_\_\_ 1.14 ACRES  
ZONING \_\_\_\_\_ I-G  
EXISTING USE \_\_\_\_\_ COMMERCIAL/INDUSTRIAL  
PROPOSED USE \_\_\_\_\_ COMMERCIAL/INDUSTRIAL

### VICINITY MAP



- LEGEND**
- GROSS PROPERTY CALCULATED TO THE CL OF CRATER LAKE AVE. 22.81 ACRES
  - PROPOSED COMMERCIAL USE 431 ACRES
  - PROPOSED LIGHT INDUSTRIAL USE 428 ACRES
  - PROPOSED CHURCH PROPERTY 231 ACRES (CONDITIONAL USE IN I-G ZONE)
  - EXISTING UNITED RENTAL PROPERTY 129 ACRES (PERMITTED IN I-G ZONE)
  - PROPOSED PUBLIC RIGHT-OF-WAY 833 ACRES
  - PROPOSED PRIVATE STREET 1 PUE 634 ACRES
  - EXISTING PUBLIC RIGHT-OF-WAY 28 ACRES
  - OPEN SPACE / RESERVED AREAS 163 ACRES

NOTE: UTILITY LOCATION APPROPRIATE PER CITY / WATER INFORMATION



<p>HOFFBURR &amp; ASSOCIATES, INC. 1100 S. GARDNER MEDFORD, OR 97504 TEL: (541) 772-4441 FAX: (541) 772-8811</p>	BY: DENNIS H. HOFFBURR	1.6 W 4.0
	PROJECT: TOWER BUSINESS PARK	PLANNING
	DRAWING FILE NO.	1004
	SCALE: 1" = 100'	OCT 13, 1999
	REVISION NO.	
	REVISION DATE:	
SUBJECT OF:		
DATE OF:		
ELEVATION DATE:		
DRAWN BY:	JMOSKY	
REVIEWED BY:		

CITY OF MEDFORD  
PLANNING COMMISSION

EXHIBIT # **A**

File # **PUD-99-141**

Date Rec'd \_\_\_\_\_ By \_\_\_\_\_

JUN 28 2019

PLANNING DEPT

EXHIBIT A

BEGINNING at the Northwest corner of Lot 6 of Tower Business Park, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the westerly line of said Lot 6, South 04°04'39" East 145.88 feet; thence continue along said westerly line, South 45°00'00" East 130.11 feet; thence South 27°56'46" East 10.00 feet to the most southerly corner of said Lot 6; thence South 27°56'46" East 32.50 feet to the centerline of Arrowhead Drive; thence along said centerline, along the arc of a 200.00 foot radius non-tangent curve to the right (the long chord to which bears North 70°03'35" East 55.71 feet) a distance of 55.89 feet; thence continue along said centerline, along the arc of a 200.00 foot radius curve to the left (the long chord to which bears North 39°09'40" East 252.21 feet) a distance of 271.60 feet to the northerly line of the aforesaid Tower Business Park; thence along said northerly line, North 77°19'07" West 139.12 feet; thence continue along said northerly line, North 81°09'32" West 199.94 feet to the point of beginning.  
 (containing 1.40 acres, more or less)

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Darrell L Huck*

OREGON  
 FEBRUARY 4, 1983  
 DARRELL L HUCK  
 2023

EXPIRES: 6/30/2019

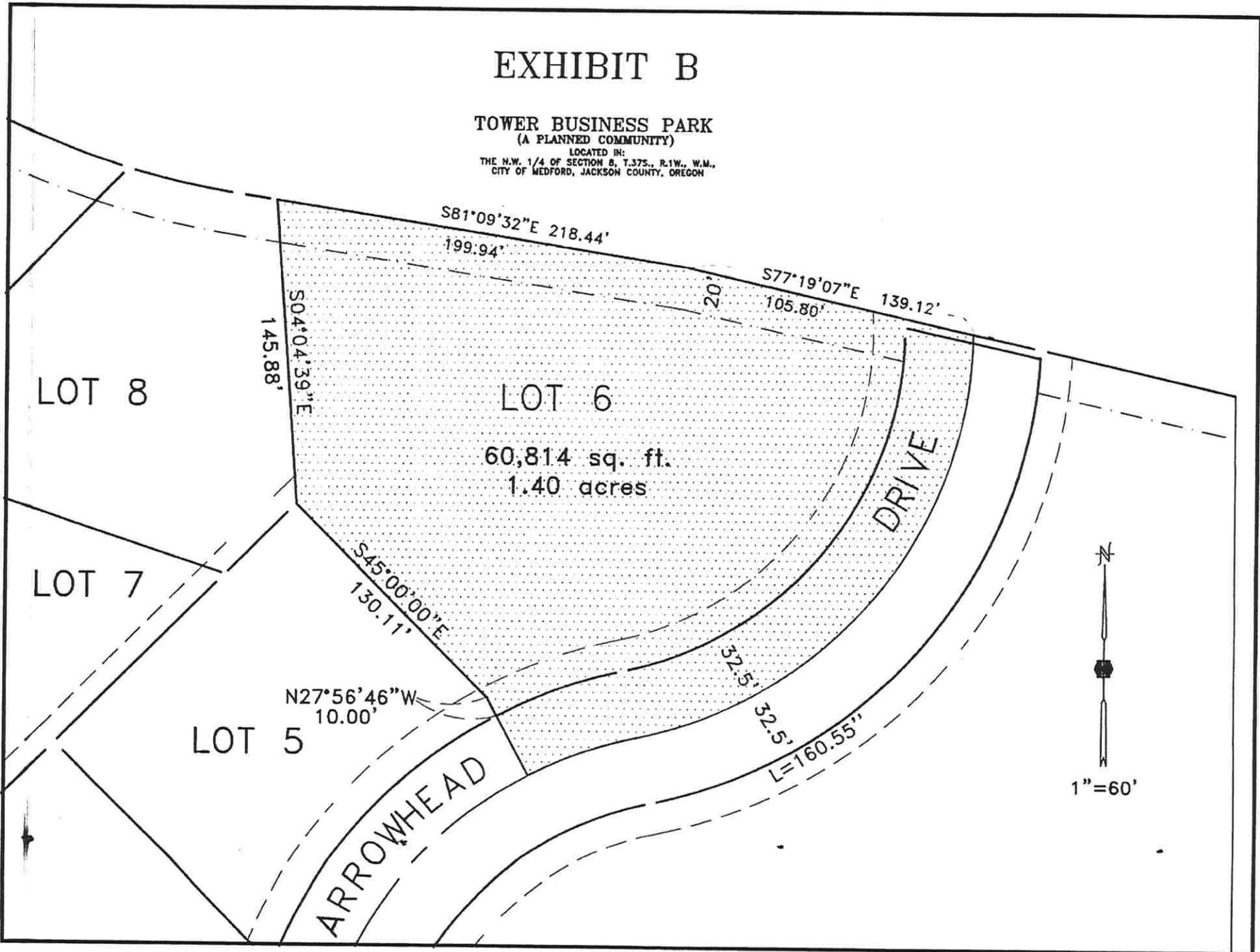
Darrell L. Huck  
 L.S. 2023 – Oregon  
 Expires 6/30/2019  
 Hoffbuhr & Associates, Inc

(18164 zone ch desc.doc)

# EXHIBIT B

## TOWER BUSINESS PARK (A PLANNED COMMUNITY)

LOCATED IN:  
THE N.W. 1/4 OF SECTION 8, T.37S., R.1W., W.M.,  
CITY OF MEDFORD, JACKSON COUNTY, OREGON



TOWER BUSINESS PARK (A PLANNED COMMUNITY)

LOCATED IN: THE N.W. 1/4 OF SECTION 8, T.37S., R.1W., W.M., CITY OF MEDFORD, JACKSON COUNTY, OREGON

DECLARATION

KNOW ALL MEN BY THESE PRESENTS, that we, Ronald F. Brenneman and S. Loretta Brenneman, Trustees of the Ronald F. Brenneman Family Estate Trust under, Tower Business Park, LLC, an Oregon limited liability company, and Pentecostal Church of God, Oregon-Southern Idaho District, Inc., an Oregon non-profit corporation, are the owner in fee simple of the lands hereon described, and have subdivided the same into lots, tracts and streets as shown hereon, and the number of each lot and the course and length of all lines are plainly set forth, and that this plat is a correct representation of the subdivision, and we do hereby dedicate to the public for public use the public streets show hereon, together with those easements labeled as public utility easements, and we do hereby create an easement for access over Tract "C" (TOWER EAST) for the benefit of the owners, heirs, and assignees of Lot 2 and Lots 7-11, and we do hereby create the private storm drainage easements for storm drainage purposes across Lots 4, 7 and 8 to benefit the owners of Lots 2, 6, 7, and 8, across Lots 10 and 11 to benefit the owners of Lots 9 and 10, and we do hereby create the private sanitary sewer easement for sanitary sewer purposes across Lot 2 for the benefit of the owner of Lot 7, and we do hereby create the easements for Midway Creek as shown hereon for storm drainage and creek maintenance purposes, for the benefit of the City of Medford, and we do also hereby grant to the City of Medford in fee simple, those areas portrayed and designated hereon as one foot street plugs. By its approval of this plat, the City of Medford declares that upon dedication of the extension of the affected streets, it thereby dedicates the street plugs for public street purposes. We also hereby grant to the City of MEDFORD a perpetual easement for the installation and maintenance of water mains in the area shown hereon as private street. We also hereby create the temporary easement for an emergency vehicle turn around in Lot 12 which is extinguished upon the extension of Arrowhead Drive Northwesterly. We also hereby create the 20.00 foot wide canal easement across Lots 6, 8, 9, 10 and 12 for the benefit of Rogue River Valley Irrigation District, for access to and maintenance of Hopkins Canal. We hereby designate said Subdivision as TOWER BUSINESS PARK.

IN WITNESS WHEREOF, We have set our hands and seals this 23 day of June, 2003.

STATE OF Oregon County of Jackson ss. Ronald F. Brenneman, Trustee

The foregoing instrument was acknowledged before me this 23rd day of June, 2003, by Ronald F. Brenneman, Trustee on behalf of the Ronald F. Brenneman Family Estate Trust, freely and voluntarily. Before me: Notary David W Price, Notary Public - Oregon, Commission No. 355412, My Commission Expires March 8, 2006.

STATE OF Oregon County of Jackson ss. S. Loretta Brenneman, Trustee

The foregoing instrument was acknowledged before me this 23rd day of June, 2003, by S. Loretta Brenneman, Trustee on behalf of the Ronald F. Brenneman Family Estate Trust, freely and voluntarily. Before me: Notary David W Price, Notary Public - Oregon, Commission No. 355412, My Commission Expires March 8, 2006.

TOWER BUSINESS PARK LLC:

IN WITNESS WHEREOF, I have set my hand and seals this 30th day of June, 2003.

STATE OF Oregon County of Jackson ss. Reid Murphy, Managing Member

The foregoing instrument was acknowledged before me this 30th day of June, 2003, by Reid Murphy, as a managing member on behalf of Tower Business Park, LLC., freely and voluntarily. Before me: Notary Harriet M Chamberlain, Notary Public - Oregon, Commission No. 354045, My Commission Expires April 06, 2006.

APPROVALS: MEDFORD CITY PLANNING: I certify that, pursuant to authority granted in Ordinance No. 5785 this plat is hereby approved. Planning Director August 1, 2003. City Engineer Paul D Lewis, City Engineer, August 1, 2003. City Surveyor. Assessor, Department of Assessment. Fees, assessments or other charges as required by O.R.S. 92.095 have been paid as of August 6, 2003. Tax Collector. For one of the County Court approving this plat see Volume 205, Page 795-796 of County Commissioners Journal of Proceedings.

RECORDING: Filed for record this 7th day of August, 2003 at 2:08 P.M. and recorded in Volume 29 of Plats at Page 93 of Records of Jackson County, Oregon. County Clerk Kathleen S Beckwith, Deputy Barbara Shaw.

37 1W 08BC TL 2200, 2300, 2400, 2500, 2600, 2700 & 2800

SURVEYOR'S CERTIFICATE

STATE OF OREGON ) County of Jackson ) ss. I, Douglas C. McMahan, a duly Registered Professional Land Surveyor of the State of Oregon, do hereby certify that I have correctly surveyed and marked with the proper monuments as provided by law the tract of land hereon shown and this plat is a correct representation of the same, and the following is an accurate description of the tract:



Commencing at a brass disc monumenting the West one-quarter (1/4) corner of Section 8 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence South 89°54'05" East along the East-West centerline of said Section 8, a distance of 30.00 feet to a point on the Easterly right-of-way line of Crater Lake Avenue, said point being marked with a brass disc for the INITIAL POINT OF BEGINNING; thence North 00°04'31" West along said right-of-way line 559.36 feet; thence North 05°34'34" East 200.74 feet; thence North 00°02'31" West 36.53 feet to a point on the Northerly boundary of that tract, being the last tract described in Instrument No. 92-37938 of the Deed Records of said Jackson County; thence leaving said right-of-way line South 89°50'31" East along the Northerly boundary of said tract, 552.47 feet to a point on the average centerline of Hopkins Canal; thence along said average centerline South 56°01'13" East 97.48 feet; thence along the arc of a 405.33 foot radius curve to the left (the long chord to which bears South 68°35'22" East 176.42 feet) an arc distance of 177.84 feet; thence South 81°09'32" East 218.44 feet; thence South 77°19'07" East 267.30 feet to the Northeast corner of tract described in Instrument No. 93-08026 of said Deed Records; thence leaving the average centerline of Hopkins Canal, South 00°05'29" East along the Easterly boundary of said tract, 585.25 feet to a point on the aforementioned East-West centerline of said Section 8; thence North 89°54'05" West along said East-West centerline, 1293.84 feet to the INITIAL POINT OF BEGINNING.

Douglas C. McMahan, Surveyor

PENTECOSTAL CHURCH OF GOD:

IN WITNESS WHEREOF, We have set our hands and seals this 27th day of June, 2003.

STATE OF Oregon County of Jackson ss. Harold Gore, President

The foregoing instrument was acknowledged before me this 27th day of June, 2003, by Harold Gore as President on behalf of the Pentecostal Church of God, Oregon-Southern Idaho District, Inc., freely and voluntarily. Before me: Notary PEGGY DOBRKOVSKY, Notary Public - Oregon, Commission No. 363112, My Commission Expires November 18, 2006.

STATE OF Oregon County of Jackson ss. Michael D. Skaggs, Secretary

The foregoing instrument was acknowledged before me this 27th day of June, 2003, by Michael D. Skaggs as Secretary on behalf of the Pentecostal Church of God, Oregon-Southern Idaho District, Inc., freely and voluntarily. Before me: Notary PEGGY DOBRKOVSKY, Notary Public - Oregon, Commission No. 363112, My Commission Expires November 18, 2006.

STATE OF Oregon County of Jackson ss. Steve Herrick, Vice President

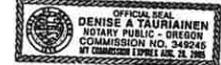
The foregoing instrument was acknowledged before me this 24th day of June, 2003, by Steve Herrick as Vice President on behalf of Klamath First Federal Savings and Loan Association, freely and voluntarily. Before me: Notary DENISE A TAURIAINEN, Notary Public - Oregon, Commission No. 348245, My Commission Expires June 28, 2006.

Klamath First Federal Savings and Loan Association, the undersigned beneficiary of a certain Trust Deed recorded April 10, 2002 as Document No. 02-20069 of the Official Records of Jackson County, Oregon, affecting the land described herein, hereby releases from the lien of said Trust Deed all property shown hereon as dedicated to the public for public use.

STATE OF OREGON ) County of Jackson ) ss. Steve Herrick, Vice President

The foregoing instrument was acknowledged before me this 24th day of June, 2003, by Steve Herrick as Vice President on behalf of Klamath First Federal Savings and Loan Association, freely and voluntarily. Before me: Notary DENISE A TAURIAINEN, Notary Public - Oregon, Commission No. 348245, My Commission Expires June 28, 2006.

I certify this plat to be an exact photocopy of the original. Douglas C. McMahan, Surveyor



RENEWED 12/31/04

Page 440

FILE # PUD-19-003 / GLUP-19-004 / ZC-19-014

RECEIVED JUN 28 2019 PLANNING DEPT



**SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250  
OREGON REVISED STATUTES**

SURVEY FOR: Pacific Western of Medford, LLC  
1175 East Main Street, Suite 1F  
Medford, Oregon 97504

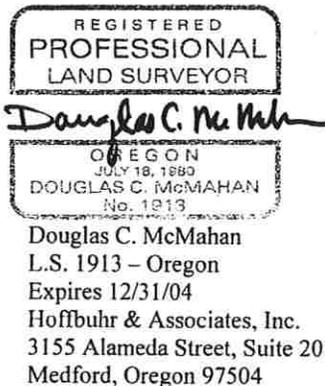
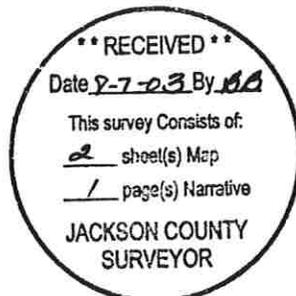
LOCATION: In the Northwest one-quarter (1/4) of Section 8, Township 37 South,  
Range 1 West, Willamette Meridian City of Medford, Jackson County,  
Oregon.

PURPOSE: To survey, monument and prepare final plat for TOWER BUSINESS  
PARK per City of Medford Planning File No. PUD-99-141 and per the  
client's request.

PROCEDURE: Utilizing found monumentation per Filed Surveys No. 2348, 8324 and  
14429 and other monumentation as shown for control, I established proper  
monuments as shown on the accompanying map. All measurements were  
made with an electronic total station. Documents No. 99-23939, No. 01-  
53512, No. 01-42177, No. 01-42178 and No. 01-48191 of the Jackson  
County Deed Records were used to determine the boundary of subject  
properties.

BASIS OF BEARING: File Survey No. 2348 (Northerly Line of Section 8)

DATE: April 25, 2003

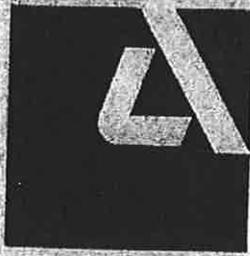


(99-041)  
(twrprk.dcm)  
DCM:am

EXHIBIT 14

RECEIVED

JUN 28 2019  
PLANNING DEPT



# LandAmerica Lawyers Title

## CCRS

*(Covenants, Conditions, & Restrictions)*

*"Insuring the American Dream"*

**Medford McAndrews Place**

Ph: (541) 779-2811

Fax: (541) 772-6079

**Medford Downtown**

Ph: (541) 734-9790

Fax: (541) 774-1344

**Medford Airport**

Ph: (541) 773-2897

Fax: (541) 773-2909

**Ashland**

Ph: (541) 488-2240

Fax: (541) 488-1786

**Upper Rogue**

Ph: (541) 826-3002

Fax: (541) 826-5002

CITY OF MEDFORD

EXHIBIT # *EE*

FILE # PUD-19-003 / GLUP-19-

004 / ZC-19-014

**DECLARATION OF**  
**COVENANTS, CONDITIONS AND RESTRICTIONS**  
**TOWER BUSINESS PARK**

**THIS DECLARATION** is made this 10 day of September, 2003, by TOWER BUSINESS PARK, LLC, an Oregon limited liability company.

**RECITALS:**

A. Declarant owns certain real property in Jackson County, Oregon, more particularly described in the records of the Jackson County Surveyor as TOWER BUSINESS PARK.

B. Declarant intends to create TOWER BUSINESS PARK as a planned unit development which will provide an attractive place to work. Declarant presently plans to create within TOWER BUSINESS PARK a number of business office and commercial or other service areas, all of which will have restrictions as to the use of the property.

C. Declarant intends to organize and administer TOWER BUSINESS PARK prior to its completion, but expects the Owners to accept the responsibility for community administration by the time TOWER BUSINESS PARK is complete. Funds for the maintenance, repairs, and improvement of the Open Space and Common Areas will be provided through assessments against the Owners.

D. By adoption of the covenants, conditions, and restrictions set forth in this Declaration, Declarant is not committing itself to take any action other than as expressly provided herein. Anyone acquiring one or more Lots will have the advantage of any further development, but shall not have any legal right to insist that there be development except as expressly provided herein.

NOW, THEREFORE, Declarant subjects the Property, together with any and all property which may be added to the Property pursuant to the provisions of this Declaration, to the covenants, conditions and restrictions set forth below.

//

//

1 - Declaration of Covenants, Conditions and Restrictions

Any covenant condition or restriction in this document indicating a preference limitation or discrimination based on race color religion sex handicap familial status or national origin is omitted as provided in 42 USC SEC 3604 unless and only to the extent that the restriction (A) is not in violation of State or Federal Law (B) is exempt under 42 USC SEC 3607 or (C) relates to a handicap but does not discriminate against handicapped people.

03 62171

## SECTION 1. INTRODUCTION

**1.1 General Declaration.** The covenants, conditions and restrictions set forth in this Declaration shall run with and bind the Property, each Tract, Lot and other divisions, if any, of the Property, the Owners, the Occupants and all other Persons acquiring any interest in the Property or any portion thereof, and the heirs, successors and assigns of the Owners, the Occupants and such other Persons. These covenants, conditions and restrictions shall inure to the benefit of and be burdens upon Declarant and upon all Owners, Occupants, future Owners and future Occupants.

**1.2 Addition of Other Property.** At any time and from time to time prior to the Turnover Date, Declarant may add to the Property all or a portion of any real property adjacent to the Property. Upon recordation of a supplemental declaration identifying any such adjacent property in the Jackson County Records, all provisions of this Declaration, as modified by such supplemental declaration, shall apply to such adjacent property in the same manner as if it were originally covered by this Declaration as part of the Property. Declarant shall include in any such supplemental declaration any modifications to this Declaration which Declarant deems appropriate.

## SECTION 2. DEFINED TERMS

Throughout this Declaration, the following terms, when capitalized, shall have the following meanings:

**2.1 "Architectural Control Committee"** means the committee formed pursuant to Section 5 to review and approve or disapprove plans and specifications for the design and construction of Improvements within TOWER BUSINESS PARK and to undertake such other tasks as are specified in this Declaration.

**2.2 "Association"** means the TOWER BUSINESS PARK OWNERS ASSOCIATION, formed pursuant to Section 3.1.

**2.3 "Board"** means the Board of Directors of the Association, formed pursuant to Section 3.4.

**2.4 "Common Areas"** means those parcels or portions of parcels, if any, included within the Property which are, from time to time, designated by Declarant (prior to the Turnover Date) or by the Board (after the Turnover Date) as common areas of TOWER BUSINESS PARK, such as the Riparian Corridor, Mitigated Wetlands and Project Entry; such parcels may be conveyed to the Association, dedicated to the public, or owned by Persons other than Declarant or the Association and subject to easements in favor of the Association.

2 - Declaration of Covenants, Conditions and Restrictions

03 62171

2.5 "Declarant" means TOWER BUSINESS PARK, LLC, and any Person succeeding to the responsibility of Declarant pursuant to a designation by TOWER BUSINESS PARK, LLC, or by any successor Declarant, of such Person as a successor Declarant in a supplemental declaration recorded in the Jackson County Records.

2.6 "Declaration" means this Amended Declaration of Covenants, Conditions, and Restrictions for TOWER BUSINESS PARK (TOWER BUSINESS PARK OWNERS ASSOCIATION), as it may be further amended from time to time.

2.7 "Developer" means any Person engaged in the development of any Lot for the purpose of selling or leasing the Improvements ultimately constructed on such Lot.

2.8 "Director" means a member of the Board, selected or elected in accordance with Section 3.

2.9 "Governing Agencies" means the Oregon Department of State Lands and the U.S. Army Corps of Engineers.

2.10 "Improvement" means any improvement now or hereafter placed or constructed in, under, or upon the Property, including without limitation any building, road, driveway, parking area, fence, screening wall or barrier, retaining wall, stairs, deck, utility distribution facility, landscaping, and sign.

2.11 "Lot" means any parcel of land designated on the Plat as a Lot.

2.12 "Mitigated Wetlands" means the wetlands located on the south side of the Riparian Corridor in Tracts A and B consisting of emergent bottomland and forested fringe wetlands within the borders of the Midway Creek Channel.

2.13 "Mitigation Plan" means the mitigation plan on file with the Governing Agencies for the monitoring, maintaining and repairing of the Riparian Corridor and Mitigated Wetlands.

2.14 "Project Entry" means the Portion of Lot 1 identified by the Declarant on or before the sale of Lot 1, which will constitute the specialized Project Entry and the project identification monuments, sign, lighting and appurtenances located thereon.

2.15 "Riparian Corridor" means the landscaped riparian corridor between the public utility easement along the south side of Owen Drive and the Mitigated Wetlands (a portion of Tracts A and B).

3 - Declaration of Covenants, Conditions and Restrictions

03 62171

2.16 "TOWER BUSINESS PARK" means the Property as developed substantially in accordance with the Plat, as the same may be modified from time to time.

2.17 "Occupant" means the Person in lawful possession of all or any portion of a Lot.

2.18 "Open Space" means such portions of the Property, if any, as may be designated as Open Space on the Plat, the Final PUD Plan approved by the City of Medford, by Declarant (prior to the Turnover Date) or by the Board (after the Turnover Date).

2.19 "Owner" means the record owner of fee simple title to any Lot, unless such Lot is being sold pursuant to a land sale contract, in which case "Owner" means the contract vendee of such Lot.

2.20 "Park Strip" means the area between the property line of the Lot and the improved Public Road or the improved Private Road.

2.21 "Person" means any individual, association, company, corporation, partnership, or other legal entity.

2.22 "Plat" means the final plat of TOWER BUSINESS PARK as recorded in the Jackson County Records and any amendments thereof.

2.23 "President" means the President of the Association, selected in accordance with Section 3.14.

2.24 "Private Road" means the area designated on the Plat as Tower East ("Tract C") which serves the Private Road Lots.

2.25 "Private Road Lots" means Lots 2, 7, 8, 9, 10 and 11.

2.26 "Property" means the real property in Jackson County, Oregon, legally described as TOWER BUSINESS PARK SUBDIVISION, and any property added to the Property pursuant to Section 1.2.

2.27 "PSDEs" means the Private Storm Drainage Easements designated on the Plat.

2.28 "PSSE" means the Private Sanitary Sewer Easement designated on the Plat.

2.29 "Secretary" means the Secretary of the Association, selected in accordance with Section 3.14.

4 - Declaration of Covenants, Conditions and Restrictions

03 62171

2.30 "True Cash Value" means, with respect to any Lot, the true cash value at which such Lot is assessed by Jackson County for purposes of ad valorem real property taxation or, if no such True Case Value is established by the Jackson County Assessor, True Cash Value shall mean "Assessed Value".

2.31 "Turnover Date" means the earlier of (i) the date on which Declarant first has title to only one (1) Lot within the Property, or (ii) the date on which Declarant elects, in its sole discretion, to relinquish control of the Association, as evidenced by a supplemental declaration recorded in the Jackson County Records.

2.32 "Turnover Meeting" means the meeting of Declarant and the Board called for the purpose of passing control of the Association from Declarant to the Owners, which meeting shall be held pursuant to Section 3.7.1.

### SECTION 3. TOWER BUSINESS PARK OWNERS ASSOCIATION

3.1 **Formation and Authority.** The Association shall be formed by Declarant as an Oregon nonprofit corporation within one hundred eighty (180) days after the date this Declaration is recorded and shall be known as the TOWER BUSINESS PARK OWNERS ASSOCIATION. Nothing in this Declaration shall be construed to prohibit or restrict the formation of subassociations within TOWER BUSINESS PARK, including without limitation Condominium associations and associations of Owners of Commercial Lots.

3.2 **Membership.** Each Owner, by virtue of being an Owner and so long as such Owner continues in that capacity, shall be a member of the Association. Each membership in the Association shall be appurtenant to the Lot or other portion of the Property owned by an Owner and shall not be transferred in any manner whatsoever, except upon a transfer of title to such Lot or other portion of the Property and then only to the transferee of such title.

3.3 **Duties and Powers of the Association.** The Association shall have all requisite power, duty and authority to perform its obligation under this Declaration, including without limitation the power, duty and authority to enforce the provisions of this Declaration and to acquire and pay for, out of the common fund provided by assessments pursuant to Section 4, all goods and services necessary or appropriate for the proper functioning of the Association in accordance with this Declaration. Without limiting the generality of the foregoing or the other provisions of this Declaration, the Association shall have the power, duty and authority, subject to the other provisions of this Declaration to undertake the following actions:

3.3.1 Determine the amounts necessary or appropriate for the performance by the Association of its powers and duties under this Declaration.

5 - Declaration of Covenants, Conditions and Restrictions

**03 62171**

- 3.3.2** Impose and collect annual and special assessments from the Owners.
- 3.3.3** Maintain bank accounts on behalf of the Association and designate the signatories for those accounts.
- 3.3.4** File all required income tax returns.
- 3.3.5** Enforce by legal means the provisions of this Declaration.
- 3.3.6** Maintain and repair the Public Open Space, the Other Common Areas and the Improvements thereon and establish one or more reserve funds for such purposes.
- 3.3.7** Promulgate, modify, and rescind rules and regulations governing the use of the Common Areas and Open Space, and all Improvements on the foregoing, as well as the Property generally, provided that all such rules and regulations shall be consistent with and conform to the provisions of this Declaration.
- 3.3.8** Obtain such policies of insurance as the Board may from time to time deem appropriate for the protection of the Association, the Open Space, Common Areas and the Improvements thereon, and as may be authorized pursuant to Section 3.13.
- 3.3.9** Compensate the President, the Secretary, and members of the Architectural Control Committee, if any compensation is established pursuant to Section 3.14.6 or 5.1.
- 3.3.10** Contract for such services (including without limitation legal and accounting services) as may be necessary or appropriate to manage the affairs of TOWER BUSINESS PARK and the Association properly and in accordance with this Declaration, whether the personnel performing such services are employed directly by the Association or by a manager or management firm or agent retained by the Association.
- 3.3.11** Appoint such committees as the Board may determine from time to time to be appropriate to assist in the conduct of the affairs of the Association and delegate to any such committee such authority as the Board may deem appropriate, subject, in all cases to the provisions of the Declaration. Notwithstanding the foregoing provisions of this Section 3.3.11, the Architectural Control Committee shall in all events be formed as provided in and shall have the authority granted by Section 5 and other applicable provisions of this Declaration.

//

6 - Declaration of Covenants, Conditions and Restrictions

03 62171

**3.4 Board of Directors**

**3.4.1 Generally.** The Association shall act through the Board. Prior to the Turnover Meeting, Declarant shall select all Directors. During the period when Declarant is selecting the Directors, Declarant may also determine the number of Directors, which may be different than the number set forth in Section 3.4.2. From and after the Turnover Meeting, the number of Directors shall be as set forth in Section 3.4.2, and the Owners shall select or elect the Directors in the manner provided in Sections 3.4.3 through 3.4.5, inclusive.

**3.4.2 Number and Classification.** From and after the Turnover Meeting, the Board shall be comprised of five (5) Directors.

**3.4.3 Election of Directors.** Directors shall be elected by majority vote of the Owners of the Lots in TOWER BUSINESS PARK, with each such Owner having one (1) vote for each Lot owned. If there is more than one Owner of any Lot, such Owners shall together be considered a single Owner with respect to such Lot for purposes of this Section 3.4.3. The election of Directors pursuant to this Section 3.4.3 shall take place at a meeting of the Owners of the Lots conducted pursuant to Section 3.4.4.

**3.4.4 Meetings of Owners.** Any meeting of Owners for the purpose of electing Directors pursuant to this Section 3.4 shall be conducted in accordance with the following procedures:

(a) The first such meeting shall be held at least thirty (30) days prior to the Turnover Meeting, on a date selected by the Secretary. Subsequent meetings shall be held at least thirty (30) days prior to the expiration of the term of any Director or, in the case of a vacancy pursuant to Section 3.6, within thirty (30) days after such vacancy occurs.

(b) Any such meeting shall be held at a place within Jackson County, Oregon, designated by the Secretary. The Secretary shall give written notice of any such meeting to each Owner entitled to vote at the meeting at least ten (10) but not more than thirty (30) days prior to the date of the meeting. The notice shall state the purpose, time and place of the meeting. The Secretary shall be required to notify an Owner of a meeting only if such Owner has previously given written notice to the Secretary setting forth such Owner's name and address. Notice of any meeting may be waived by any Owner at any time. No Owner who is present at a meeting may object to the adequacy or timeliness of the notice given.

(c) Any Owner may give a proxy to any Person, so long as the proxy is in writing, signed by such Owner, and filed with the Secretary. A proxy shall expire

7 - Declaration of Covenants, Conditions and Restrictions

**03 62171**

on the earlier of (i) eleven (11) months after the date of the proxy; or (ii) the date of sale of the Owner's Lot by its Owner.

**3.5 Terms of Directors**

**3.5.1 Terms.** Subject to the provisions of Section 3.7.1, Directors selected by Declarant pursuant to Section 3.4.1 shall serve at the pleasure of Declarant. The first Directors selected or elected by the Owners pursuant to Sections 3.4.3 through 3.4.5 inclusive, shall serve three (3) year terms. Any Director may serve more than one (1) term.

**3.6 Vacancies.** In the event a Director dies, resigns, or ceases to be an Owner, the resulting vacancy on the Board shall be filled by selection or vote of the Owner(s) authorized to select or vote for such Director pursuant to Section 3.4.3. Any Director so selected or elected shall serve the remainder of the replaced Director's term.

**3.7 Meetings of the Board**

**3.7.1 Turnover Meeting.** The Turnover Meeting shall be called by Declarant and held within ninety (90) days after the Turnover Date. Declarant shall give written notice of the time and place of the Turnover Meeting to each Owner who has previously given Declarant written notice setting forth such Owner's name and address. Declarant's notice shall be given at least forty-five (45), but not more than sixty (60) days prior to the date of the Turnover Meeting. At the Turnover Meeting, the following shall occur:

(a) The Directors selected by Declarant, the President, and the Secretary shall each resign. The Directors selected or elected by the Owners pursuant to Section 3.4 shall conduct their first meeting at the Board;

(b) The new Board shall elect a President and a Secretary; and

(c) Declarant shall deliver to the new Board all of the Association's property in Declarant's possession, including without limitation all books and records, funds, tangible personal property, insurance policies, and contracts to which the Association is a party.

**3.7.2 Annual Meetings.** The Board shall meet annually, within ninety (90) days after the end of each calendar year. At each annual meeting, the Secretary shall present to the Board a report on the financial condition of the Association, including a report of receipts and disbursements for the preceding calendar year and the estimated receipts and expenses for the coming year.

8 - Declaration of Covenants, Conditions and Restrictions

03 62171

**3.7.3 Special Meetings.** Special meetings may be called at any time by three (3) Directors. Such meetings shall be scheduled by the Secretary within thirty (30) days after the Secretary's receipt of written requests signed by three (3) or more Directors; provided, that if the purpose of a special meeting is to elect a successor Secretary or to consider removal of the Secretary, the meeting may be scheduled by the President or, if the meeting is also for the purpose of electing a successor President or considering the removal of the President, by any other Director.

**3.7.4 Place of Meetings.** Meetings of the Board shall be held at such place as may be designated from time to time by the Board.

**3.7.5 Notice.** The Secretary shall give written notice to each Director of each Board meeting at least ten (10), but not more than thirty (30) days prior to the date set for such meeting, stating the purpose, time and place of the meeting. Notice shall be sent to the address of each Director as listed on the books of the Association, or to such other address as any Director may designate by written notice to the Secretary. Notice of any meeting may be waived by any Director any time. No Director who is present at a meeting may object to the adequacy or timeliness of the notice given.

**3.8 Quorum.** The presence, in person or by proxy, of a majority of the Directors shall constitute a quorum for voting at a Board meeting. When voting is by mail pursuant to Section 3.11, a quorum shall be constituted if the number of votes cast equals at least fifty-one percent (51%) of the total votes entitled to be cast. The Board shall have the power to adjourn a meeting even if less than a quorum is present.

**3.9 Proxies.** A Director may vote in person or by proxy. A proxy may be given to any other Director, so long as the proxy is in writing, signed by the Director giving the proxy, and filed with the Secretary. A proxy shall expire on the earlier of (i) the end of the Director's term; or (ii) eleven (11) months after the date of the proxy.

**3.10 Voting by the Board.** Each Director shall have one (1) vote. So long as a quorum is constituted, the vote of Directors together holding a majority of the total votes cast, whether the Directors voting are present in person or by proxy, and whether the vote takes place at a meeting or by mail, shall be a binding vote of the Board for all purposes, unless a greater percentage is required by law or this Declaration.

**3.11 Voting by Mail.** Voting of the Directors may be by mail. Voting by mail shall include electronic mail (e-mail). In any case in which voting by mail is necessary or desirable, the Secretary shall give written notice to all Directors, which notice shall (i) include a written resolution setting forth the proposed action, (ii) state the Directors are entitled to vote by mail for or against such resolution, and (iii) specify a date not less than twenty-five (25) days after the effective date of such notice by which all votes must be

9 - Declaration of Covenants, Conditions and Restrictions

**03 62171**

received at the principal office of the Association. Votes received after the date specified shall not be effective.

**3.12 Compensation of Directors.** No Director shall receive compensation from the Association for serving on the Board.

**3.13 Insurance.** The Board may purchase and maintain insurance on behalf of any Director against any liability incurred by such Director in such capacity, if such insurance is available at a cost and on terms which the Board determines to be reasonable.

**3.14 Officers of the Association**

**3.14.1 Designation.** The officers of the Association shall be the President and the Secretary, both of whom shall be elected by the Board. The same person shall not concurrently hold the offices of President and Secretary. The Board may designate such additional officers as it deems appropriate.

**3.14.2 Election.** The officers of the Association shall be elected annually by the Board and shall hold office at the pleasure of the Board and until their successors are elected. If any office becomes vacant, the Board shall elect a successor to fill the unexpired term.

**3.14.3 Removal.** The Board may remove any officer, at any time, with or without cause.

**3.14.4 President.** The President shall be a Director and shall be the chief executive officer of the Association. The President shall preside at all meetings of the Board and, incident to the office of the chief executive officer of an association.

**3.14.5 Secretary.** The Secretary shall not be required to be a Director or an Owner. The Secretary shall keep the minutes of all proceedings of the Board and all other Association records and shall attend to the giving of all notices pursuant to this Declaration or required by law. The Secretary shall be responsible for the collection, deposit, and disbursement of Association funds and shall keep full and accurate financial records and books of account showing all receipts and disbursements of the Association. The Secretary shall perform all other duties incident to the office of secretary of an association or as may be directed by the Board. The Secretary shall perform all of the foregoing duties at the expense of the Association.

**3.14.6 Compensation of Officers.** Other than reimbursement for out-of-pocket expenses incurred on behalf of the Association, neither the President, the Secretary, nor any other officer of the Association shall receive any compensation from the Association.

10 - Declaration of Covenants, Conditions and Restrictions

03 62171

for acting as an officer, unless such compensation is authorized by the Board.

**3.15 Execution of Instruments.** All agreements, contracts, deeds, leases, and other instruments of the Association shall be executed by such individual(s) as may be designated from time to time by the Board.

**3.16 Indemnification.** Neither a Director nor an officer of the Association shall be liable to the Association or the Owners for any mistake or judgment, negligence, or otherwise, except for such Director's or officer's willful misconduct or bad faith. Each Director and officer shall be indemnified by the Association against all expenses and liabilities, including reasonable attorneys fees, incurred by or imposed upon such Director or officer in such capacity; provided, however, there shall be no indemnity if such Director or officer is adjudged guilty of willful misconduct or bad faith in connection with the matter as to which indemnification is sought.

#### SECTION 4. ASSESSMENTS

**4.1 Annual Assessments.** Subject to the requirements set forth in this Section 4, the Association shall have the authority to levy annual assessments to pay all expenses associated with the Association's performance of its powers, duties, and responsibilities under this Declaration, as well as to pay all property taxes, lighting, insurance, maintenance, and other expenses incurred with respect to the Common Areas and the Improvements thereon. The Association shall bill each Owner for such Owner's share of the assessments (determined in accordance with this Section 4) on an annual, quarterly, or monthly basis, as the Board may determine. Each Owner shall pay any such assessment within thirty (30) days after the date of billing.

**4.2 Allocation to Commercial Lots.** The annual assessment levied pursuant to Section 4.1 with respect to any calendar year shall be allocated among them in proportion to their respective True Cash Values as of the first day of such year; provided, however, annual assessment allocable to the Private Road shall be assessed and allocated among the Private Road Lots in accordance with the provisions of Section 7 hereof.

**4.3 Special Assessments.** In addition to annual assessments pursuant to Section 4.1, the Association may levy special assessments to pay the cost of any construction, reconstruction, repair, or replacement of any Improvements in or to the Public Open Space or the Other Common Areas or for any other purpose deemed appropriate by the Board; provided, however, that any special assessment shall be levied only upon the affirmative vote of at least seventy-five percent (75%) of the Directors. Special assessments shall be billed to the Owners at such time as the Board may determine. Special assessments shall be allocated among the Lots in the manner provided with respect to annual assessments in Sections 4.2. Notwithstanding the foregoing, special assessments allocable to the Private

11 - Declaration of Covenants, Conditions and Restrictions

03 62171

Road shall only be levied and allocated among the Private Road Lots as provided in Section 7 hereof.

**4.4 Records of Assessments.** The Association shall maintain records of assessments, of any other income received by the Association, and of all disbursements made. The Board may at any time and from time to time require that an audit of the Association's records be performed at the expense of the Association. The results of any such audit may be presented at any meeting of the Board. Any Director may, at the Association's expense and at any reasonable time, copy any Association records reasonably necessary to the performance of such Director's duties. Any Owner shall have the right to inspect Association records at any reasonable time, after reasonable notice to the Secretary. Any Owner may copy Association records at such Owner's expense.

**4.5 Enforcement.** In the event that any assessment, or any expense due pursuant to this Declaration, is not paid within thirty (30) days after the date of billing, the unpaid amount shall thereafter bear interest from the date first due until paid in full at a rate per annum equal to three (3) percentage points in excess of the announced prime rate of U.S. National Bank of Oregon in effect on the date payment was first due. In addition to all other rights and remedies available by law or provided herein, the Association shall also be entitled (i) to impose a late charge with respect to any such unpaid amount equal to ten percent (10%) thereof, to reimburse the Association for its administrative and other expenses incurred as a result of the Owner's failure to pay the assessment or expense when due; and (ii) upon fifteen (15) days prior written notice to the Owner owing such assessment or expense, to impose a lien against such Owner's Lot in the amount of the assessment or expense, plus collection costs (including reasonable attorneys fees), plus interest and late charges as provided in this Section 4.5. Any such lien shall also secure any additional amounts thereafter coming due from the Owner of the Lot in question. Subject to the provisions of Section 4.7, any such lien shall bind and run with the Lot in question until paid in full. The Association may initiate an action to foreclose any such lien in any manner provided by law. In any action to foreclose any such lien, any judgment rendered against the Owner of the Lot in question and in favor of the Association shall include such amount as the court may adjudge reasonable as attorneys fees and costs and expenses reasonably incurred in the preparation for and the prosecution of such action, at trial and on any appeal, in addition to all other amounts provided by law.

**4.6 Personal Obligation.** Each assessment or charge levied pursuant to the provisions of this Declaration shall be a separate and personal obligation of the Owner of the Lot against which the assessment or charge is levied. The sale, transfer, or conveyance of a Lot shall neither release nor discharge the Owner thereof from such personal liability, nor shall such a sale, transfer, or conveyance extinguish any lien placed on such Lot.

12 - Declaration of Covenants, Conditions and Restrictions

**4.7 Subordination.** Notwithstanding any other provisions of this Declaration, any lien imposed on a Lot under this Section 4 shall be and remain at all times inferior, junior, and subordinate to the lien of any first mortgage or deed of trust encumbering such Lot. Without limiting the generality of the foregoing, the sale or transfer of any Lot under a decree of foreclosure pursuant to any such first mortgage or deed of trust, or proceeding in lieu of foreclosure, shall extinguish any lien imposed on such Lot hereunder prior the date of sale or transfer. Upon twenty (20) days prior written request, the Association shall execute and deliver such reasonable documentation as any Lot Owner may request to confirm or evidence the provisions of this Section 4.7.

## **SECTION 5. ARCHITECTURAL AND DESIGN CONTROL**

**5.1 Establishment of the Architectural Control Committee.** On or prior to the Turnover Date, the Architectural Control Committee shall be established to review and approve or disapprove plans, specifications, design, construction, and alterations of all Improvements built within TOWER BUSINESS PARK, pursuant to Sections 5.2 and 5.3. The Architectural Control Committee shall consist of three (3) or five (5) members (as determined by the Board from time to time) appointed, removed, and replaced by the Board. The members of the Architectural Control Committee shall be compensated by the Association in such amount, if any, as may be determined from time to time by the Board. Until such time as the Architectural Control Committee is established, Declarant shall have full power and authority to act as the Architectural Control Committee in accordance with the provisions of this Section 5.

### **5.2 Architectural and Design Review**

**5.2.1 Generally.** No Improvement of any kind shall be commenced, erected, placed, or altered on any portion of the Property unless such Improvement is in conformance with this Section 5.2 and until plans and specifications showing the nature, kind, shape, height, material, color and location of such Improvement are submitted to and approved by the Architectural Control Committee pursuant to the provisions of Section 5.3. All such Improvements shall be erected and altered in conformance with all applicable governmental laws, ordinances, rules and regulations and with the requirements set forth in this Section 5.2. To the extent applicable governmental laws, ordinances, rules and regulations are in conflict with such requirements, the more restrictive standards shall control.

**5.2.2 Design Guidelines.** The Architectural Control Committee shall have the authority to promulgate and issue, and thereafter to amend from time to time, design guidelines supplementing, interpreting and not inconsistent with those set forth in this Section 5.2. Such guidelines shall be supplied in writing to all Owners, shall be fully binding upon all Owners as if set forth in this Declaration, and shall be applied by the

03 62171

Architectural Control Committee in reviewing and approving or denying proposed improvements. Without limiting the generality of the foregoing, the other provisions as the Architectural Control Committee may deem appropriate, height restrictions with respect to Improvements to be constructed on the Property or any portion thereof, requirements and restrictions with respect to exterior lighting in addition to those set forth in this Declaration, requirements regarding parking and landscaping in addition to those set forth in this Declaration, signage restrictions, and requirements to be met in connection with construction activities on the Property or any portion thereof. Any requirements or restrictions set forth in the design guidelines need not relate to all components of TOWER BUSINESS PARK, if the Architectural Control Committee determines that only certain portions of the Property should be affected.

**5.2.3 Exterior Finish.** The exterior of the Improvements on all Lots, including without limitation the roof, materials and color thereof, shall be subject to the approval or disapproval of the Architectural Control Committee and shall be designed, built and maintained so as to be compatible with the natural surroundings, existing structures and landscaping with TOWER BUSINESS PARK. Exterior trim, doors, railings, decks, eaves, gutters, roof and the exterior finish of garages and other accessory buildings shall be designed, built and maintained so as to be of high quality and compatible with the exterior of the structure they are part of or adjoin. Exterior materials for siding and trim shall be brick, masonry, tilt-up concrete, natural or synthetic stucco, or solid wood and architectural quality metal. In no case shall corrugated metal siding be permitted.

**5.2.4 Building Location.** Buildings shall observe the yard and setback regulations of the City of Medford. To the extent possible, parking in any front yard area, as that term is defined in the Medford Land Development Code, shall be limited to guest and visitor parking with employee parking to the rear of the building.

**5.2.5 Building Size.** No principle building on any Lot shall have less than 2,000 gross square feet, provided that this restriction shall not apply to temporary buildings or structures, including food or beverage carts or structures.

**5.2.6 Outdoor Storage; Screening.** The location and screening of areas used or intended for the outdoor storage of products, materials or equipment, shall be approved by the Architectural Control Committee. No outdoor area used for permanent storage (or temporary storage for more than ninety (90) days) shall be located within any front yard area as that term is defined in the Medford Land Development Code. Any area used for outdoor storage shall be completely screened by a brick or masonry wall, solid wood fence or chain-link fence with slats, not less than six (6) feet in height. Where a chain-link fence with slats is proposed, there shall be a hedge planted on the outside of the fence (except at gate openings). Hedge plantings shall be placed not less than four (4) feet apart and be an evergreen species commonly used for hedges. Where planted, screening hedges

14 - Declaration of Covenants, Conditions and Restrictions

**03 62171**

shall be appropriately irrigated, fertilized and pruned so as to create a neat and orderly appearance.

**5.2.7 Landscaping Plant Materials; Weed Abatement.** Portions of each Lot not covered by buildings, parking or outdoor storage as the same has been approved by the Architectural Control Committee, including but not limited to Park Strips, shall be landscaped with living landscape material, the plans for which has been approved by the Architectural Control Committee. This provision shall not apply to portions of each Lot which are intended to accommodate the second or subsequent phase of a building project that has approved multiple phases, provided that no portion of any Lot intended for future buildings or additions to existing buildings, shall be used for outdoor storage unless the area conforms or is made to conform with the requirements of Paragraph 5.2.6. All living landscape materials shall be supplied with adequate water from a timed automatic underground irrigation system. When planted, all landscaped areas not covered by living plant materials, shall have a three (3) inch deep mulch cover consisting of ground bark, gravel or decorative rock or stone. Weeds shall be controlled and landscaped areas shall be routinely maintained to afford a neat, orderly and attractive appearance.

**5.2.8 Exterior Lighting.** Any exterior lighting other than lighting used for signage purposes, shall be confined to illumination of parking facilities, streets, roads, sidewalks, paths, exteriors of buildings, and entry ways to buildings. No lighting shall produce excessive glare or excessive illumination or unreasonably interfere with the use of any other portion of the Property. No flashing or blinking lighting shall be permitted.

**5.2.9 Fences and Walls.** All fences and walls and all fence and wall finishes shall be approved by the Architectural Control Committee prior to installation. All approved fences and walls shall be well-constructed of suitable fencing materials, shall be finished on both sides by the Person constructing the fence, and shall not detract from the appearance of any nearby building. No fence or wall taller than three (3) feet shall be located within any front yard area as that term is defined in the Medford Land Development Code.

**5.2.10 Signs.** All signs larger than two (2) square feet (except directional control signs) shall be approved by the Architectural Control Committee prior to installation.

**5.2.11 Hedges.** No hedges or other plantings along the boundaries of any Lot shall be permitted without the prior approval of the Architectural Control Committee.

**5.2.12 Garbage Receptacles; Screening.** Outdoor areas where garbage cans or dumpsters are located shall be screened by a brick or masonry wall, solid wood fence, or chain-link fence with slats. Where a chain-link fence with slats is proposed, there shall be a hedge planted on the outside of the fence (except at gate openings). Hedge plantings shall

15 - Declaration of Covenants, Conditions and Restrictions

## **03 62171**

be placed not less than four (4) feet apart and be an evergreen species commonly used for hedges. Where planted, screening hedges shall be appropriately irrigated, fertilized and pruned so as to create a neat and orderly appearance.

**5.2.13 Tree Removal.** No trees with a diameter of six (6) inches or more, measured at a height of five (5) feet above ground level, may be removed from any Lot without the prior approval of the Architectural Control Committee. Each Owner shall supply to the Architectural Control Committee, together with the plans and specifications for any proposed Improvement a drawing showing the intended location of such Improvement on such Owner's Lot and of all trees thereon, so that necessary tree removal can be readily determined.

**5.2.14 Service Facilities.** Clothes lines, waste facilities, storage facilities, and other service facilities shall be screened so as not to be visible from the street or adjacent property. No on-street vehicle loading shall be permitted and all loading dock areas shall be recessed and screened so as to minimize visibility from the abutting and nearby streets and adjacent property and shall be subject to the approval of the Architectural Control Committee.

**5.2.15 Antennae.** No exterior radio, television, or telecommunication towers, antennae, satellite dishes, or other exterior transmission or receiving devices shall be allowed without the prior approval of the Architectural Control Committee.

**5.2.16 Parking Areas.** Parking and loading spaces shall be provided as required by applicable governmental laws, rules and regulations. All driveways and areas for parking, maneuvering, loading and unloading shall be paved with asphalt, concrete or other durable material approved by the Architectural Control Committee, providing dust-free, all weather surfaces.

**5.2.17 Utilities and Equipment.** All utility lines shall be underground. Pad-mounted transformers, switch-gears and similar equipment which must be installed above ground and all service equipment such as meters, generators, mechanical duct work, piping and HVAC equipment shall be screened with suitable landscaping or walls of design and material compatible with those of the adjacent buildings. Rooftop HVAC equipment shall be appropriately screened.

### **5.3 Design Review Procedure**

**5.3.1 Submission of Plans.** Prior to the commencement, erection, placement, or alteration of any Improvement on any Lot, the Owner desiring to commence, erect, place, or alter such Improvement shall submit plans and specifications to the Architectural Control Committee in accordance with such procedures as the Architectural

16 - Declaration of Covenants, Conditions and Restrictions

03 62171

Control Committee may establish from time to time. All plans and specifications shall conform to any specific requirements set forth in the design guidelines promulgated pursuant to Section 5.2.2 and shall provide sufficient detail to enable the Architectural Control Committee to determine whether the proposed Improvement is in conformance with the applicable requirements set forth in this Section 5 and in such design guidelines. Such plans and specifications shall be accompanied by the Owners payment of such reasonable fee as may be fixed by the Board from time to time to cover costs of the design review process. The Owner shall also supply any additional information reasonably requested by any member of the Architectural Control Committee. The Architectural Control Committee shall review the information and plans submitted and shall, within thirty (30) days after submission of all information requested by any member of the Architectural Control Committee, notify the Owner in writing of its approval or disapproval of the proposed Improvement. If the Architectural Control Committee fails to give notice of its decision within such thirty (30) day review period, the proposed Improvement shall be conclusively presumed to be approved as submitted.

**5.3.2 Approval.** The Architectural Control Committee may approve a proposed Improvement as submitted or may impose specific conditions which must be met before approval will be granted. A decision by a majority of the members of the Architectural Control Committee shall constitute a decision of the Architectural Control Committee.

**5.3.3 Commencement of Work.** As soon as practicable after the receipt of approval by the Architectural Control Committee, if the Owner elects to proceed with the Improvement, the Owner shall satisfy any and all conditions of such approval, shall secure all necessary governmental permits and approvals, and shall commence construction of the approved Improvement. The Architectural Control Committee's approval of any proposed Improvement shall automatically be deemed revoked one hundred eighty (180) days after issuance unless construction of the Improvement has commenced or the Owner has applied for and received an extension of time from the Architectural Control Committee.

**5.3.4 Completion of Work.** Any approved Improvement shall be completed within five hundred forty (540) days after the date of commencement of construction in the case of any Improvement on a Lot; provided, however, that if the construction of any approved Improvement is delayed by causes beyond the reasonable control of the Person constructing such Improvement, the period within which construction must be completed shall be extended by the number of days construction is so delayed. In all cases, landscaping shall be completed within ninety (90) days after substantial completion of associated Improvements. Promptly after completion of any Improvement, the Owner shall give written notice of completion to the Architectural Control Committee. Within thirty (30) days after the effective date of such notice or at any time that the Architectural Control Committee has reason to believe that an Improvement has been completed, the

17 - Declaration of Covenants, Conditions and Restrictions

**03 62171**

Architectural Control Committee shall inspect the completed Improvement and give written notice to the Owner of any respects in which the completed Improvement fails to conform to the plans therefor as approved by the Architectural Control Committee. The Architectural Control Committee shall specify in any such notice a reasonable period, which shall be not less than thirty (30) days, during which the Owner may remedy the nonconformance. If the Architectural Control Committee fails to give a notice of nonconformance within thirty (30) days after the effective date of a notice of completion, the Improvement shall be conclusively presumed to be approved as completed.

**5.3.5 Failure to Act.** If at any time the Architectural Control Committee fails for any reason to perform its responsibilities under this Section 5, the Board shall have complete authority to serve as a temporary Architectural Control Committee.

**5.3.6 Architectural Control Committee Discretion.** The Architectural Control Committee, in its sole discretion, may withhold approval of any proposed Improvement if the Architectural Control Committee finds that the proposed Improvement would be inconsistent with the provisions of Section 6 or would be incompatible with the design standards for TOWER BUSINESS PARK, as set forth in this Section 5 and in the design guidelines promulgated pursuant to Section 5.2.2. Considerations such as siting, shape, size, color, design, height, impairment of the view from other parts of the Property, solar access, and other effects on the enjoyment of other parts of the Property, including without limitation the Public Open Space and the Recreational Facilities, as well as any other factors which the Architectural Control Committee believes to be relevant, may be taken into account by the Architectural Control Committee in determining whether or not to approve any proposed Improvement. The Architectural Control Committee, in its sole discretion, may, upon application, waive any provision of this Section 5 if it finds that the application of such provision results in unnecessary hardship to the affected Owner and that strict application is not necessary for the furtherance of the objective to create an attractive development.

**5.3.7 No Liability.** Neither the Architectural Control Committee, nor any member thereof, nor the Association shall be liable to any Owner, Occupant, Developer, or other Person for any damage or loss suffered or claimed as a result of any action or failure to act on the part of the Architectural Control Committee or any member thereof, so long as the Architectural Control Committee or such member has acted in good faith based on actual knowledge.

**5.3.8 Nonwaiver.** Approval or disapproval by the Architectural Control Committee of any matter proposed to it or within its jurisdiction shall not constitute a precedent or waiver or impair in any manner whatsoever the right of the Architectural Control Committee to grant or withhold approval as to any similar matter thereafter proposed or submitted to it for approval.

18 - Declaration of Covenants, Conditions and Restrictions

**5.3.9 Estoppel Certificate.** Within twenty (20) days after receipt of a written request from any Owner, and the payment by such Owner of such reasonable fees as may be fixed by the Board from time to time to cover costs, the Architectural Control Committee shall provide such Owner with an estoppel certificate executed by a member thereof, certifying with respect to the Lot(s) owned by such Owner that, as of the date of the certificate, either (i) all Improvements on such Lot(s) comply with this Declaration, or (ii) such Improvements do not so comply, in which event the certificate shall also identify the noncomplying Improvements and state with reasonable particularity the nature of such noncompliance. Any purchaser from an Owner, and any mortgagee or other encumbrancer, shall be entitled to rely upon any such certificate as to the matters set forth therein, such matters being conclusive among Declarant, the Architectural Control Committee, the Association, all Owners, and such purchaser, mortgagee, or other encumbrancer.

## **SECTION 6. PROPERTY USE AND RESTRICTIONS**

**6.1 Improvements Permitted.** No Improvement shall be erected or permitted to remain on any Lot except Improvements consisting of or containing Improvements normally accessory thereto. The provisions of this Section 6.1 shall not be construed to prohibit construction of such Improvement as has been approved by the Architectural Control Committee and is otherwise in conformance with this Declaration and applicable governmental requirements.

**6.2 Landscaping and Maintenance.** Each Owner and Occupant shall maintain such Owner's and Occupant's Lot and the Improvements thereon, at such Owner's or Occupant's expense. Required maintenance and repair shall include without limitation (i) maintenance of all parking areas, private drives, curbs and walkways in a clean and safe condition, including cleaning, repairing, and restriping as often as is necessary; (ii) maintenance of landscaping in an attractive, neat, orderly, trimmed and cut condition at all times, free of brush, weeds and debris; (iii) cleaning, maintenance and relamping of any external lighting fixtures; and (iv) maintenance of exteriors of buildings in an attractive and neat condition at all times. In addition, each Owner and Occupant shall maintain in good condition and repair the sidewalks, street trees and grass and other landscaping, if any, between the sidewalks and curbs bordering on such Owner's or Occupant's Lot whether located on the Lot or the adjacent right-of-way. If the Board determines that maintenance and repairs are not conducted as required pursuant to this Declaration, the Association may conduct the necessary repairs or maintenance as provided in Section 9. Notwithstanding the provisions of this Section 6.2, the maintenance and upkeep of the Common Areas and Open Space as described in Section 9.1, shall be the sole responsibility of the Association.

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03 62171

**6.3 Limitations on Use**

**6.3.1 Offensive Activities.** No noxious or offensive activity shall be carried on in TOWER BUSINESS PARK, nor shall anything be done or placed upon any Lot or Tract which interferes with or jeopardizes enjoyment of other Lots or Common Areas.

**6.3.2 Animals.** No animals of any kind shall be raised, kept, or permitted within TOWER BUSINESS PARK; provided, however, that each Owner and Occupant may keep a reasonable number of household pets which are not kept, bred, or raised for commercial purposes and which are reasonably controlled so as not to be a nuisance; and provided further, that the selling, keeping, breeding, and raising of animals shall be permitted in any pet store or veterinarian office to which space is leased or sold on a Lot.

**6.3.3 Parking.** Parking of boats, trailers, recreational vehicles, trucks, campers, motorcycles and similar equipment in excess of three-quarters of a ton in weight shall not be allowed on any Lot, or any street adjacent thereto, except within an enclosed garage or screened area which prevents the vehicle or equipment therein from being seen from any other Lot, the Open Space or Common Areas, or any street within the Property and the construction of which has been reviewed and approved by the Architectural Control Committee pursuant to Section 5.

**6.3.4 Vehicles in Disrepair.** No Owner or Occupant shall permit any vehicle which is in an extreme state of disrepair (as reasonably determined by the Board) or which is under repair to be abandoned or to remain parked on any Lot for a period in excess of forty-eight (48) hours. If an Owner or Occupant fails to remove such a vehicle within five (5) days after notice from the Association, the Association may have the vehicle removed from the Property and charge the expense of such removal to the Owner of the Lot as provided in Section 10.

**6.3.5 Rubbish and Trash.** No Lot nor any part of the Common Areas shall be used as a dump for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate sanitary containers for proper disposal and out of public view. Yard rakings, dirt, and other material resulting from landscaping work shall not be dumped onto streets or Common Areas or on any Lot. In the event an Owner or Occupant fails to remove any trash, rubbish, garbage, yard rakings, or other waste materials from such Owner's or Occupant's Lot (or from any street or Common Areas if deposited thereon by such Owner or Occupant) within five (5) days after notice from the Association, the Association may have such waste removed and charge the expense of such removal to the Owner of the Lot as provided in Section 10.

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20 - Declaration of Covenants, Conditions and Restrictions

**03 62171**

**6.3.6 Temporary Structures.** No structure of a temporary character, trailer, tent, shack, garage, barn, or other outbuilding shall be permitted or used in TOWER BUSINESS PARK at any time as a residence either temporarily or permanently.

**6.3.7 Improvements in the Public Open Space.** No Improvement of any type shall be erected or maintained by any Owner or Occupant so as to trespass or encroach upon the Common Areas.

## **SECTION 7. PRIVATE ROAD**

**7.1** Declarant, as Owner, shall have a right of way and easement of ingress and egress over and across the Private Road which shall be appurtenant to and pass with the title to each of the Private Road Lots as they are sold to other Owners subject to the provisions herein contained.

**7.2** The Private Road shall be used for ingress and egress and storm drain retention purposes only and shall not be obstructed by any Owner for any purposes, unless with prior consent of all Owners. The Private Road will be improved and paved to full City of Medford standards with the exception of width.

**7.3** Expenses of maintaining and repairing the Private Road including but not limited to storm drain retention shall be paid on a pro rata basis by the Private Road Lot Owners. The Private Road Lot Owners shall agree upon any maintenance that is to be done on the roadway and the contractors who would be contracted with to perform the maintenance work. In the event agreement cannot be reached, it is hereby agreed that the standards of maintenance and repair shall be as required by the City of Medford in connection with the maintenance and repair of city streets and roadways. Pursuant to the Medford City Code, the City of Medford has the right to enforce the street maintenance requirements on all private streets that are utilized by the public and to protect all public easements or public facilities with the municipal power possessed by the city. The expenses of maintaining the Private Road including but not limited to storm drain retention shall constitute a charge on the Private Road Lot Owners and shall be a continuing lien upon their respective properties until paid. Such lien shall also include all interest, costs of collection and reasonable attorney's fees in collecting and enforcing the same. As well, such assessment, together with the aforesaid costs and fees, shall be the personal obligation of the individual Private Road Lot Owner as of the date when the assessments or expenses become due. The assessment for the expenses shall become due as of thirty (30) days after presentment of the invoice for the repairs and maintenance. The assessment shall bear interest at the rate of ten percent (10%) per annum from thirty (30) days after the presentment date until paid. Any Private Road Lot Owner who has paid his share of the assessment may bring action in equity to foreclose the lien against the nonpaying Owner's property or in an action at law against the nonpaying Owner personally.

21 - Declaration of Covenants, Conditions and Restrictions

03 62171

7.4 The lien of assessments provided for herein shall be subordinate to the lien of any first mortgage or trust deed or like encumbrance upon any of the Declarant's properties. Sale or transfer of any of the Declarant's properties shall not affect the assessment lien, PROVIDED, HOWEVER, the sale or transfer of any such property pursuant to a mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessment as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such property from liability for any assessments thereafter becoming due or from the lien thereof.

7.5 Each Private Road Lot Owner agrees to defend, indemnify, and hold the other Private Road Lot Owners, the Developer, and/or the Developer's associates, contractors, or subcontractors harmless from and against any and all losses, claims, demands, or other liabilities whatsoever arising out of his own use of the Private Road, or use by his invitees, guests, agents, or employees. Each Private Road Lot Owner assumes all risks arising out of his own use of the Private Road and none of the other Private Road Lot Owners shall have any liability as between themselves for any condition arising thereon.

7.6 Unless specifically outlined within the terms of this Declaration, all other stipulations contained in ORS 105.170 to 105.185 concerning Easement Owner Obligations will apply.

#### SECTION 8. PSDEs AND PSSE

8.1 Each of the PSDEs and the PSSE shall be maintained on a pro rata basis by the Owners of the Lots benefitted thereby as designated on the Plat.

8.2 Unless specifically outlined within the terms of this Declaration, all other stipulations contained in ORS 105.170 to 105.185 concerning Easement Owner Obligations will apply.

#### SECTION 9. COMMON AREAS

9.1 **Common Areas.** Subject to the terms of the Mitigation Plan and the rules and regulations of the Governing Agencies, every Owner and Occupant, and all invitees and guests of all Owners and Occupants shall have a nonexclusive right and easement to use and enjoy the Common Areas, which right and easement shall be appurtenant to and shall run with the Property and all Lots therein. Such right and easement shall also be subject to the Association's right to promulgate rules and regulations governing the use of the Common Areas. The Owner's shall be obligated to pay their allocable share of the cost of monitoring, maintenance and repair of the Common Areas in accordance with Section 4. The initial Common Areas, consist of the Riparian Corridor and Mitigated Wetland. The Association shall monitor, maintain and repair the Common Areas including, but not limited to the

22 - Declaration of Covenants, Conditions and Restrictions

**03 62171**

following:

**9.1.1** Maintaining a wire style fence that will be installed by Declarant along the perimeters of the Riparian Corridor as required by the Mitigation Plan.

**9.1.2** The Association will accept full responsibility for monitoring, maintaining and repairing the Mitigated Wetlands as required by the Mitigation Plan upon completion of the following:

**9.1.2.1** Acceptance of the first annual report from Declarant by the Governing Agencies;

**9.1.2.2** The completion by Declarant of the corrective measures required by the Governing Agencies in response to the first annual monitoring report;

**9.1.2.3** The Mitigated Wetlands meeting the first year's success criteria as defined in the Mitigation Plan.

Declarant retains the right to access Tracts A and B for the purpose of constructing, monitoring, maintaining or repairing the Mitigated Wetlands until such time as no legal responsibility for monitoring, maintaining, or repairing the Mitigated Wetlands exists for Declarant.

**9.2 Utility Easements.** The Association shall have the right to grant nonexclusive easements and rights of way over the Common Areas for the purpose of installing, maintaining, repairing and replacing public utility lines, services and facilities reasonably necessary to serve any of the Property. Notwithstanding the foregoing, no easements or rights-of-way shall be granted through, over or under the Riparian Corridor or Mitigated Wetlands without the prior written approval of the Governing Agencies.

**9.3 Future Improvements.** The Association shall have the right to make further Improvements in or of the Common Areas and to expand or replace any Improvements in the Common Areas. Notwithstanding the foregoing, no improvement shall be made in the Riparian Corridor or Mitigated Wetlands without the prior written approval of the Governing Agencies.

## **SECTION 10. RIGHT OF ENTRY**

Declarant, the Association, the Architectural Control Committee, and any representative of any of the foregoing shall have the right to enter upon any Lot (i) to clean or maintain landscaping, parking areas, driveways, exterior lighting fixtures and buildings; (ii) to inspect any Lot prior to, during, or upon the completion of construction of

23 - Declaration of Covenants, Conditions and Restrictions

03 62171

Improvements thereon; (iii) to remove, demolish, replace, alter, repair, or otherwise correct any Improvement which is placed on any Lot without the prior approval of the Architectural Control Committee pursuant to Section 5 or which is constructed or installed in a manner inconsistent with the terms of the Architectural Control Committee's approval therefor pursuant to Section 5; (iv) to enforce the provisions of Sections 6.3, 6.4.4, and 6.4.5 if the Owner of the Lot in question does not do so as required by this Declaration; or (v) for any other purpose permitted under this Declaration. The Owner of any Lot shall reimburse the Association for any expenses incurred in connection with any action described in the clauses (i), (iii), or (iv) of the preceding sentence promptly upon billing of the same. If the Owner fails to reimburse the Association within ten (10) days after such billing, the Association may impose a lien against the Lot as provided in Section 4.6. No entry on any Lot pursuant to this Section 10 shall be deemed a trespass or otherwise create any right of action in the Owner or Occupant of such Lot.

#### SECTION 11. GENERAL PROVISIONS

**11.1 Duration.** These covenants, conditions and restrictions shall run with and bind, benefit and burden in perpetuity the Property, all Owners and Occupants, and the lessees, invitees and guests of all Owners and Occupants.

**11.2 Severability.** In the event any provision of this Declaration is determined to be invalid or unenforceable, that determination shall not affect the validity or enforceability of any other provision or of the same provision to a different situation.

**11.3 Amendment.** Prior to the Turnover Date, this Declaration may be amended at any time and from time to time by Declarant. Thereafter, this Declaration may be amended only (i) by majority vote of the Board, or (ii) upon the affirmative vote of sixty-five percent (65%) or more of the Owners, with each Owner having one (1) vote for each Lot owned; provided, however, that the provisions of Section 4.2 or 4.3 may be amended after the Turnover Date only by unanimous vote of the Board or upon the affirmative vote of seventy-five percent (75%) or more of the Owners. For purposes of this Section 11.3, if there is more than one (1) Owner of any Lot, such Owners shall together be considered a single Owner with respect to such Lot.

**11.4 Enforcement.** The Association and each Owner shall have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens and charges now or hereinafter imposed pursuant to any provision of this Declaration by any appropriate proceeding at law or in equity. Any remedies specifically provided herein are nonexclusive and cumulative and are in addition to all other remedies available to the Association and the Owners at law or in equity.

**11.5 Non-Waiver.** Any failure of the Association or any Owner to enforce a

24 - Declaration of Covenants, Conditions and Restrictions

**03 62171**

covenant, condition or restriction contained in this Declaration shall not be deemed to constitute a waiver of the Association's or any Owner's right to enforce that or any other covenant, condition, or restriction contained in this Declaration.

**11.6 Declarant Not Liable.** Neither Declarant nor Declarant's successors or assigns shall be liable to any Owner or Occupant or to any other Person for its enforcement or failure to enforce any provision of this Declaration. Each Owner and Occupant, by acquiring such Owner's or such Occupant's interest in the Property, agrees not to bring any action or suit against Declarant or any successor or assign of Declarant to recover any such damages or to seek any other relief (including without limitation equitable relief) by reason of any such enforcement or failure to enforce any provision of this Declaration. Each Owner and Occupant shall and does, by taking title to or occupying any portion of the Property, agree to defend, indemnify and hold harmless Declarant and Declarant's successors and assigns from any claim, loss, damage, cost, or expense (including without limitation reasonable attorneys fees) arising out of the use, operation, ownership, occupancy, or condition or state of repair of that portion of the Property owned by such Owner or occupied by such Occupant.

**11.7 Constructive Notice and Acceptance.** By the recording of this Declaration, each Owner and Occupant shall be deemed to have consented and agreed to every term, covenant, condition and restriction contained herein.

**11.8 Joint and Several Liability.** If an Owner consists of more than one (1) Person, each such Person shall be jointly and severally liable for any assessment or charge and for the performance of any other obligation imposed pursuant to this Declaration.

**11.9 Captions.** The captions and headings of sections herein are for convenience only and are not intended in any way to defined, limit or describe the scope or intent of any section of this Declaration.

**11.10 Notices.** All notices under this Declaration shall be in writing. Any such notice shall be deemed effective on the earlier of the date of delivery or, if mailed, three (3) business days following the date of mailing, if addressed at the address, if any, designated in the Association's records.

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25 - Declaration of Covenants, Conditions and Restrictions



03 62171

STATE OF OREGON        )  
                                  ) ss.  
COUNTY OF JACKSON    )

On this 10<sup>th</sup> day of September, 2003, personally appeared the above-named JOHN A. DUKE, who being duly sworn, stated that he is a trustor and trustee of the JOHN A. DUKE TRUST, and that the foregoing instrument was voluntarily signed by JOHN A. DUKE as a trustor and trustee.

Before me:



*Jeannette Clarke*  
\_\_\_\_\_  
Notary Public for Oregon

Jackson County, Oregon  
Recorded  
OFFICIAL RECORDS

SEP 10 2003  
12:23 PM  
*James D. Baker*  
COUNTY CLERK

July 25, 2018

EXHIBIT 17

RECEIVED  
JUN 28 2019  
PLANNING DEPT

Dan Reece  
1585 Ridge Way  
Medford, OR 97504

To: Tower Business Park property owners

My name is Dan Reece and we own the upper lot on Arrowhead Drive below the Housing Authority project, Tax Lot #2511. We are requesting a change to the PUD to rezone the property to MFR 20 so that we can build residential housing units. If you do not have any objections, please sign and return this letter to us in the envelope provided.

If you have any questions, please call me on my cell phone at 541-210-3285.

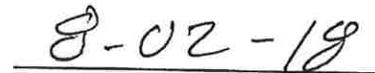
Thank you for taking the time to respond,

  
Dan Reece

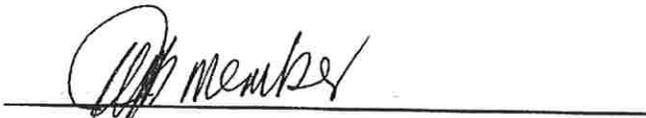
Approval Signature:



Printed Name



Date

  
Signature

Tx Lot # 2513  
# 2514  
# 2515  
# 2516

CITY OF MEDFORD  
EXHIBIT # PT  
FILE # PUD-19-003 / GLUP-19-  
004 / ZC-19-014

RECEIVED  
 EXHIBIT 16  
 JUN 28 2019  
 PLANNING DEPT

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 03, 2019

Account ID 10977936  
 Map 371W08BC02502

Prop Class 231 MA SA NH  
 RMV Class 201 6 77 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	COMMERCIAL SITE/LAND	1	0		R	0.50	L	164,440	0	111%	182,810	0
	COMMERCIAL SHOP	1	0	560	R		L	361,040	0	111%	401,370	0
						Total	0.50	525,480	0		584,180	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	COMMERCIAL SITE/LAND	1	0		R	0.50	L	182,810	182,810	0				
	COMMERCIAL SHOP	1	0	560	R		L	401,370	401,370	0				
						Total	0.50	584,180	584,180	0	459,610	0	459,610	459,610

CITY OF MEDFORD  
 EXHIBIT # 66  
 FILE # PUD-19-003 / GLUP-19-004 / ZC-19-014

38

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 03, 2019

Account ID 10977937  
 Map 371W08BC02503

Prop Class 231    MA SA NH  
 RMV Class 201    6 77 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	COMMERCIAL SITE/LAND	1	0		R	0.44	L	148,680	0	111%	165,290	0
	MISC COMMERCIAL	1	0	652	R		L	127,290	0	111%	141,510	0
					Total	0.44		275,970	0		306,800	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	COMMERCIAL SITE/LAND	1	0		R	0.44	L	165,290	165,290	0				
	MISC COMMERCIAL	1	0	652	R		L	141,510	141,510	0				
					Total	0.44		306,800	306,800	0	162,010	0	162,010	162,010

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 03, 2019

Account ID 10977938  
 Map 371W08BC02504

Prop Class 231    MA SA NH  
 RMV Class 201    6 77 000

Trendable RMV Value													
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV	
4901	COMMERCIAL SITE/LAND	1	0		R	0.54	L	174,940	0	111%	194,480	0	
	COMMERCIAL SERVICE	1	0	510	R		L	625,310	0	111%	695,160	0	
					Total	0.54		800,250	0		889,640	0	

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	COMMERCIAL SITE/LAND	1	0		R	0.54	L	194,480	194,480	0				
	COMMERCIAL SERVICE	1	0	510	R		L	695,160	695,160	0				
					Total	0.54		889,640	889,640	0	778,650	0	778,650	778,650

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 03, 2019

Account ID 10977939  
 Map 371W08BC02505

Prop Class 231    MA SA NH  
 RMV Class 201    6 77 000

Trendable RMV Value													
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV	
4901	COMMERCIAL SITE/LAND	1	0		R	0.44	L	148,680	0	111%	165,290	0	
	OFFICE	1	0	540	R		L	635,670	0	111%	706,670	0	
					Total	0.44		784,350	0		871,960	0	

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	COMMERCIAL SITE/LAND	1	0		R	0.44	L	165,290	165,290	0				
	OFFICE	1	0	540	R		L	706,670	706,670	0				
					Total	0.44		871,960	871,960	0	856,570	0	856,570	856,570

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 03, 2019

Account ID 10977940  
 Map 371W08BC02506

Prop Class 230    MA SA NH  
 RMV Class 200    6 00 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	INDUSTRIAL SITE	1	0		R	0.46	L	130,090	0	221%	287,130	0
						Total	0.46	130,090	0		287,130	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	INDUSTRIAL SITE	1	0		R	0.46	L	287,130	287,130	0				
						Total	0.46	287,130	287,130	0	128,570	0	128,570	128,570

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 03, 2019

Account ID 10977942  
 Map 371W08BC02508

Prop Class 230    MA SA NH  
 RMV Class 200    6 00 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	INDUSTRIAL SITE	1	0		R	0.71	L	206,260	0	221%	455,260	0
						Total	0.71	206,260	0		455,260	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	INDUSTRIAL SITE	1	0		R	0.71	L	455,260	455,260	0				
						Total	0.71	455,260	455,260	0	203,910	0	203,910	203,910

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 03, 2019

Account ID 10977943  
 Map 371W08BC02509

Prop Class 231    MA SA NH  
 RMV Class 201    6 00 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	INDUSTRIAL SITE	1	0		R	0.59	L	173,360	0	203%	351,890	0
	OFFICE	1	0	540	R		L	660,779	0	107%	705,450	0
	OFFICE	2	0	540	R		L	64,630	0	107%	69,000	0
						Total	0.59	898,769	0		1,126,340	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	INDUSTRIAL SITE	1	0		R	0.59	L	351,890	351,890	0				
	OFFICE	1	0	540	R		L	705,450	705,450	0				
	OFFICE	2	0	540	R		L	69,000	69,000	0				
						Total	0.59	1,126,340	1,126,340	0	773,170	0	773,170	773,170

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 03, 2019

Account ID 10977944  
 Map 371W08BC02510

Prop Class 231    MA SA NH  
 RMV Class 201    6 00 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	INDUSTRIAL SITE	1	0		R	0.50	L	146,920	0	203%	298,220	0
	OFFICE	1	0	542	R		L	214,968	0	107%	229,500	0
	MISC COMMERCIAL	2	0	651	R		L	46,834	0	107%	50,000	0
Total						0.50		408,722	0		577,720	0

Trendable Exception Value																	
Code Area	Value Source	Val ID	Year Add	Stat Class	RFD	Year Used	Size	Size Type	Exception Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt	CPR	Ratio RMV	Ratio Exempt
4901	OFFICE	1	2019	542	R	2019		L	New Property or Improveme	214,968	0	107%	229,500	0	100.0%	229,500	0
	MISC COMMERCIAL	2	2019	651	R	2019		L	New Property or Improveme	46,834	0	107%	50,000	0	100.0%	50,000	0
Total							0.00			261,802	0		279,500	0		279,500	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	INDUSTRIAL SITE	1	0		R	0.50	L	298,220	298,220	0				
	OFFICE	1	0	542	R		L	229,500	229,500	229,500				
	MISC COMMERCIAL	2	0	651	R		L	50,000	50,000	50,000				
Total						0.50		577,720	577,720	279,500	145,190	0	424,690	424,690

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 03, 2019

Account ID 10977945  
 Map 371W08BC02511

Prop Class 230    MA SA NH  
 RMV Class 200    6 00 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	INDUSTRIAL SITE	1	0		R	1.16	L	294,370	0	221%	649,730	0
					Total	1.16		294,370	0		649,730	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	INDUSTRIAL SITE	1	0		R	1.16	L	649,730	649,730	0				
					Total	1.16		649,730	649,730	0	291,070	0	291,070	291,070

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 27, 2019

Account ID 10996624  
 Map 371W08BC02513

Prop Class 200    MA SA NH  
 RMV Class 200    6 00 000

Trendable RMV Value													
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV	
4901	COMMERCIAL SITE/LAND	1	0		R	0.69	L	284,612	0	221%	628,200	0	
						Total	0.69	284,612	0		628,200	0	

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	COMMERCIAL SITE/LAND	1	0		R	0.69	L	628,200	628,200	0				
						Total	0.69	628,200	628,200	0	515,050	0	515,050	515,050

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 27, 2019

Account ID 10996625  
 Map 371W08BC02514

Prop Class 200    MA SA NH  
 RMV Class 200    6 00 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	COMMERCIAL SITE/LAND	1	0		R	0.69	L	230,532	0	221%	508,830	0
						Total	0.69	230,532	0		508,830	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	COMMERCIAL SITE/LAND	1	0		R	0.69	L	508,830	508,830	0				
						Total	0.69	508,830	508,830	0	417,190	0	417,190	417,190

**JACKSON COUNTY ASSESSOR**  
 Real Property Value Summary Report  
 For Assessment Year 2019

Jun 27, 2019

Account ID 10996626  
 Map 371W08BC02515

Prop Class 194 MA SA NH  
 RMV Class 200 6 00 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	COMMERCIAL SITE/LAND	1	0		R	0.85	L	385,669	0	221%	851,250	0
						Total	0.85	385,669	0		851,250	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	COMMERCIAL SITE/LAND	1	0		R	0.85	L	851,250	851,250	0				
						Total	0.85	851,250	851,250	0	697,940	0	697,940	697,940

# JACKSON COUNTY ASSESSOR

Real Property Value Summary Report  
For Assessment Year 2019

Jun 27, 2019

Account ID 10996627  
Map 371W08BC02516

Prop Class 200    MA SA NH  
RMV Class 200    6 00 000

Trendable RMV Value												
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	Exempt Value	Trnd %	Trended RMV	Trended Exempt RMV
4901	COMMERCIAL SITE/LAND	1	0		R	0.62	L	230,532	0	221%	508,830	0
					Total	0.62		230,532	0		508,830	0

Value Summary														
Code Area	Value Source	Val ID	SA	Stat Class	RFD	Size	Size Type	RMV	M5	Exception Value	MAV	MSAV	Max AV	Taxable Value
4901	COMMERCIAL SITE/LAND	1	0		R	0.62	L	508,830	508,830	0				
					Total	0.62		508,830	508,830	0	417,190	0	417,190	417,190

27063

TOWER PROPERTIES LLC  
150 N. ROSS LANE  
MEDFORD, OR. 97501

# TOWER RETAIL CENTER SUBDIVISION

LOCATED IN:  
LOT 1 OF TOWER BUSINESS PARK, A PLANNED COMMUNITY,  
IN THE N.W. 1/4 OF SECTION 8, T.37S., R.1W., W.M.,  
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

### \*\*\* DECLARATION \*\*\*

KNOW ALL MEN BY THESE PRESENTS, that Tower Properties, LLC, an Oregon Limited Liability Company, is the owner in fee simple of the lands hereon described and has subdivided the same into lots as shown hereon, and the number of each lot and the course and length of all lines are plainly set forth and this plat is a correct representation of the subdivision. We hereby grant a 10.00 foot easement for sanitary sewer purposes to the City of Medford as shown hereon. We hereby make and create a shared access easement over and across Lots 1 through 5 for the benefit of the owners, their heirs and assigns of Lots 1 through 5. We hereby make and create a shared access easement over and across Lot 1 and Lot 5 for the benefit of the owners, their heirs and assigns of Lots 1 through 5. We hereby make and create a private storm sewer easement over and across the northern portion of Lot 3 for the benefit of the owners, their heirs and assigns of Lot 4 and Lot 5. We hereby make and create a private storm sewer easement over and across the southerly portion of Lot 3 for the benefit of the owners, their heirs and assigns of Lot 1 and Lot 2. We hereby make and create a private storm sewer easement and private sanitary sewer easement over and across Lot 2 for the benefit of the owners, their heirs and assigns of Lot 1 and Lot 3. We hereby designate said subdivision as Tower Retail Center Subdivision.

STATE OF OREGON )  
County of Jackson ) ss.

### \*\*\* SURVEYOR'S CERTIFICATE \*\*\*

I, Darrell L. Huck, a duly Registered Professional Land Surveyor of the State of Oregon, do hereby certify that I have correctly surveyed and marked with the proper monuments as provided by law the tract of land hereon shown and this plat is a correct representation of the same, and the following is an accurate description of the tract:

Lot One (1) in TOWER BUSINESS PARK, a planned community in the City of Medford, Jackson County, Oregon, according to the official plat thereof, now of record.

Darrell L. Huck  
Surveyor

### SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250 OREGON REVISED STATUTES

PURPOSE: To survey and monument Tower Retail Center Subdivision, being located within Lot 1 of Tower Business Park and described in Instrument No. 2005-065254, Official Records, Jackson County, Oregon

PROCEDURE: Monuments that had been originally placed for the boundary of Lot 1 of Tower Business Park were located and held for control. The boundaries of the new subdivision lots were computed according to client's direction and monuments were set as shown.  
Equipment used: Trimble S8 robotic instrument

### TOWER BUSINESS PARK LLC:

IN WITNESS WHEREOF, I have set my hand and seals this 23<sup>rd</sup> day of April, 2012.

STATE OF OREGON )  
County of Jackson ) ss.

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of April, 2012, by John Batzar, as a member on behalf of Tower Business Park, L.L.C., freely and voluntarily.

Before me: [Signature]  
J. TRUMBUE NOTARY PUBLIC - OREGON  
Commission No. 431330  
My Commission Expires 9-7-2012

### APPROVED FOR RECORDING

[Signature] May 21 '12  
COUNTY COMMISSIONER/ADMINISTRATOR DATE

### RECORDING:

Filed for record this 21<sup>st</sup> day of May, 2012 at 10:50 o'clock A. M. and recorded in Volume 38 of Plats of Page 5 of Records of Jackson County, Oregon.

CHRISTINE D. WALKER County Clerk  
BARBARA J. SMITH - DEPUTY Deputy

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Darrell L. Huck  
OREGON  
REGISTERED & SEED  
DARRELL L. HUCK  
2009  
Expires 6/30/2013

I certify this plat to be an exact copy of the original  
Darrell L. Huck  
SURVEYOR

### \*\*\* APPROVALS \*\*\*

#### MEDFORD CITY PLANNING:

I certify that, pursuant to authority granted in Ordinance No. 5785 this plat is hereby approved.

[Signature] 5/10/12  
Planning Director Date

Examined and approved this 21<sup>st</sup> day of May, 2012.

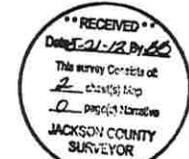
[Signature] City Engineer  
[Signature] City Surveyor

Examined and approved as required by O.R.S. 92.100 as of MAY 21, 2012.

[Signature] Deputy  
Assessor, Department of Assessment

All taxes, fees, assessments or other charges as required by O.R.S. 92.095 have been paid as of May 21.

[Signature] Deputy  
Tax Collector



PLANNING DEPT

JUN 28 2012

RECEIVED

Page 485

File # GLLP19-007 12-19-12  
PUP 19-003

# TOWER RETAIL CENTER SUBDIVISION

LOCATED IN:

LOT 1 OF TOWER BUSINESS PARK,  
A PLANNED COMMUNITY IN THE  
N.W. 1/4 OF SECTION 8, T.37S., R.1W., W.M.,  
CITY OF MEDFORD, JACKSON COUNTY, OREGON



- NOTES:
- 10.00 FOOT PRIVATE EASEMENT FOR STORM SEWER
  - 10.00 FOOT PRIVATE EASEMENT FOR STORM SEWER AND SANITARY SEWER
  - 10.00 FOOT PRIVATE EASEMENT FOR STORM SEWER AND SANITARY SEWER
  - CENTER LINE OF 25' WIDE DRIVEWAY ACCESS POINT FOR SHARED ACCESS TO BENEFIT LOTS 1 THROUGH 5
  - 10.00 FOOT WATER LINE EASEMENT PER INST. NO. 02-54840 OFFICIAL RECORDS, JACKSON COUNTY, OREGON
  - ACCESS RESTRICTION: NO LOT SHALL HAVE DIRECT VEHICULAR ACCESS FROM OWEN DRIVE, CRATER LAKE HIGHWAY OR CRATER LAKE AVENUE (OTHER THAN THE TWO SHARED ACCESSSES SHOWN OFF OF THE RELOCATED CRATER LAKE AVENUE.
  - THIS PROPERTY IS SUBJECT TO A POWER LINE EASEMENT PER INST. NO. 74-02184 (EXACT LOCATION IS NOT DESCRIBED)
  - THIS PROPERTY IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH IN INST. NO. 03-82171 AND AS AMENDED PER INST. NO. 2005-036302
  - THIS PROPERTY IS SUBJECT TO A DECLARATION OF DEED RESTRICTION PER INST. NO. 02-83609
  - THIS PROPERTY IS SUBJECT TO AN AVIGATION, NOISE AND HAZARD EASEMENT PER INST. NO. 2007-031445
  - 10' EASEMENT FOR SANITARY SEWER PURPOSES BEING GRANTED TO THE CITY OF MEDFORD, HEREON.
  - DOMESTIC WATER SERVICE - PURSUANT TO ORS 92.0090(e), NO DOMESTIC WATER SUPPLY FACILITY WILL BE PROVIDED TO LOTS 1 THROUGH 5 AT THE TIME OF RECORDING OF THIS PLAT, EVEN THOUGH A DOMESTIC WATER SUPPLY SOURCE EXISTS IN OWEN DRIVE.

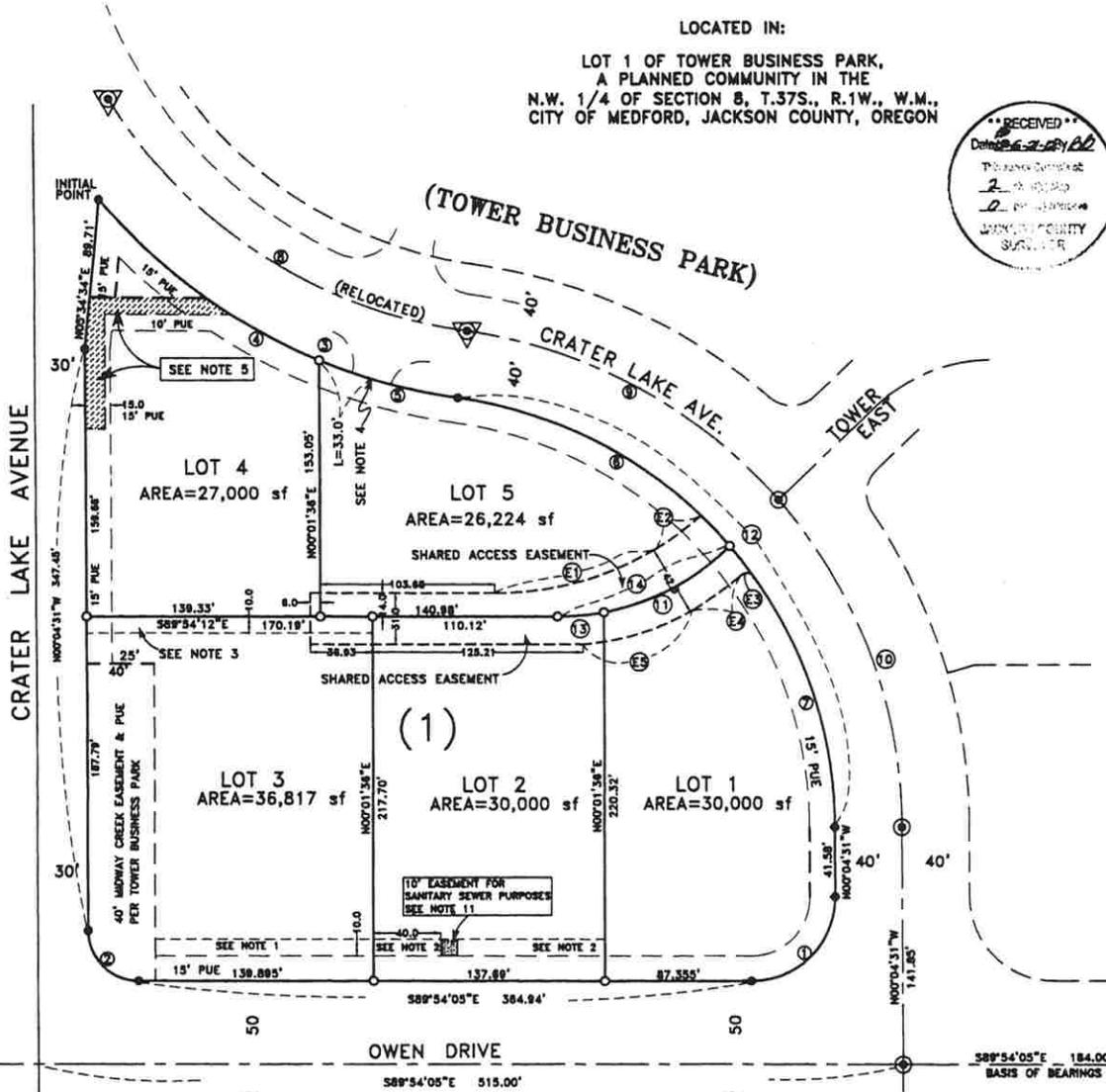
HOFFBUHR & ASSOCIATES, INC.  
880 GOLF VIEW DRIVE, SUITE 201  
MEDFORD, OREGON 97504  
(541)779-4841

BY: DARRELL L. HUCK PLS No. 2023  
SCALE: 1 inch = 50' SEPT. 27, 2011  
BASIS OF BEARING: TOWER BUSINESS PARK

- = Set 5/8"x24" rebar with plastic cap stamped "HOFFBUHR & ASSOC., INC."
- ⊕ = Set 5/8"x30" iron reinforcing pin with plastic cap stamped "D. Huck LS 2023"
- = Found 5/8" rebar with plastic cap stamped "HOFFBUHR & ASSOC., INC." per plat of TOWER BUSINESS PARK
- ⊙ = Found 5/8" rebar with metal cap stamped "HOFFBUHR & ASSOC., INC." per plat of TOWER BUSINESS PARK unless noted otherwise
- ⊖ = Original monument destroyed by road construction, Set 5/8" rebar with metal cap stamped "HOFFBUHR & ASSOC., INC."
- PUE = Easement for public utilities, storm drainage, irrigation, gas, water, electric, telephone, cable television and sanitary sewer, construction and maintenance

CURVE	DELTA	CURVE TABLE			
		RADIUS	LENGTH	CHORD	BEARING
1	80°10'28"	50.00	19.69	70.83	S45°00'43"W
2	80°08'24"	30.00	11.69	43.38	N64°08'18"W
3	42°02'21"	340.00	340.00	343.53	S89°24'38"E
4	37°08'04"	340.00	340.00	184.40	S82°22'17"E
5	1°22'28"	340.00	340.00	58.27	S74°43'28"E
6	41°23'28"	280.00	280.00	184.48	N81°09'08"E
7	40°17'38"	280.00	280.00	178.12	S28°13'27"E
8	80°08'27"	300.00	282.89	284.38	S89°11'23"E
9	41°08'18"	300.00	278.49	210.80	N81°21'45"W
10	40°43'02"	300.00	273.29	208.74	S89°28'02"W
11	82°30'58"	147.00	206.29	84.57	S82°28'11"E
12	81°21'11"	280.00	271.49	340.66	S41°00'12"E
13	10°48'36"	147.00	213.27	27.89	N84°41'11"E
14	44°24'30"	147.00	203.44	111.11	N67°04'33"E
15	30°27'17"	180.00	209.65	98.48	N74°47'08"E
16	11°20'30"	170.00	215.72	31.58	N52°48'17"E
17	82°13'18"	7.00	6.84	6.80	N79°01'48"E
18	80°24'24"	213.80	203.81	38.47	N84°41'48"E
19	28°28'07"	151.85	205.91	69.33	N72°28'14"E

\* E3 is a non-tangent curve



REGISTERED PROFESSIONAL LAND SURVEYOR  
DARRELL L. HUCK  
OREGON LICENSE # 408  
DARRELL L. HUCK  
EXPIRES 8/30/2013  
37 1W 08 BC T.L. 2501

I certify this plat to be an exact copy of the original  
DARRELL L. HUCK  
SURVEYOR

Page 486

**RECEIVED**

**AUG 28 2019**

**PLANNING DEPT.**

William S. Merrihew  
3716 Mallard Lane  
Medford, OR 97504  
26 August 2019

Dear Matt Brinkley, Planning Director:

Ref: PUD-19-003/ GLUP-19-004 / ZC-19-014 dtd August 22, 2019

Thank you for the invitation to the Public Hearing for the revision to the approved Preliminary PUD Plan for Lot 6 of the Tower Business Park Planning Unit to allow for the construction of row-house-style residential buildings, including an amendment to the General Land Use Plan map from GI to UM and to change zoning to MFR-15 located at 3583 Arrowhead Drive, Medford, OR 97504. Wow.

My initial argument is that I'm opposed. You may in fact have reasonable argument for these changes but I remain opposed.

My opposition is based in part that while I have read your document my comprehension of what is being stated is close to zero. This document is meant for bureaucratic planners, lawyers, and contractors with lots of lawyers. Unless you have a survey, a documented code violations, citizens have little chance at the public meeting... I've been to one. Yeah I know only one. My opinion is that these public meeting are a means to conform to a checklist but the means by which an average citizen is to understand what is actually going on remains elusive, if not of much less importance than that checklist.

Area SFR-6, in part, was at one time designated as a wetland. I always thought wetlands were sacrosanct. According to a Planner I talked to, a few years ago, "...we just moved it to somewhere else..." Okay, if that's all it takes I doubt zoning has much validity anywhere. SFR-6 is now surveyed for 15 to 20 +/- residences, All of which I presume is de minimis.

It appears that Medford can't let anything green remain so. Years ago planners had a notion that residential areas should be intermixed with green spaces. Admittedly this approach is more expensive. Planners, politicians, and contractors all like the smallest lot possible. More demands for the front of a residence pushes the set back to the point where there is a very small backyard. Lets not make the lot larger to accommodate the set back. More construction, larger tax base. Unfortunately this produces an ant-farm.

I also been told that Medford has little choice in zoning for higher population densities per acre because it doesn't met some criteria for population densities created by Salem. If that's true why not save some money and let Salem do the planning? We could have a Planner and a secretary. Oh, Okay two secretaries.

Sincerely;

  
William S. Merrihew  
Located in SFR-6

CITY OF MEDFORD  
EXHIBIT # 11  
File # GLUP-19-004 ZC-19-014  
PUD-19-003

## DENSITY CALCULATION FORM

For all residential LDP, LDS, PUD, and AC Application Files

SQ FT		0
AC		0

File No.	GLUP-19-004, PUD-19-003 & AC-19-014
Planner	Steffen Roennfeldt
Date	September 3, 2019

GROSS ACREAGE	
Tax Lot Numbers	
371W08BC2511	1.16 AC
	AC
	AC
	AC
	AC
Existing ROW to Centerline	0.20 AC
Gross Acres	1.36 AC
Effective Acres (Gross - Subtracted)	<b>1.36</b>

SUBTRACTED ACREAGE	
Large Lots for Existing Development	AC
Reserved Acreage	AC
Other <sup>1</sup>	AC
	AC
	AC
	AC
Subtracted Acres	-

DENSITY RANGE	
Zoning District	MFR-15
Density Range	
Minimum	10
Maximum	15
<b>No. DU Proposed</b> <span style="float: right;"><b>18</b></span>	
No. DU Permitted Min.	<b>14</b>
No. DU Permitted Max.	<b>20</b>
Minimum	13.65
Maximum	20.47
Percentage of Maximum	<b>87.94%</b>
Less than 1 acre?	No
Updated	
Minimum Density	<b>14</b>

### EXISTING R-O-W CALCULATION

Street Name	LF	Width	SF	Acreage
Arrowhead Dr	297.00	30.00	8,910.00	0.20
			-	-
			-	-
			-	-
			<b>8,910.00</b>	<b>0.20</b>

File #  
 EXHIBIT # 37  
 CITY OF MEDFORD  
 GLUP-19-004 (C-19-014)  
 PUD-19-003

<sup>1</sup>Such as future ROW dedication, resource protection areas, common open space, other dedication areas, etc.

**Steffen K. Roennfeldt**

---

**From:** Raul Woerner <raul@csaplanning.net>  
**Sent:** Thursday, September 5, 2019 7:51 AM  
**To:** Steffen K. Roennfeldt  
**Subject:** FW: Zone Change/GLUP Amendment for Arrowhead Business Center (Reeces) - LDC comments

<EXTERNAL EMAIL>

Steffen:

FYI - this is regarding the adequacy of sanitary sewer facilities for the Arrowhead Business Center GLUP/ZC applications (File Nos. GLUP-19-004/ZC-19-014).

Very truly yours,

CSA Planning, Ltd.  
Raul Woerner

(541) 779-0569

-----Original Message-----

From: Alex T. Georgevitch <Alex.Georgevitch@cityofmedford.org>  
Sent: Wednesday, September 4, 2019 9:22 PM  
To: Raul Woerner <raul@csaplanning.net>; Roger E. Thom <Roger.Thom@cityofmedford.org>  
Subject: RE: Zone Change/GLUP Amendment for Arrowhead Business Center (Reeces) - LDC comments

Raul,

Sorry for the delay but I am okay with the findings...

Thanks

Alex

---

From: Raul Woerner <raul@csaplanning.net>  
Sent: Wednesday, September 4, 2019 9:23 AM  
To: Roger E. Thom; Alex T. Georgevitch  
Subject: RE: Zone Change/GLUP Amendment for Arrowhead Business Center (Reeces) - LDC comments

<EXTERNAL EMAIL>

Roger and Alex:

Just following up on this - the PC hearing is next Thursday.

Thank you,

CSA Planning, Ltd.  
Raul Woerner

(541) 779-0569

-----Original Message-----

From: Roger E. Thom <Roger.Thom@cityofmedford.org>  
Sent: Thursday, August 22, 2019 4:52 PM  
To: Alex T. Georgevitch <Alex.Georgevitch@cityofmedford.org>  
Cc: Raul Woerner <raul@csaplanning.net>  
Subject: FW: Zone Change/GLUP Amendment for Arrowhead Business Center (Reeces) - LDC comments

Alex:

Are the findings that CSA wrote regarding SS capacity acceptable to you.

Thanks,  
Roger

-----Original Message-----

From: Raul Woerner [mailto:raul@csaplanning.net]  
Sent: Thursday, August 22, 2019 4:26 PM  
To: Roger E. Thom <Roger.Thom@cityofmedford.org>  
Subject: RE: Zone Change/GLUP Amendment for Arrowhead Business Center (Reeces) - LDC comments

<EXTERNAL EMAIL>

Roger:

Has Alex had a chance to finalize on this one?

Thanks,

Raul

-----Original Message-----

From: Roger E. Thom <Roger.Thom@cityofmedford.org>  
Sent: Thursday, August 15, 2019 10:54 AM  
To: Raul Woerner <raul@csaplanning.net>

Cc: Alex T. Georgevitch <Alex.Georgevitch@cityofmedford.org>  
Subject: RE: Zone Change/GLUP Amendment for Arrowhead Business Center (Reeces) - LDC comments

Raul:  
Alex and I have discussed the conditions.  
We might be okay accepting your proposed findings for SS capacity, but Alex needs to finalize this.  
Thanks,  
Roger

-----Original Message-----  
From: Raul Woerner [mailto:raul@csaplanning.net]  
Sent: Wednesday, August 14, 2019 5:17 PM  
To: Roger E. Thom <Roger.Thom@cityofmedford.org>  
Subject: Zone Change/GLUP Amendment for Arrowhead Business Center (Reeces) - LDC comments

<EXTERNAL EMAIL>

Roger:

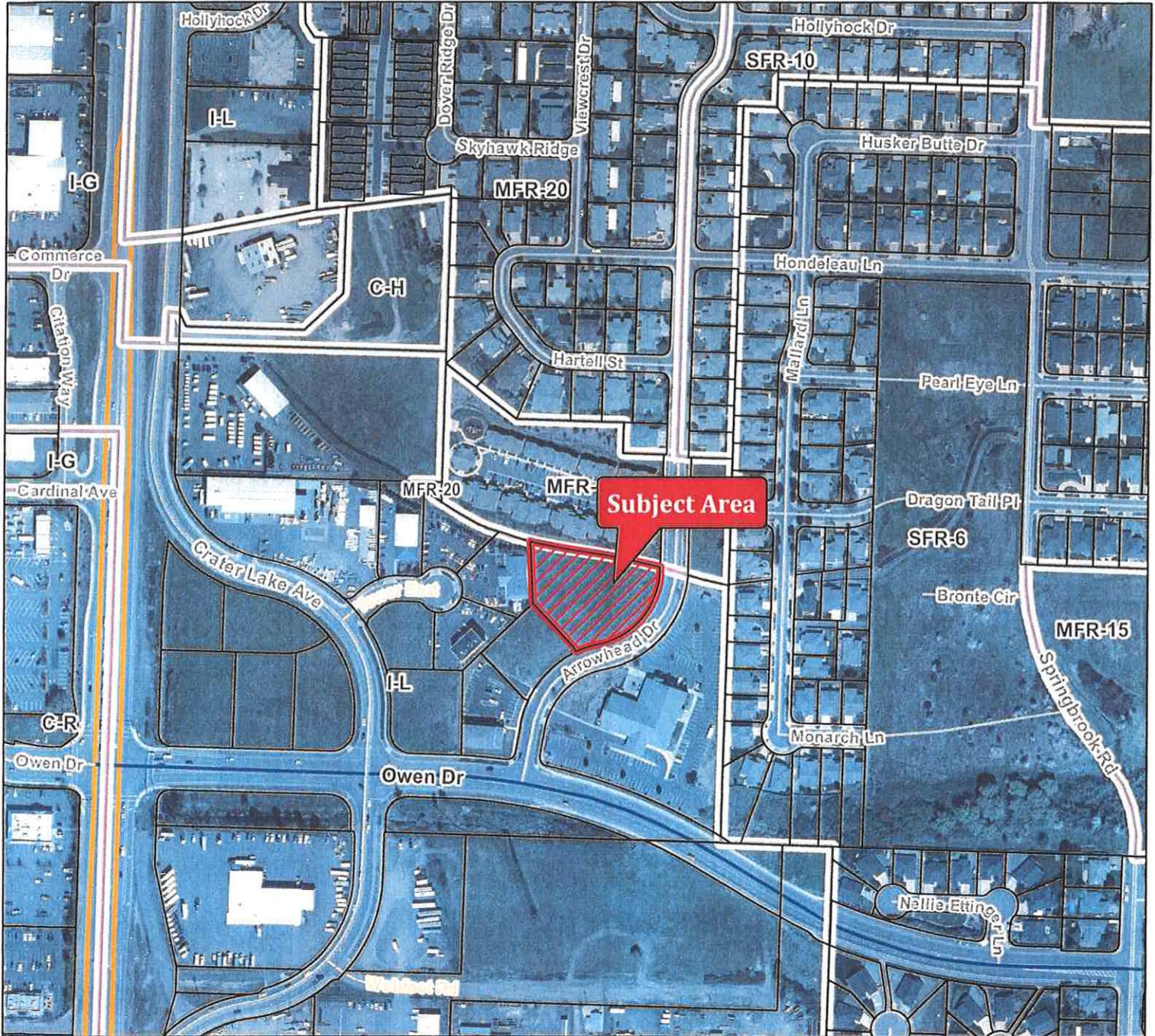
The comments related to Sanitary Sewer Facilities state that the GLUP amendment (GI to UM) and Zone Change (I-L to MFR-15) have the potential to increase flows. When I spoke to you by phone in May prior to submitting the applications, it was my understanding that you said that this wasn't an issue under the new sewer master plan. We included findings specific to the adopted plans as follows:

"Sanitary Sewage Collection and Treatment: The site lies within the Medford sewer service area. An 8-inch sanitary sewer line in Arrowhead Drive serves the site. Sewage treatment is provided at the regional treatment plant. The City of Medford Sanitary Sewer Service Collection System Master Plan (January 2019), which has been incorporated as part of the Public Facility Element of the Medford Comprehensive Plan, establishes future planning flow factors for each land use type in Table 2.20 of the plan. Pursuant to Table 2.20, the wastewater flow factor for the General Industrial land use class (i.e., the GLUP Map) is 1,000 gallons per acre per day. The future planning flow factor for Urban Medium Density Residential land is 930 gallons per acre per day. Accordingly, development under the proposed UM GLUP Map Designation would be expected to generate 70 fewer gallons per acre per day than development under the existing GI GLUP Map Designation." Finding of Fact No. 10 in both the GLUP Amendment Findings and the ZC Findings as filed.

Could you please let me know if that is sufficient to address the concern or whether additional information is still needed.

Very truly yours,  
  
CSA Planning, Ltd.  
Raul Woerner

(541) 779-0569



Project Name:

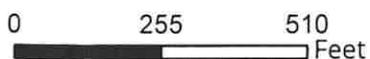
**Arrowhead Business  
Center & MFR Housing**

Map/Taxlot:

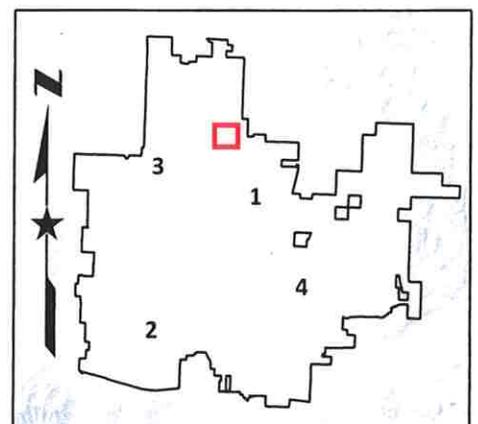
**371W08BC2511**

**Legend**

-  Tax Lots selection
-  Zoning Districts
-  Tax Lots



7/15/2019





## STAFF REPORT

for a Type-IV legislative decision: **Development Code Amendment**

**Project** Concurrency and TIA – 2018 TSP Updates  
**File no.** DCA-18-180  
**To** Planning Commission *for 09/12/2019 hearing*  
**From** Kyle Kearns, AICP Planner II, Planner II  
**Reviewer** Carla Angeli Paladino, Principal Planner  
**Date** September 5, 2019

---

### Proposal

An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), regarding the City's transportation concurrency standards and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The project was continued from the Commission's June 27, 2019 hearing.

**\*Note\*:** Items added to the record after the June 27, 2019 hearing will be noted as such: **\*NEW** (new text here) **NEW\***; or entirely new sections with **\*NEW\*** in the title.

### History

On December 6, 2018 the City of Medford adopted the 2018-2038 Transportation System Plan (TSP), as an element of the Comprehensive Plan, per ordinance no. 2018-126. Contained within the TSP are various directives that have already been adopted into municipal code such as the City's level-of-service standard, roadway cross sections, future transportation projects and the new legacy street standards. As an element of the Comprehensive Plan, the TSP drives much of the land use policies and decisions surrounding the City's transportation system. To create consistency with the Comprehensive Plan and the Medford Land Development Code (MLDC) additional amendments to the MLDC are required in order to align these documents. This proposal addresses the topic of "...transportation facility capacity..." and the alignment with the State Transportation Planning Rule (TPR). The TSP contains the following action item:

"4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy

requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy.”

### **Commission Meetings and Study Sessions (Prior to June 27, 2019)**

To date, staff has reviewed the topic of concurrency with the City Council, Transportation Commission as well as the Planning Commission. Council reviewed the topic broadly at their January 31, 2019 study session (Minutes – Exhibit B), recommending that staff work through the topic of concurrency and prepare a proposal with the Transportation Commission. A need for a second Council study session was not identified. Once directed, staff began drafting text to implement action item 4-a of the TSP and presented to the Transportation Commission (TC) on the topic. Staff first presented to the TC, on concurrency, on April 16, 2019 (Minutes – Exhibit C); this meeting served as an informative discussion to educate the Commission. On May 22, 2019 the Transportation Commission (Minutes – Exhibit D) reviewed the proposal and ultimately gave direction to proceed forward with the proposed hearing schedule with support from the Commission (additional Transportation Commission meetings proceeding the June 27 Hearing/Continuance Request are described in detail below).

Staff presented the proposed text (Exhibit A, A-1) at the Planning Commission Study Session on June 10, 2019 (Minutes – Exhibit E) and received some initial feedback. Majority of the study session focused on understanding the topic of concurrency and the implications of amending the municipal code in relation to the proposed text. Staff incorporated all changes discussed at the study session into the most recent proposal of DCA-18-180. Additionally, DCA-18-180 was reviewed at the June 12, 2019 Land Development (LD) Committee meeting. Only official memos of “No Comment” were provided at the LD meeting and are attached as Exhibits. Agencies present at the LD meeting included the Medford Water Commission, Building, Public Works, and Fire Departments as well as the Oregon Department of Transportation (ODOT). Jackson County Roads Department did not attend the meeting but did provide comments via email.

### **\*NEW\* June 27, 2019 Continuance Request**

At the June 27 Planning Commission hearing a unanimous vote by the Commission was given to continue DCA-18-180 to a future public hearing. At the public hearing testimony was received from CSA Planning, Ltd. via Principal Planner Jay Harland (Exhibit M). Staff was given the testimony the afternoon of the hearing and was made aware of CSA's request to continue the project to a future Planning Commission hearing; with a cursory review of the comments staff had amended the recommendation for the Planning Commission to continue DCA-18-180 as the comments were substantive. Comments were also received from Transportation

Commissioner Kim Parducci (Exhibit N) in regards to the proposed amendment that were then reviewed concurrently with the public testimony received.

**\*NEW\* August 12, Planning Commission Study Session – Minutes Exhibit O**

Due to the significant changes incorporated into DCA-18-180 (Exhibit A, A-1) since the Planning Commission Hearing on June 27, staff determined an additional Planning Commission study session to review the changes was necessary. Comments at the study session were supportive of the changes or intended to clarify the proposed additions/removals from the proposed text. No changes were proposed at the study session and the Planning Commission was supportive of the hearing schedule. The minutes can be found within Exhibit O.

**\*NEW\* August 7, 2019 Follow Up Meeting**

Staff prepared responses and changes to DCA-18-180 (Exhibit L) in order to respond to the aforementioned comments received driving the continuance request. To ensure adequate response was given, staff prepared a working meeting in which the commenters were invited to provide additional insight on August 7. Additional comment was received and clarity was provided to staff's responses from Commissioner Parducci and Mr. Harland. Changes from this meeting, as applicable, were incorporated into the latest draft (Exhibit A, A-1).

**\*NEW\* August 28, Transportation Commission Meeting – Minutes Exhibit O**

Lastly, in order to provide the Transportation Commission with the same opportunity to review the newly amended proposal and provide a recommendation, staff took DCA-18-180 before the Commission at their August 28, 2019 meeting seeking recommendation. The Commission voted to recommend approval of DCA-18-180 with two amendments, one that would impact the proposed language in Exhibit A, A-1. The first amendment was to incorporate a sliding scale for the commercial zone trip rates proposed in the Public Works Trip Generation Policy (Exhibit Q); the sliding scale would decrease the number of trips as the acreage in a site increased for commercial zones. The second amendment was to remove language in Section 10.461(E)(12) the 25% cap on the *ITE Trip Generation Manual* pass-by rates (i.e. trips already along a transportation corridor/facility that stop to use a particular use proposed in a zone change).

Staff agrees with the first amendment, disagrees with the second. Public Works staff is working with Transportation Commissioner Kim Parducci and CSA Planning, Ltd. Principal Planner, Jay Harland on Exhibit Q and will have the policy ready by the City Council hearing on October 3. The amendment proposed to 10.461(E)(12) is not recommended by staff because the code already allows for ITE pass-by percentages higher than 25% to be used, if approved by Public Works. The current system puts the burden of proof on the applicant to show that the proposed rate is reasonable. Staff

is concerned that it will be harder for staff to prevent unreasonable values being used if the code language is changed. The current language has been in place since 2001. There are not many requests to use higher values and most of the time, those requests have been granted. However, there have been times when this code language has been helpful to prevent consulting engineers from using unreasonable pass-by numbers.

**\*NEW\*** Public Comment, the Chamber of Medford/Jackson County Received on August 28, 2019 – Exhibit R

Additional comment from the Chamber of Medford/Jackson County was delivered by mail to the City. Generally, comments are considered by staff and their implementation are often beneficial. The comments provided in Exhibit R are concise and simplified into two bullet points, broadly they are:

- Commented on the “...expensive and time-consuming...” nature of Transportation Impact Analysis. They understand the need, but asked that the Commission “...consider the transportation impacts analysis procedures carefully to minimize any unnecessary or duplicative analysis requirements...” Exhibit R
- They asked that the Commission consider incorporation of TPR subsection (11) in the Medford Municipal Code. Mr. Harland, had asked staff for the same consideration (Exhibit M) and staff had addressed this comment with a response (Exhibit L) and it is also briefly reviewed in the Findings and Conclusions, Section 4 Applicable governmental agreements. Subsection (11) of TPR allows for partial mitigation of transportation infrastructure if traded-sector or industrial-sector jobs are created as a result of a development.

Staff has addressed these comments further in the Findings and Conclusions of this Staff Report. Barring further direction from the Planning Commission or City Council, staff is proposing that the inclusion of TPR subsection (11) be considered on its own merit. Additionally, it is the conclusion of staff that the use of Subsection 11 is already available, per State law, and a process for its use is directly outlined in the TPR (Exhibit F) Section 660-012-0060(11)(a-c).

### **Related Projects**

CP-16-036 – Transportation System Plan

### **Authority**

This proposed plan authorization is a Type IV legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the

City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.214 and 10.218.

## ISSUES AND ANALYSIS

### Background

Adoption of the new Transportation System Plan was an important part of the Urban Growth Boundary expansion process and was necessary in order to update the citizen's vision for the City's transportation system. The plan outlines a number of goals, objectives, and action items that include incorporating the policies and principles of the plan into the Land Development Code. The proposal to amend the MLDC to become consistent with the Transportation Planning Rule (Exhibit F) aids in aligning the plan and vision with the implementing regulations; the guidance for such amendments can be found in TSP action item 4-a.

DCA-18-180 proposes amending the MLDC to be consistent with state law in relation to providing for transportation facility adequacy (i.e. functioning intersections); or as referred to in the MLDC "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," per Zone Change Approval Criteria, 10.204 (B)(3). Category A urban services and facilities are further described as storm drainage, sanitary sewer, water facilities, streets and street capacity. The amendments considered in DCA-18-180 pertain only to streets and street capacity, not other Category A facilities. Furthermore, Level of Service (LOS) is the measurement used to determine whether a facility meets the Category A definition.

### Transportation Concurrency Explained

Transportation concurrency is the requirement that developments that impact the level of service (LOS) of a roadway intersection must mitigate those impacts at the time of development. In other words, developments must concurrently maintain the required level of service in order to be permitted. In Medford LOS is analyzed at the time of zone change to determine facility adequacy, prior to any vertical construction.

### Important Terms Used

*Horizon/Future Year:* The final year the TSP analyzed transportation impacts; year is 2038.

*Planning Period:* Total time analyzed in TSP (2018-2038).

*Future Conditions:* How the transportation system will look in 2038 after Tier 1 projects have been built.

*Current Conditions:* How the transportation system looks in 2018, prior to Tier 1 completion.

*Planned Projects:* Tier 1 projects in the TSP adopted by the City.

*Pipeline trips:* Background traffic from approved developments that are

Developments are then required to determine facility adequacy for the expected build-out/future year of the project and for the horizon year of the Transportation System Plan (TSP). The horizon year analysis is required by the Transportation Planning Rule (TPR). The build-out year analysis is required by the Medford Land Development Code (MLDC) and is the part of the process that provides for transportation system concurrency.

Currently, when a property owner wishes to develop a parcel through a rezoning application they must conduct a Transportation Impact Analysis (TIA) to determine the impacts of the increased intensity of the new zone and the impacts in the future year(s). When the TIA shows transportation facilities, in particular intersections, not meeting the Category A definition (i.e. Level of Service), current municipal code requires that the impacts to the transportation system be mitigated concurrently with the zone change (10.204(B)(3)); this policy is commonly referred to as concurrency. Mitigation often includes improving intersection infrastructure to add capacity, however other mitigation methods have included adding transit capacity, Transportation Demand Management (TDM) strategies, and construction of shared-use paths (e.g. Larson Creek Greenway). As proposed in DCA-18-180, this requirement to mitigate impacts at the time of zone change is not being removed completely but rather the timing of mitigation will no longer be required to be concurrent for projects identified for construction (Tier 1 projects) in the TSP. Below, the Summerfield subdivision is used to highlight how concurrency works now and how things could be different if DCA-18-180 were adopted.

### **Concurrency in Action, Summerfield Subdivision**

Generally, a policy like concurrency is intended to mitigate the impacts of development as it occurs. However, requiring transportation facility concurrently with zone changes can slow or stop the pace of development when the cost of the improvements needed are beyond what makes sense for any single development. When it is determined that LOS cannot be met at the time of zone change, restrictions are placed on future development until the required LOS can be met (through private or public sector improvements). One such zone change occurred in 2002 in relation to the Summerfield Subdivision in the Southeast Plan Area (ZC-02-181).

For a portion of the Summerfield subdivision, this zone change consisted of 48.84 acres proposed to change from Single-Family Residential – 1 Dwelling Unit per Lot (SFR-00) to Single-Family Residential – 4 units per gross acre (SFR-4). The new zoning allowed for a total of 195 residential units; however, due to the projected transportation impacts the development was limited to 24 units until the intersection of Cherry Ln. and N. Phoenix Rd. was signalized, and then limited to 100 residential units until the intersection of Pierce Rd. and Hillcrest Rd. was improved. These types of limitations are imposed through a Restricted Zoning (RZ) overlay. The

improvement of the two intersections, per the previous TSP, cost approximately \$500,000 combined.

### **Doing Things Differently in Summerfield**

If DCA-18-180 were adopted, development could have been analyzed in the future year of Summerfield's development as opposed to the current year (i.e. current conditions). In other words, had the ability to rely on the Transportation Planning Rule been in place as opposed to the aforementioned standards in 10.204, the pace of development for Summerfield could have proceeded far quicker. Per TPR, transportation facilities are "...measured at the end of the planning period identified in the adopted TSP..." (OAR 660-012-0060 (2)). This means developments, and in this case the Summerfield subdivision, may analyze transportation facility adequacy in the future year as opposed to the current year (i.e. not "concurrently"). This allows for the use of the planned projects in the TSP, as if they were built, to determine the future condition of the impacted facilities affected by the proposed zone change.

In 2002, when Summerfield was originally proposed, both of the aforementioned, impacted intersections identified in the TIA were identified as Tier 1 projects in the 2003 TSP; this means they were identified by the City for construction. If the concurrency requirement had not been so stringent, then this development would have been able to fully develop (producing more than 124 lots) based on the planned Tier 1 improvements identified in the TSP. The developer could have moved forward with the subdivision without having to wait for the improvements to be funded in the City's biennial budget. The City could have collected SDCs on the new homes being built to then fund the planned projects. As proposed in DCA-18-180, this type of allowance is consistent with the Transportation Planning Rule and the directive of the TSP. In reality, the intersections impacts were decreased by capacity increasing improvements to Foothill Rd, which per TPR, could have also provided for mitigation to the impacted intersections.

### **Summary of Proposed Code Changes**

The following section is to summarize the specific changes to the code and how they relate to the aforementioned policy discussions. Changes incorporated into the proposed amendment (Exhibit A, A-1) as a result of the continuance request have been distinguished separately in their own section (see below).

#### Proposed Additions/Changes to 10.012 Definitions, Specific

To remain clear and objective in the proposed changes to both the zone change (see Exhibit A, A-1 10.204) and the Transportation Impact Analysis (see Exhibit A, A-1 10.460-.462) criteria new and amended definitions were required.

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Proposed Additions/Changes to 10.204 Zone Change

In order to be consistent with the allowances and flexibility provided by the Transportation Planning Rule staff is proposing amendments to this portion of the Land Development Code as well as implementation of various TPR provisions (see the below Findings and Conclusions for a full list of TPR provisions being considered). In addition to allowing for the use of planned projects in the analyses, the TPR also allows for flexibility and alternative mitigation measures to be considered and implemented. Some examples of mitigation measures allowed in the TPR include:

- Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses including a funding plan or mechanism so that the facility, improvement, or service will be provided by the end of the planning period (this may include requesting projects be changed to a Tier 1 project);
- Amending the TSP to modify the planned function, capacity, or performance standards of the transportation facility (e.g. changing a LOS standard or roadway functional classification);
- Providing other measures as a condition of development including, but not limited to, transportation system management measures or minor transportation improvements (e.g. corridor signal timing, transit/freight priority timing or other technology upgrades);
- Limiting the intensity or size of a development to limit the number of trips generated (e.g. trip cap through restricted zoning);
- Providing improvements that would benefit modes other than the significantly affected mode (i.e. pedestrian over auto); improvements to facilities other than the significantly affected facility (i.e. improving other intersections to aid affected one); or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect;

Proposed Additions/Changes to 10.460 Transportation Impact Analysis (TIA) Purpose

The changes proposed in this section were created to ensure consistency with current practices in the transportation planning industry as well as other items proposed in DCA-18-180.

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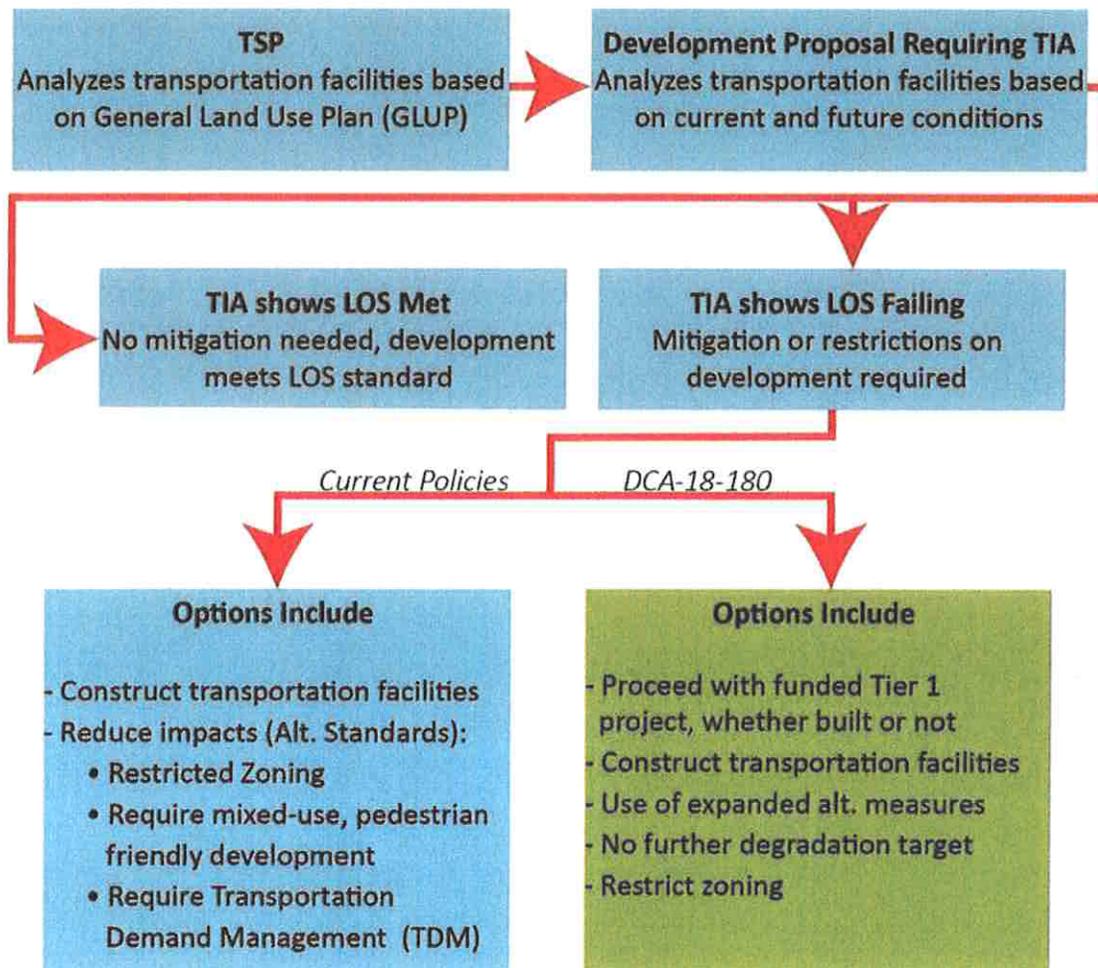
### Proposed Additions/Changes to 10.461 TIA Applicability and Methodology

Majority of the changes within this section are to ensure consistency with current practices in the transportation planning industry as well as with other proposed changes within DCA-18-180. The following are separately identified for added clarity of the changes.

- “10.461(E)(15) Tier 1 projects as identified in the Transportation System Plan...”
  - This addition to the TIA methodology is needed to ensure consistency with both TPR and with the funding identified in the TSP. The TPR allows for “...reasonably likely...” funded projects related to transportation facilities to be considered constructed when analyzing transportation facility adequacy. However, per the City’s adopted TSP, projects related to the Foothill/N. Phoenix corridor and the S. Stage Overcrossing are not identified to be fully funded. As such, this addition to the proposal is needed to ensure consistency with adopted plans as well as the TPR.
  
- “10.461(G) Other Enhancements Required”
  - The addition of this section brings forward provisions of the TPR that allows for the use of “other performance improving actions” in conjunction with “transportation capacity increasing improvements” to meet the LOS/mobility target identified in the TSP. In other words, when a TIA shows an intersection to be below the identified LOS with improvements to the intersection, alternatives such as Transportation Demand Management (TDM) measures, transportation system connectivity improvements and/or multi-modal improvements may be conditioned on the development to meet the identified mobility target.

### Proposed Additions/Changes to 10.462 Mobility Targets

Lastly, the changes proposed in this section are to create consistency with the proposed language as well as to create an allowance for flexibility in the City’s adopted mobility targets. Overtime, transportation facilities will be at or over capacity prior to a development application being submitted. This section adds a provision of TPR to allow for approving authorities to deviate from the LOS standard when LOS is already shown to be failing prior to development occurring; the new mobility target in this case would be to maintain current facility capacity and to not allow for further degradation.



Infographic explaining the changes proposed through DCA-18-180.

**\*NEW\*** Changes since the Continuance Request on June 27, 2019

Below is brief review of the changes that were produced in response to the comments in Exhibits L through N. This list intends to highlight large shifts from the original proposed amendment, not items related to syntax or "wordsmithing." The list includes:

- Prohibiting Subsection (9) of TPR
- Allowance for Approving Authority to approve failing facilities
- Removing pipeline trips
- New Public Works policy for ADT based on zones (Exhibit Q)
- Created common peak hour for TIA

10.204(B)(3)(b) – Prohibited the Use of Subsection 9 of Transportation Planning Rule (TPR)

Subsection 9 of the TPR allows for a municipality, with an adopted Transportation System Plan, to find that there would be no significant affect to a transportation facility (i.e. failing facility/LOS failing) if the zoning is consistent with the municipality's comprehensive plan. Inclusion of this provision, which is optional per TPR, would in effect remove the TIA analysis for zone changes if there was no proposed comprehensive plan change. Allowing for this provision has its opportunities (e.g. streamlined zone changes, more by-right development), however the ability to mitigate impacts of development would be lost in the lack of a land use process where conditions could be imposed on development.

Staff interpreted the direction from the TSP and City Council to be to remove concurrency and allow for the use of planned TSP projects in project analysis, but not to remove the requirement to study facility adequacy for the majority of zone changes.

10.204 (D) – Allowance for Approving Authority to Approve Failing Facilities

The addition of this section incorporates a provision of TPR that previously was not proposed within DCA-18-180. Subsection 3 of TPR, in effect, allows for the approving authority to allow for a failing transportation facility when: 1) the facility would fail in the future without mitigation; 2) the facility will still fail in the future year with mitigation; and 3) lastly, the facility will mitigate impacts at the time of development, at a minimum. The instance where this would apply is rare. However, if you start to consider some of Medford's more burdened intersections, the creation of a process to implement this provision would provide additional tools to the future policy makers and land developers of the City.

Removed Pipeline Trips

One of the more substantial changes to occur since June 27 is the removal of pipeline trips from the TIA criteria. Pipeline trips represented past "guaranteed trips," to City intersections, from previous zone changes, but many of these lots have not come to development fruition (e.g. Northern Medford industrial lots). Questions and comments received during previous study sessions and comments received from Commissioner Parducci and Mr. Harland suggested that continuing to use pipeline trips in zone changes and TIA analysis was burdensome. Pipeline trips have proven to limit subdivision potential, especially in the short-term, and these same limitations can be found on commercial and industrial properties as well.

In place of pipeline trips, staff has proposed adding "traffic count growth" rates that are applied using data from the Regional Transportation Model. The Regional Model,

maintained by the Rogue Valley Council of Governments (RVCOG), provided the data used for projected transportation impacts in the 2038 (i.e. future year) TSP analyzes. In projecting future level of service impacts to City intersections, the following will be used:

**10.461(E) Elements of Analysis:**

(14) Level of Service (LOS) analysis at study area intersections under the following conditions:

(a) Background conditions

Background traffic (Existing traffic counts + traffic count growth rates) for the existing year and project study year(s)

(b) Proposed conditions

Background (Existing traffic counts + traffic count growth rates) and project traffic in the project study year(s)

A table shall be prepared which illustrates all LOS results. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and the critical movement at unsignalized intersections.

Justification for removing pipeline trips is in large part due to the newly adopted TSP. This new policy direction will require more frequent analysis and updates in regards to the TSP, but will enable a more consistent form of analysis for all development in the City. However, removal of pipeline trips will not remove previous restricted zoning without a land use action; land owners with restricted zoning overlays could reapply for a zone change under the analysis criteria to attempt to remove any previous restrictions as it relates to transportation impacts.

Creation of "Trip Generation Rates for Various Zones" Policy – Exhibit Q

For additional clarity, Public Works – Engineering staff has proposed a department policy to provide applicants of zone changes the rates used in determining Average Daily Trips (ADT) based on zone. Staff is proposing a policy as opposed to Medford Land Development Code (MLDC) language in order to allow for more fluidity if changes to trip rates are to occur. The policy will be ready upon adoption.

10.461(F)(2) – Created common peak hour for TIA

In reviewing the comments (Exhibits L – N) it was brought to the attention of staff that the use of the "peak period" and "peak hour" definitions are used interchangeably throughout the TIA language, however peak hour is what is used in application of the language. Staff has cleaned up the TIA language to reflect this comment. Additionally,

Commissioner Parducci had noted that the use of a common peak hour (i.e. analyzing intersections under the same peak hour) as opposed to using varying peak hours for analyzed intersections would be the preferred analysis method for TIAs. Using varying peak hours makes TIAs complicated to balance transportation impacts. Staff has proposed the use of a common peak hour for TIAs.

## **FINDINGS AND CONCLUSIONS**

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

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

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

### Findings

Policies like concurrency are intended to mitigate impacts to the City's transportation system providing for efficient and safe travel for the residents and visitors of Medford. The requirement to mitigate impacts to the transportation system at the time of zone change, is itself, a policy intended to support the public benefit. However, applications of this policy have brought forth its shortcomings. These shortcomings relate in large part to higher development cost early on in development, underdevelopment of parcels through restricted zoning and an inability to rely on the City's Transportation System Plan for planned infrastructure. Additionally, since not every zone change will cause an intersection to fail in meeting the LOS standards, the City's current policies put an unfair burden on developments causing the failure of an intersection; concurrency also burdens property owners with high cost construction projects prior to any vertical construction starting.

With the changes proposed in DCA-18-180 developers will be provided with more flexibility in terms of how they can mitigate impacts to the transportation system. First, and most critical, the changes proposed allow for developers to rely on Tier 1 (planned and funded) projects within the City's TSP. The City's TSP analyzed each stop-controlled intersection and used the City's General Land Use Plan (GLUP) to project where development will occur. In doing this analysis it was determined, in the year 2038, which intersections will not meet the City's LOS standard. This analysis aided in determining the Tier 1 projects the City will construct from now until 2038. Through the adoption of DCA-18-180 developers and property owners showing failing intersections at the time

of zone change will not be required to construct Tier 1 projects, thus removing limitations such as restricted zones or high infrastructure cost to the areas of Medford projected to grow over the next 20 years.

Another benefit of the proposed amendment is that it creates consistency with the State's policies on transportation facility adequacy, making Medford friendlier to development from firms outside of the area. Lastly, additional benefits of DCA-18-180 can be found in the Transportation Planning Rule (Exhibit F) that include the aforementioned alternative mitigation measures, found in the section of the staff report titled "Proposed Additions/Changes to 10.204 Zone Change." The added alternative measures will create for more flexibility in mitigating transportation impacts, using the measures as discussed in the Issues and Analysis, *Summary of Proposed Changes*, section of this report. These above-mentioned measures are intended to allow for alternative modes of transportation (e.g. bicycle, pedestrian or transit facilities) thus providing for more public access to transportation. In providing for a variety of transportation modes, as oppose to focusing on the automobile, all of Medford's community members directly benefit from a greater access and freedom to use of the transportation system.

### Conclusions

The adoption of the TSP in December outlined action items specific to amending the Land Development Code related to creating consistency with Oregon Transportation Planning Rule. Largely, the benefits of DCA-18-180 will be felt by the development community in the short-term but then by the community as a whole as development occurs. The new processes for reviewing transportation facility adequacy will expedite development, lower development cost, and increase transportation options available to the City. In order to bring forward the benefits of DCA-18-180 it is important to amend the Land Development Code with the changes proposed.

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

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

### Findings

The proposed code amendment supports the goals and policies found in the newly adopted 2018-2038 Transportation System Plan. Specifically the following goals, objectives and action items are relevant to this project.

**GOAL 2 – ECONOMIC DEVELOPMENT** – The transportation system shall enhance economic development and vitality within the City and throughout the Region.

**Objective 4:** Provide transportation facilities that support existing and planned land uses, consistent with the City's Comprehensive Plan.

**Action Item 4-a:** Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy.

**Action Item 4-b:** Ensure development throughout the City and within the Urban Growth Boundary expansion areas are consistent with the Functional Classification plan and other planned transportation improvements.

**GOAL 3 – LIVABILITY** – Design and construct transportation facilities to enhance the livability of the City's neighborhoods and business centers.

**Objective 9:** The City will balance transportation system objectives to improve mobility against objectives to avoid disruption of existing neighborhoods and nonresidential districts, and minimize impacts to individual properties.

**Action Item 9-d:** Implement transportation demand management strategies, when appropriate, to mitigate congestion prior to roadway expansion.

**GOAL 5 – FINANCING** – Optimize funding resources so that transportation investments are fiscally sound and economically sustainable.

**Objective 16** – Amendments to the land development code and municipal code to implement the TSP shall be targeted for completion within 24 months of TSP acknowledgement.

**Action Item 16-d:** The first priority for code amendments for the TSP implementation are the amendments to implement Action Item 4-a.

### Conclusions

The amendment is relevant to the Transportation System Plan (TSP) goals, objectives, and action items; the TSP serves as the Transportation Element of the Comprehensive Plan. This criterion is found to be satisfied.

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

### Findings

The proposed development code amendment was distributed to internal and external agencies for review and comments in May and June of 2019. Additionally, Public Works-Engineering and Legal Department staff worked closely with Planning staff to review and make suggested changes to the language. On June 12, 2019 staff held a Land Development Committee meeting to solicit comments from applicable referral agencies. The Medford Building, Public Works and Fire-Rescue Departments submitted official “no comment” memos for the record (Exhibits G, H, & I, respectively). The Medford Water Commission also provided an official memo stating there are no additional comments (Exhibit J) as well as Jackson County Roads Department (Exhibit K). Wei (Michael) Wang, Development Review Traffic Engineer of the Oregon Department of Transportation (ODOT), was present at the LD meeting but did not provide any comments for the record.

### Conclusions

The City has reviewed and revised the draft language based on comments received from applicable referral agencies. This criterion is found to be satisfied.

3) Public comments.

Findings

A draft of the proposed text was e-mailed in June and August of 2019 to a group of 45 citizens, developers, business owners, land use consultants, and non-profit representatives who have requested notification of code amendment projects. No specific comments have been received to date. A follow up to the group will be sent a week prior to the scheduled hearing to provide them with the latest draft and remind them of the hearing schedule for the project.

The Transportation Commission (TC) was provided the draft language and presentation at their May 22, 2019 meeting. The TC recommended the draft language move forward to the Planning Commission for review and consideration at a public hearing. The Planning Commission met on June 10, 2019, during a noon study session and discussed the proposed amendment with staff (Minutes Exhibit E). Generally, the Commission was in favor of moving the amendment forward and sought clarification on a few topics including the exemptions to the TPR allowances regarding the S. Stage, N. Phoenix, Foothill corridor. Planning Commission noted that language needed to be added to ensure that if a project was built or funded in this corridor that it no longer be exempt from the TPR allowances discussed throughout this report. This addition in the text can be found in Section 10.461(E)(15)(b).

Draft language (Exhibit A, A-1) is made available to the public on the City's webpage and two public hearings provide opportunities for the public to provide further comments. **\*NEW** At the Planning Commission hearing, the first public hearing, public testimony was received from CSA Planning, Ltd. via Principal Planner Jay Harland (Exhibit M). Mr. Harland had provided substantial comments in regards to how DCA-18-180 implements the various provisions of the Transportation Planning Rule (Exhibit F). At the hearing, Mr. Harland had asked the Commission to continue the review of DCA-18-180 to a future public hearing to allow for review and consideration of his comments. The Planning Commission voted unanimously to continue the DCA. In addition to the comments provided by Mr. Harland, Transportation Commissioner Kim Parducci also provided substantial comments (Exhibit N) on the technical aspects of DCA-18-180, in particular as it relates to the Transportation Impact Analysis review criteria. Staff prepared responses (Exhibit L) to the comments and held a meeting on August 7, 2019 to review the proposed changes per the aforementioned comments. Additional changes from this meeting were incorporated into the latest proposal (Exhibit A, A-1) and are summarized in the Issues and Analysis section of this report.

Additional public comment was received by the Chamber of Medford/Jackson County (Exhibit R) in regards to the proposed amendment. As previously summarized:

- Commented on the "...expensive and time-consuming..." nature of Transportation Impact Analysis. They understand the need, but asked that the Commission "...consider the transportation impacts analysis procedures carefully to minimize any unnecessary or duplicative analysis requirements..." Exhibit R
- They asked that the Commission consider incorporation of TPR subsection (11) in the Medford Municipal Code. Mr. Harland, had asked staff for the same consideration (Exhibit M) and staff had addressed this comment with a response (Exhibit L) and it is also briefly reviewed in the Findings and Conclusions, Section 4 Applicable governmental agreements. Subsection (11) of TPR allows for partial mitigation of transportation infrastructure if traded-sector or industrial-sector jobs are created as a result of a development. **NEW\***

### Conclusions

The language was provided to members of the public interested in reviewing code amendments proposed by the City. Three of the City's citizen committee and commissions have been informed about the project and changes have been made to reflect their comments. **\*NEW** Comments received from the public (Exhibits M & N) have been incorporated into the latest draft proposal and have produced a more sound amendment; if comments had not been incorporated the reasoning to the choice is provided in Exhibit L.

Comments received from the Chamber (Exhibit R), are considered by staff to be supportive of DCA-18-180. Removal of the "...unnecessary or duplicative analysis requirements..." is evident in the removal of the use of pipeline trips (10.461(E)(10,14)), in creating a common peak hour (10.461(F)(2)) and other changes proposed in 10.461. Additionally, to this point, the use of TPR in determining transportation facility adequacy is inherently more consistent with the other municipalities the City coordinates transportation planning with, such as ODOT and Jackson County, as they also use TPR for facility adequacy determination.

To the Chamber's second consideration of inclusion of TPR subsection (11) into DCA-18-180, staff does not recommend its consideration with the current proposal. The benefits of DCA-18-180, when adopted, can be used by the development community the next day. These benefits include the removal of aforementioned "...duplicative analysis requirements..." use of planned Tier 1 projects in TIAs and the consistent practices mentioned above. To properly

vet inclusion of subsection (11) staff is recommending it be considered as its own project as it is larger policy discussion needing its own evaluation (i.e. City Council and Planning Commission study sessions). Incorporating Subsection (11) now would feel rushed and slow down the benefits of DCA-18-180 from being available until later in 2020. Additionally, the application of Subsection (11) throughout Medford has not been determined yet, further justifying its own review as a separate project. It is staff's interpretation that Subsection (11) could be used in an applicant's findings as it relates to transportation facility adequacy (see below).**NEW\***

Lastly, the public is afforded an opportunity to provide additional comments through the hearing process before the Planning Commission and City Council. This criterion is found to be satisfied.

#### 4. Applicable governmental agreements.

##### Findings

The City's transportation network in specific locations requires coordination with Jackson County and the Oregon Department of Transportation (ODOT); County and State partners have been informed about the amendment.

Both the City and County have adopted an Urban Growth Management Agreement to ensure the efficient and orderly development of rural lands to urban lands within the Urban Growth Boundary. The agreement outlines the circumstances in which the City takes over jurisdiction of existing roads at the time of annexation. It also outlines the County's obligations to adhere to the City's structural road section specifications when the County proposes the construction of new roads or the widening of roads in the City's Urban Growth Boundary and Urban Reserve.

Coordination with the ODOT is not specific to an existing governmental agreement but is relevant when the ODOT is proposing improvements to state facilities within the City's jurisdictional boundaries or when public or private development may cause impacts to state facilities. **\*New** Since the application of the Transportation Planning Rule is a new practice for the City, in particular as the determinant of transportation facility adequacy, it is important to provide a concise review of the portions being implemented into the Medford Land Development Code. Not all provisions of TPR are required to be implemented and not all need to be in municipal code to be applied. Although the amendment as proposed doesn't directly relate to a governmental agreement, it does relate to the implementation of State law. As such, below

is a brief review of the provisions of TPR and there implementation status as it relates to DCA-18-180. To view the full language of the provisions of TPR being implemented see Exhibit F. **New\***

TPR Provisions (660-012-0060) – Plan and Land Use Regulation in relation to Amendments/Development	Code Section in Exhibit A, A-1
(1) Effects related to functional classification impacts	10.204(B)(3)
(2) Mitigation measures for impacted transportation facilities, including TDM & multi-modal improvements	10.204(B)(3)(c) & 10.461(G)
(3) Approval of failing facilities when shown to still fail in the future year analysis	10.204(D)
(4) Allowance for Tier 1 projects to be considered “built” in TIA analysis	10.461(E)(15)
(5) Rural lands “exception” clause	N/A
(6) Vehicle trip reduction for “...mixed-use, pedestrian-friendly centers, and neighborhoods...”	Applicable language, not needing adoption
(7) Process for amendments to comp. plan when there is not an adopted TSP	N/A
(8) “Mixed-use, pedestrian-friendly centers or neighborhood definition	Applicable language, not needing adoption
(9) Allowance to rely on TSP, Zoning Map and Comprehensive Plan for analyzing transportation impacts	Prohibited per 10.204(B)(3)(b)
(10) Standards for analyzing in a Multimodal Mixed-Use Area (MMA)	Not required for adoption, no MMA
(11) Partial mitigation of transportation impacts when providing traded-sector or industrial jobs	Applicable language, can be made in applicant’s findings. Need further direction to create a process.

Conclusions

Specific and general coordination efforts are in place between the City and County and the City and ODOT related to transportation. The proposed code changes provide consistency with the City’s Transportation System Plan and ensure all of the jurisdictions are working under the same parameters. The portions of TPR being adopted per DCA-18-180 are already used by ODOT and Jackson County as determinants of transportation facility adequacy. These

changes, although not affecting governmental agreements, do create greater consistency between the municipalities. Medford works most closely with in transportation planning. This criterion is found to be satisfied.

## RECOMMENDED ACTION

Based on the findings and conclusions that all of the applicable criteria are satisfied, forward a favorable recommendation for approval of DCA-18-180, including the Trip Generation Policy as recommended by the Transportation Commission, to the City Council per the staff report dated September 5, 2019, including Exhibits A through R.

Additionally, in response to the public comment received from the Chamber (Exhibit R), staff has provided summaries of some choices available to the Planning Commission in considering the inclusion of TPR subsection (11).

- **Staff's recommendation:** Planning Commission moves that staff create a General File (GF) project for reviewing the use and application of TPR subsection (11) into Medford Municipal Code following up with study sessions with the Transportation Commission, Planning Commission and City Council (as needed).
- Planning Commission moves that DCA-18-180 be continued to a future public hearing, allowing staff incorporate TPR subsection (11) into DCA-18-180.
- Planning Commission agrees with staff's conclusion that TPR subsection (11) need not be incorporated into Medford Municipal Code as its use is already available to the public per State law.

## EXHIBITS

- A Proposed amendment
- A-1 Proposed amendment; clean version, no edits
- B City Council Study Session Minutes – January 31, 2019
- C Transportation Commission Meeting Minutes – April 16, 2019
- D Transportation Commission Meeting Minutes – May 22, 2019
- E Planning Commission Study Session Minutes – June 10, 2019
- F Transportation Planning Rule (TPR)
- G Building Department Comments – June 10, 2019
- H Public Works Department Comments – June 12, 2019
- I Medford Fire-Rescue Department Comments – June 12, 2019
- J Medford Water Commission Comments – June 12, 2019
- K Jackson County Roads Comments – June 3, 2019

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**NEW EXHIBITS SINCE JUNE 27, 2019**

- L Memorandum - City Staff Response to Public Comments received at June 27, 2019 Hearing
- M DCA-18-180 Comments - CSA Planning, Ltd. via Jay Harland
- N DCA-18-180 Comments - Transportation Commission Kim Parducci
- O Planning Commission Study Session Minutes - August 12, 2019
- P Transportation Commission Draft Meeting Minutes - August 28, 2019
- Q Trip Generation Rate Public Works Policy
- R DCA-18-180 Comments - The Chamber of Medford/Jackson County

**PLANNING COMMISSION AGENDA:**

**SEPTEMBER 12, 2019  
JUNE 27, 2019**

# Exhibit A

## Proposed Text DCA-18-180

~~Deleted Text~~ New Text ~~Moved Text~~, Moved Text

\* \* \*  
10.460 ~~Traffic~~ Transportation Impact Analysis (TIA)  
\* \* \*

### ARTICLE I - GENERAL PROVISIONS

#### 10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

\* \* \*

**Average daily ~~traffic~~ trips (ADT).** The total volume passing a point or segment of a street, in both directions, for one day. Average Daily Trip rates for Medford streets can be found in Section 10.427.

\* \* \*

**Development.** The improvement of a parcel of land; including zone change, partitioning or subdividing of any improved or unimproved real property, for any purpose, and by any person, association, or other entity.

\* \* \*

**Mixed-use building.** A building contains one or more residential dwelling unit(s) and a commercial, institutional, or industrial use(s) in the same building. Mixed-use buildings may be vertical (uses above ground floor) or horizontal (single story, mixed-use building). When vertically mixed, the non-residential use must occupy at least 80-65 percent of the building's ground floor area. When horizontally mixed, residential uses shall be subordinate to the commercial/industrial uses.

\* \* \*

**Mobility Target(s).** See definition "Level of Service (LOS)" and Section 10.462.

\* \* \*

**Multi-Modal.** A transportation system or right-of-way that accommodates more than one mode of transportation such as driving, walking, biking and transit service rather than predominantly one mode of transportation.

\* \* \*

**Pass-by trip/traffic.** A trip made as an intermediate stop on the way from an origin to a primary trip destination without route diversion.

\* \* \*

**Pedestrian-friendly.** Features and elements of a development that encourage walking by making it safe and convenient.

\* \* \*

**Planning Period.** The twenty-year period beginning with the date of adoption of the

Transportation System Plan or 15 years from the date of the scoping letter, whichever is greater.

\* \* \*

**Project Traffic.** Project traffic generation for the project using the zone change trip rates. When not a part of a zone change analysis the rates shall be based on the ITE Trip Generation Manual.

\* \* \*

**Scoping Letter.** A letter provided by the Public Works Department that describes the methodology, limits of the traffic-transportation impact analysis (TIA), and any approved deviations. The letter is provided to the agent, applicant, and engineer after a meeting they have submitted a written request to with including sufficient detail about the proposed application to determine how to discuss apply to the application and/or met with the Public Works Department to discuss the requirements of 10.460 and 10.461.

\* \* \*

**Traffic Count Growth Rates.** The projected annual growth rates used in a transportation impact analysis to determine transportation impacts. Traffic count growth rates shall be based on at least five years of historic data or the transportation model currently used by the City.

\* \* \*

**Traffic-Transportation Impact Analysis (TIA).** A study of the impacts a proposed use or development will have on the surrounding transportation system. See Section 10.460 for criteria and standards.

\* \* \*

## ARTICLE II - PROCEDURAL REQUIREMENTS

\* \* \*

### 10.204 Zone Change.

\* \* \*

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

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

(b) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060 commonly referred to as the Transportation Planning Rule (TPR); approval under subsection (9) of the TPR is not allowed. The Public Works Department may require that planned improvements be constructed prior to issuance of building permits

for reasons of public safety and, when possible, shall base findings for the required improvements on the safety review required by the Transportation Impact Analysis (TIA), see Section 10.461(E)(19). When a roadway's street functional classification is shown to exceed the Average Daily Trip (ADT) values as identified in the TSP, per Section 10.461 Transportation Impact Analysis (TIA), a Comprehensive Plan Amendment may be required, one of the following ways:

~~(i) Streets which serve the subject property, or study area as defined in Section 10.461(2B), presently exist and are shown to have adequate capacity; or~~

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

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

~~a. the project is in the City's adopted capital improvement plan (CIP) budget, in the most current System Development Charge (SDC) fiscally constrained project list, is identified as a Tier 1 project in the City's most recently adopted Transportation System Plan (TSP) or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan (STIP), or any other public agencies adopted capital improvement plan budget; or~~

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

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

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of

special development conditions, stipulations, or restrictions attached to the zone change ~~request~~. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the Jackson County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

- (i) Restricted Zoning is a restriction of uses by type or intensity. -In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools, mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.

\* \* \*

#### **(D) Approval of Failing Transportation Facilities**

The approving authority may approve a land use application, without assuring that the allowed land uses are consistent with the roadway functional classification, the identified mobility targets in 10.462 or the Average Daily Trips in 10.427.

(1) Evaluation of approval of failing facilities for projects shall be based upon a Transportation Impact Analysis (TIA) prepared by a professional engineer licensed in the State of Oregon with expertise in transportation. The Public Works Director (or designee) will issue a report: the report will contain a recommendation for approval, denial or additional conditions of approval as it relates to 10.204(D). The Public Works Director (or designee) will state to the approving authority their professional opinion as to the technical adequacy of the TIA and whether it demonstrates compliance with the following criteria:

- (a) The mobility target in 10.462 is shown to be at or below the City's LOS minimum in the Future Year, without the project;
- (b) The mobility target in 10.462(B) is shown not met, even after mitigation, in the Future Year, Mitigated LOS analysis;
- (c) Development resulting from the land use application, will at a minimum, mitigate impacts to be consistent with the standards outlined in 10.462(B) by the time of development;
- (d) The amendment does not involve property located in an interchange area as defined in the Transportation Planning Rule;
- (e) For affected state highways, Oregon Department of Transportation (ODOT) provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum,

sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

(2) TIA Conclusion. If the conclusions of the TIA and the professional opinion of the Public Works Director (or designee) concur that the project's proposed mitigation, at the time of development, is adequate to offset the future degradation of the facilities, the approving authority may accept the failing facilities. If the Public Works Director's professional opinion is not consistent with the conclusions of the TIA, the approving authority will review the competing testimony by the professional engineers with expertise in transportation and will approve, modify, or deny the proposed mitigation at the time of land use review.

**(E) Zone Change Application Form**

A zone change application shall contain the following items:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.
- (2) Assessor's map with proposed zone change area identified.
- (3) Legal description of 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 site, typed on mailing labels.
- (5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(B) Zone Change Criteria.

\* \* \*

**ARTICLE IV - PUBLIC IMPROVEMENT STANDARDS AND CRITERIA**

**10.427 Street Classification System.**

\* \* \*

**(B) Applicability.** All existing and proposed streets within the City shall be identified by classification as follows below. The classification of higher-order streets shall be determined by the Functional Classification Map in the City of Medford Transportation System Plan (TSP), as amended. ~~Street Functional Classification Plan Map, as amended.~~ All streets (existing or proposed) intended to be within the City of Medford's jurisdiction shall adhere to the street classifications identified below unless alternative standards are provided by an adopted Zoning Overlay, Neighborhood Circulation Plan, the legacy street standards as established per 10.427(D-E) or other special area plan(s), including, but not limited to, plans contained in the Comprehensive Plan. The classification of lower-order streets shall be consistent with any adopted Neighborhood Circulation Plan or other special area plan, and based upon adjacent zoning, and, in the case of residential streets, the number of dwelling units utilizing the street for vehicular access.

\* \* \*

**10.460 ~~Traffic~~ Transportation Impact Analysis (TIA) Purpose.**

A ~~Traffic~~ Transportation Impact Analysis specifically identifies the generation, distribution, and assignment of all modes of traffic to and from a proposed development. The purpose is to identify the ~~traffic-transportation~~ impacts that a proposed development will have on the existing and future ~~street-transportation~~ network. It determines all improvements or mitigation measures necessary to maintain adequate level of service (LOS) at study area intersections and ensure safe pedestrian, bicycle, and vehicular ~~ingress to and egress from~~ use of the transportation system.

**10.461 TIA Applicability and Methodology.**

**(1A) Scoping Letter.** The level of detail and scope of a ~~traffic-transportation~~ Impact Analysis (TIA) will vary with the size, complexity, and location of the proposed application. Prior to any TIA, the applicant shall submit sufficient information to the City for the Public Works Department to issue a scoping letter. The scoping letter expires 180 days after the date the letter was issued. If stipulations to reduce ~~traffic-transportation~~ impacts are requested by an applicant, it must first be shown by means of an analysis that an unconditional approval is not possible without some form of mitigation to maintain an adequate LOS and level of safety. This will determine whether a stipulation is necessary.

**(2B) Extent of Study Area:**

The study area shall be defined by the Public Works Department in the scoping letter and shall address at least the following areas:

- (a1) All proposed development site access points;
- (b2) Any intersection of a collector or arterial roadway with another collector or arterial roadway; where the proposed development can be expected to contribute 25 or more trips during the analysis ~~peak period~~ peak hour. Impacts of less than 25 ~~peak period~~ peak hour trips are not substantial and will not be included in the study area. This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and
- (c3) Any intersections directly adjacent to the subject property.

The Public Works Department may, at its discretion, waive the study of certain intersections when it is concluded that the impacts are not substantial.

**(3C) When required:**

A TIA shall be required ~~if~~ a proposed application has the potential of generating more than 250 net average daily trips (ADT) or ~~if~~ 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 a TIA if it is concluded that the impacts are not substantial.

**(4D) Submittals:**

Applicants shall ~~provide~~ two copies of the TIA for Public Works Department to review.

**(5E) Elements of Analysis:**

A TIA shall be prepared by a Traffic Engineer or Civil Engineer licensed to practice in the State of Oregon with ~~special~~ specific training and experience in traffic engineering. The TIA shall be a thorough review of the effects a proposed use and/or development will have on the transportation system. The study area shall include all streets and intersections in the analysis, as defined in subsection 10.461(2B) above. ~~Traffic-Transportation~~ impacts generated from a proposed site will be distributed throughout the transportation system

using existing count data or the current transportation model used by the City. ~~Any~~ alternate distribution method must be based on data acceptable to the Public Works Department. ~~Incomplete reports shall be returned to the applicant for completion without review.~~ The following checklist outlines what a TIA shall contain. ~~Incomplete reports shall be returned to the applicant for completion without review:~~

- (a1) The scoping letter, as provided by the Public Works Department;
- (b2) The Final TIA shall be signed and stamped by a Professional Civil or Traffic Engineer registered in the State of Oregon;
- (c3) An executive summary, discussing the development and/or use, the major findings of the analysis, and the mitigation measures proposed;
- (d4) A vicinity map of the proposed site and study area;
- (e5) Project characteristics such as current zoning, proposed zoning, potential trip generations (unless stipulated to less than potential), proposed access(s), and other pertinent factors;
- (f6) Street characteristics within the study area including roadway functional classification (as established in the most recent Transportation System Plan (TSP)), number of travel lanes, lane width, shoulder treatment, bicycle path corridors, and traffic control at intersections;
- (g7) Description of existing transportation conditions including transit accessibility, ~~accident history~~, pedestrian facilities, bicycle facilities, traffic signals, and overall traffic operations and circulation;
- (h8) ~~Peak period~~ Peak hour turning movement counts of at least two-hour minimums at study area intersections, less than ~~2~~ two years old. These counts shall be adjusted to the ~~design study year(s)~~ of the project as defined in the scoping letter and consider seasonal traffic adjustments when required by the scoping letter;
- (i9) ~~A "Figures"~~ showing existing ~~peak period~~ peak hour (AM, noon, or PM, whichever is largest) turning movement volumes at study area intersections. ~~as shown in Example 1.~~ An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-peak season;
- (j10) ~~Figures showing existing peak period~~ peak hour turning movement volumes at study area intersections for the project study year(s). ~~Pipeline traffic includes Approved applications obtained from the City that have not built out but will impact study area intersections shall be included as pipeline traffic.~~
- (k11) Potential "Project" trip generation using either the potential trip generation rates kept on file by the Public Works Department for City zoning districts or the most current edition of the ITE Trip Generation Manual, as required identified by the Public Works Department at the time of scoping in the scoping letter. Variations of trip rates will require the approval of the Public Works Department. ~~Such approval will require submission of adequate supporting data prior to first submittal of the TIA;~~
- (l12) ~~A "Figures"~~ illustrating project turning movement volumes at study area intersections for ~~peak period~~ peak hours. ~~as shown in Example 2.~~ Adjustments made for pass-by traffic volumes shall follow the methodology outlined in the latest edition of the *ITE Trip Generation Handbook* ~~Manual~~, and shall not exceed 25% unless approved by the Public Works Director;
- (m13) ~~A "Figures"~~ illustrating the combined traffic of existing, background, and project turning movement volumes at study area intersections for ~~peak period~~ peak hours. ~~as~~

~~shown in Example 3;~~

~~(14) Level of Service (LOS) analysis at study area intersections under the following conditions:~~

~~(a) Background conditions~~

~~Existing Background plus pipeline traffic (Existing traffic counts  $\pm$  traffic count growth rates) ~~in the~~for the existing year and project study year(s) ~~for the project~~~~

~~(b) Proposed conditions~~

~~Existing Background plus pipeline traffic (Existing traffic counts  $\pm$  traffic count growth rates) and project traffic in the project study year(s) ~~for the project~~~~

~~A table shall be prepared which illustrates all LOS results. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and the critical movement at unsignalized intersections. ~~If the proposed use is scheduled to be completed in phases, a LOS analysis shall be prepared for each phase;~~~~

~~(15) Tier 1 projects as identified in the Transportation System Plan, except for those listed below in 10.461(E)(15)(a), shall be considered reasonably likely to be provided by the end of the planning period. Tier 2 projects, as identified in the Transportation System Plan, shall not be considered to be reasonably likely to be provided by the end of the planning period.~~

~~(a) The following Tier 1 projects shall not be considered reasonably likely to be provided by the end of the planning period:~~

~~(i) Project #537b South Stage Road (South Pacific Highway to North Phoenix Road)~~

~~(ii) Project #609 Foothill Road (McAndrews to Delta Waters Road)~~

~~(iii) Project #610 Foothill Road (Delta Waters Road to North UGB)~~

~~(iv) Project #611 (N Phoenix Road from Barnett Road to Juamipero~~

~~Way)~~

~~(v) Project #721 (N Phoenix Rd (Juanipero Way to South UGB)~~

~~(b) Projects listed in 10.461(E)(15)(a) shall be considered reasonably likely to be funded when either they are constructed, in progress of construction, identified for funding within the City's Capital Improvement Plan (CIP), System Development Charge (SDC) fiscally constrained project list, the federally approved local Regional Transportation Plan (RTP) Financially Constrained Project List, and/or is programmed in the State's current State Transportation Improvement Plan (STIP).~~

~~(16) A queuing and blocking report, based on a microsimulation software such as SimTraffic, which lists the 95<sup>th</sup>-percentile queues and any blocked facilities or exceeded storage lengths for the existing and proposed conditions described in subsection 10.461(E)(14) above;~~

~~(17) A left and right turn lane assessment where they do not currently exist for proposed conditions described in subsection 10.461(E)(14) above;~~

~~(19) Safety review of study area intersections based on the most recent available data from the Oregon Department of Transportation (ODOT) or the City of Medford;~~

~~(20) A mitigation plan if: ~~impacts to the study area~~~~

~~(a) ~~Reduce~~ Level of service (LOS) is determined to be below ~~minimum~~the mobility target identified in Section 10.462, per the analysis required of Section 10.461(E)(14);~~

- ~~(b) If~~The proposed development trips will affect an identified crash pattern or safety concern;
- ~~(c) If~~The turn lane assessment identifies a need; and/or;
- ~~(d) A~~Impacts are identified that are otherwise considered a "significant effect" in accordance with Oregon Administrative Rule 660-012-060.

Mitigation measures may include stipulations and/or construction of necessary transportation improvements. Mitigation measures shall be required to the extent that the transportation facilities, under City jurisdiction, operate at an acceptable level of service (LOS)/mobility target with the addition of project traffic; and

~~(21)~~ Intersections under jurisdiction of another agency, but still within the City limits, shall be evaluated by either the City's criteria or the other jurisdiction's criteria, or both, whichever is considered applicable by the Public Works Department. If any peak hour trips leave the City limits it shall be the responsibility of the applicant to coordinate with the applicable jurisdictions.

~~(22)~~ If the TIA is not consistent with the scoping letter (including any amendments), or is incomplete, then the TIA will be returned to the applicant without review.

**(6F) Analysis criteria:**

~~(a1)~~ All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic then justification must be provided and approved by the Public Works Department prior to first submittal of the TIA.

~~(b2)~~ If progression analysis is being evaluated or queuing between intersections is a concern, ~~The peak period~~peak hour used in the analysis must be the same for every intersection along the street and reflect that of the most critical intersection being evaluated. If a common peak period is not requested by the Public Works Department, then the actual peak period of every intersection shall be used.

~~(e3)~~ -Counts performed must be a minimum of two hours and include the ~~peak period~~peak hour for analysis purposes. All documentation shall be included in the TIA.

~~(d4)~~ -Any assumptions used in the TIA, including but not limited too, ~~All~~ supporting count data, LOS analyses, pass-by deductions, growth rates, traffic distributions, or other engineering assumptions must be clearly defined and attached to the TIA when submitted in report form to the City for review.

~~(e5)~~ All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1,800 vehicles per hour, per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. ~~Actual peak hour factors should be used for each movement or lane grouping in the analysis.~~ The peak hour factor shall be 1.0.

~~(6f)~~ Signal timing used in capacity or progression analysis shall follow City timing plans and account for pedestrian crossing times, unless otherwise noted in the scoping letter.

~~(g7)~~ Arrival Type 3 (random arrivals) shall be used unless a coordinated plan is in place during the peak period~~peak hour~~.

- (8) The safety review (per 10.461(E)(19)) shall include:
- (a) Total number of crashes
  - (b) The calculated crash rate compared to the Critical Crash Rate
  - (c) Discussion of crash patterns
  - (d) Discussion of whether the location is included within a published safety study such as, but not limited to, ODOT Safety Priority Index System (SPIS). Other published safety studies may be used, at the City's discretion, for all study intersections.
- (9) When mitigation is needed at an intersection, roundabouts shall be evaluated as an alternative to traffic signals according to the current procedures of the Public Works department.
- (10) Residential dwelling units when within a vertically, mixed-use building, shall not be considered in trip generation calculations.

**(G) Other Enhancements Required**

If through the TIA analysis it is determined that transportation capacity increasing improvements will not be sufficient to meet the mobility targets, then the approving authority may require that the applicant implement other performance improving actions sufficient to meet the mobility target. Potential performance improving actions may include, but are not limited to:

- (1) Transportation system connectivity improvements for vehicles, bicycles and pedestrians
- (2) Transportation demand management (TDM) methods to reduce the need for additional capacity, such as mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.
- (3) Multi-modal (bicycle, pedestrian, transit) improvements to reduce vehicle demand.
- (4) Operational improvements to maximize use of the existing system.
- (5) Land use techniques (e.g. restricted zones, trip caps/budgets to manage trip generation).

**10.462 Maintenance of Level of Service D Mobility Targets.**

**(A) Adopted Mobility Targets.** Whenever a Level of Service (LOS) is determined to be below the mobility target listed below for arterials or collectors, development is not permitted unless the developer makes the roadway, or other improvements necessary to maintain level of service the mobility target. Level of service LOS criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode. The following are the level of service standards for intersections in the City of Medford.

<b>Level of Service Minimum</b>	<b>Intersection</b>
D	Citywide (unless otherwise listed)
E	Barnett Road & Highland Drive South Pacific Highway (Hwy. 99) & Stewart Avenue

**(B) No Further Degradation.** In some cases a Transportation Impact Analysis shows transportation facilities not meeting the mobility target, identified in 10.462(A), under the TIA's background conditions.

(1) When the LOS is shown to be below the mobility target identified in 10.462(A), under the TIA's background conditions, then no further degradation of the transportation facility shall be the mobility target. Further degradation shall be measured in volume-to-capacity (v/c) ratio, not LOS. V/c ratio criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode.

(2) Once reasonable levels of mitigation have been identified, calculated v/c ratios that are within 0.03 of the target are considered in compliance with the target. The adopted mobility target still applies for determining significant affect.

# Exhibit A-1

## Proposed Text DCA-18-180

Clean Version. Shown as if adopted as proposed.

\* \* \*  
10.460 Transportation Impact Analysis (TIA)  
\* \* \*

### ARTICLE I - GENERAL PROVISIONS

#### 10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:  
\* \* \*

**Average daily trips (ADT).** The total volume passing a point or segment of a street, in both directions, for one day. Average Daily Trip rates for Medford streets can be found in Section 10.427.  
\* \* \*

**Development.** The improvement of a parcel of land; including zone change, partitioning or subdividing of any improved or unimproved real property, for any purpose, and by any person, association, or other entity.  
\* \* \*

**Mixed-use building.** A building containing one or more residential dwelling unit(s) and a commercial, institutional or industrial use(s) in the same building. Mixed-use buildings may be vertical (uses above ground floor) or horizontal (single story, mixed-use building). When vertically mixed, the non-residential use must occupy at least 65 percent of the building's ground floor area. When horizontally mixed, residential uses shall be subordinate to the commercial/industrial uses.  
\* \* \*

**Mobility Target(s).** See definition "Level of Service (LOS)" and Section 10.462.  
\* \* \*

**Multi-Modal.** A transportation system or right-of-way that accommodates more than one mode of transportation such as driving, walking, biking and transit service rather than predominantly one mode of transportation.  
\* \* \*

**Pass-by trip/traffic.** A trip made as an intermediate stop on the way from an origin to a primary trip destination without route diversion.  
\* \* \*

**Pedestrian-friendly.** Features and elements of a development that encourage walking by making it safe and convenient.  
\* \* \*

**Planning Period.** The twenty-year period beginning with the date of adoption of the

Transportation System Plan or 15 years from the date of the scoping letter, whichever is greater.

\* \* \*

**Project Traffic.** Project traffic generation for the project using the zone change trip rates. When not a part of a zone change analysis the rates shall be based on the *ITE Trip Generation Manual*.

\* \* \*

**Scoping Letter.** A letter provided by the Public Works Department that describes the methodology, limits of the transportation impact analysis (TIA), and any approved deviations.

\* \* \*

**Traffic Count Growth Rates.** The projected annual growth rates used in a transportation impact analysis to determine transportation impacts. Traffic count growth rates shall be based on at least five years of historic data or the transportation model currently used by the City.

\* \* \*

**Transportation Impact Analysis (TIA).** A study of the impacts a proposed use or development will have on the surrounding transportation system. See Section 10.460 for criteria and standards.

\* \* \*

## ARTICLE II - PROCEDURAL REQUIREMENTS

\* \* \*

### 10.204 Zone Change.

\* \* \*

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

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

(b) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060 commonly referred to as the Transportation Planning Rule (TPR); approval under subsection (9) of the TPR is not allowed. The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety and, when possible, shall base findings for the required improvements

on the safety review required by the Transportation Impact Analysis (TIA), see Section 10.461(E)(19). When a roadway's street functional classification is shown to exceed the Average Daily Trip (ADT) values as identified in the TSP, per Section 10.461 Transportation Impact Analysis (TIA), a Comprehensive Plan Amendment may be required..

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

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

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

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools, mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.

\* \* \*

#### **(D) Approval of Failing Transportation Facilities**

The approving authority may approve a land use application, without assuring that the allowed land uses are consistent with the roadway functional classification, the identified mobility targets in 10.462 or the Average Daily Trips in 10.427.

(1) Evaluation of approval of failing facilities for projects shall be based upon a Transportation Impact Analysis (TIA) prepared by a professional engineer licensed in the State of Oregon with expertise in transportation. The Public Works Director (or designee) will issue a report; the report will contain a recommendation for approval, denial or additional conditions of approval as it relates to 10.204(D). The Public Works Director (or designee) will state to the approving authority their professional opinion as to the technical adequacy of the TIA and whether it demonstrates compliance with the following criteria:

- (a) The mobility target in 10.462 is shown to be at or below the City's LOS minimum in the Future Year, without the project;
- (b) The mobility target in 10.462(B) is shown not met, even after mitigation, in the Future Year, Mitigated LOS analysis;

- (c) Development resulting from the land use application, will at a minimum, mitigate impacts to be consistent with the standards outlined in 10.462(B) by the time of development;
  - (d) The amendment does not involve property located in an interchange area as defined in the Transportation Planning Rule;
  - (e) For affected state highways, Oregon Department of Transportation (ODOT) provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.
- (2) TIA Conclusion. If the conclusions of the TIA and the professional opinion of the Public Works Director (or designee) concur that the project's proposed mitigation, at the time of development, is adequate to offset the future degradation of the facilities, the approving authority may accept the failing facilities. If the Public Works Director's professional opinion is not consistent with the conclusions of the TIA, the approving authority will review the competing testimony by the professional engineers with expertise in transportation and will approve, modify, or deny the proposed mitigation at the time of land use review.

(E) Zone Change Application Form

A zone change application shall contain the following items:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.
- (2) Assessor's map with proposed zone change area identified.
- (3) Legal description of 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 site, typed on mailing labels.
- (5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(B) Zone Change Criteria.

\* \* \*

#### ARTICLE IV - PUBLIC IMPROVEMENT STANDARDS AND CRITERIA

##### 10.427 Street Classification System.

\* \* \*

(B) **Applicability.** All existing and proposed streets within the City shall be identified by classification as follows below. The classification of higher-order streets shall be determined by the Functional Classification Map in the City of Medford Transportation System Plan (TSP), as amended. All streets (existing or proposed) intended to be within the City of Medford's jurisdiction shall adhere to the street classifications identified below unless alternative standards are provided by an adopted Zoning Overlay, Neighborhood

Circulation Plan, the legacy street standards as established per 10.427(D-E) or other special area plan(s), including, but not limited to, plans contained in the Comprehensive Plan. The classification of lower-order streets shall be consistent with any adopted Neighborhood Circulation Plan or other special area plan, and based upon adjacent zoning, and, in the case of residential streets, the number of dwelling units utilizing the street for vehicular access.

\* \* \*

**10.460 Transportation Impact Analysis (TIA) Purpose.**

A Transportation Impact Analysis specifically identifies the generation, distribution, and assignment of all modes of traffic to and from a proposed development. The purpose is to identify the transportation impacts that a proposed development will have on the existing and future transportation network. It determines all improvements or mitigation measures necessary to maintain adequate level of service (LOS) at study area intersections and ensure safe pedestrian, bicycle, and vehicular use of the transportation system.

**10.461 TIA Applicability and Methodology.**

**(A) Scoping Letter.** The level of detail and scope of a Transportation Impact Analysis (TIA) will vary with the size, complexity, and location of the proposed application. Prior to any TIA, the applicant shall submit sufficient information to the City for the Public Works Department to issue a scoping letter. The scoping letter expires 180 days after the date the letter was issued. If stipulations to reduce transportation impacts are requested by an applicant, it must first be shown by means of an analysis that an unconditional approval is not possible without some form of mitigation to maintain an adequate LOS and level of safety. This will determine whether a stipulation is necessary.

**(B) Extent of Study Area:**

The study area shall be defined by the Public Works Department in the scoping letter and shall address at least the following areas:

- (1) All proposed development site access points;
- (2) Any intersection of a collector or arterial roadway with another collector or arterial roadway where the proposed development can be expected to contribute 25 or more trips during the analysis peak hour. Impacts of less than 25 peak hour trips are not substantial and will not be included in the study area. This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and
- (3) Any intersections directly adjacent to the subject property.

The Public Works Department may, at its discretion, waive the study of certain intersections when it is concluded that the impacts are not substantial.

**(C) When required:**

A TIA shall be required if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or if 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 a TIA if it is concluded that the impacts are not substantial.

**(D) Submittals:**

Applicants shall provide two copies of the TIA for Public Works Department to review.

**(E) Elements of Analysis:**

A TIA shall be prepared by a Traffic Engineer or Civil Engineer licensed to practice in the State of Oregon with specific training and experience in traffic engineering. The TIA shall be a thorough review of the effects a proposed use and/or development will have on the transportation system. The study area shall include all streets and intersections in the analysis, as defined in subsection 10.461(B) above. Transportation impacts generated from a proposed site will be distributed throughout the transportation system using existing count data or the current transportation model used by the City; any alternate distribution method must be based on data acceptable to the Public Works Department. Incomplete reports shall be returned to the applicant for completion without review. The following checklist outlines what a TIA shall contain. :

- (1) The scoping letter, as provided by the Public Works Department;
- (2) The Final TIA shall be signed and stamped by a Professional Civil or Traffic Engineer registered in the State of Oregon;
- (3) An executive summary discussing the development and/or use, the major findings of the analysis, and the mitigation measures proposed;
- (4) A vicinity map of the proposed site and study area;
- (5) Project characteristics such as current zoning, proposed zoning, potential trip generations (unless stipulated to less than potential), proposed access(s), and other pertinent factors;
- (6) Street characteristics within the study area including roadway functional classification (as established in the most recent Transportation System Plan (TSP)), number of travel lanes, lane width, shoulder treatment, bicycle path corridors, and traffic control at intersections;
- (7) Description of existing transportation conditions including transit accessibility, pedestrian facilities, bicycle facilities, traffic signals, and overall traffic operations and circulation;
- (8) Peak hour turning movement counts of at least two-hour minimums at study area intersections, less than two years old. These counts shall be adjusted to the study year(s) of the project as defined in the scoping letter and consider seasonal traffic adjustments when required by the scoping letter;
- (9) Figures showing existing peak hour (AM, noon, or PM, whichever is largest) turning movement volumes at study area intersections. An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-peak season;
- (10) Figures showing existing peak hour turning movement volumes at study area intersections for the project study year(s).
- (11) Potential Project trip generation using either the potential trip generation rates kept on file by the Public Works Department for City zoning districts or the most current edition of the *ITE Trip Generation Manual*, as identified by the Public Works Department in the scoping letter. Variations of trip rates will require the approval of the Public Works Department; such approval will require submission of adequate supporting data prior to first submittal of the TIA;
- (12) Figures illustrating project turning movement volumes at study area intersections for peak hours. Adjustments made for pass-by traffic volumes shall follow the methodology outlined in the latest edition of the *ITE Trip Generation Manual*, and shall not exceed 25% unless approved by the Public Works Director;
- (13) Figures illustrating the combined traffic of existing, background, and project

turning movement volumes at study area intersections for peak hours;

(14) Level of Service (LOS) analysis at study area intersections under the following conditions:

(a) Background conditions

Background traffic (Existing traffic counts + traffic count growth rates) for the existing year and project study year(s)

(b) Proposed conditions

Background traffic (Existing traffic counts + traffic count growth rates) and project traffic in the project study year(s)

A table shall be prepared which illustrates all LOS results. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and the critical movement at unsignalized intersections;

(15) Tier 1 projects as identified in the Transportation System Plan, except for those listed below in 10.461(E)(15)(a), shall be considered reasonably likely to be provided by the end of the planning period. Tier 2 projects, as identified in the Transportation System Plan, shall not be considered to be reasonably likely to be provided by the end of the planning period.

(a) The following Tier 1 projects shall not be considered reasonably likely to be provided by the end of the planning period:

(i) Project #537b South Stage Road (South Pacific Highway to North Phoenix Road)

(ii) Project #609 Foothill Road (McAndrews to Delta Waters Road)

(iii) Project #610 Foothill Road (Delta Waters Road to North UGB)

(iv) Project #611 (N Phoenix Road from Barnett Road to Juanipero Way)

(v) Project #721 (N Phoenix Rd (Juanipero Way to South UGB)

(b) Projects listed in 10.461(E)(15)(a) shall be considered reasonably likely to be funded when either they are constructed, in progress of construction, identified for funding within the City's Capital Improvement Plan (CIP), System Development Charge (SDC) fiscally constrained project list, the federally approved local Regional Transportation Plan (RTP) Financially Constrained Project List, and/or is programmed in the State's current State Transportation Improvement Plan (STIP).

(16) A queuing and blocking report, based on a microsimulation software such as SimTraffic, which lists the 95<sup>th</sup>-percentile queues and any blocked facilities or exceeded storage lengths for the existing and proposed conditions described in subsection 10.461(E)(14) above;

(17) A left and right turn lane assessment where they do not currently exist for proposed conditions described in subsection 10.461(E)(14) above;

(19) Safety review of study area intersections based on the most recent available data from the Oregon Department of Transportation (ODOT) or the City of Medford;

(20) A mitigation plan if:

(a) Level of service (LOS) is determined to be below the mobility target identified in Section 10.462, per the analysis required of Section 10.461(E)(14);

(b) The proposed development trips will affect an identified crash pattern or

safety concern;

- (c) The turn lane assessment identifies a need; and/or
- (d) Impacts are identified that are otherwise considered a “significant effect” in accordance with Oregon Administrative Rule 660-012-060.

Mitigation measures may include stipulations and/or construction of necessary transportation improvements. Mitigation measures shall be required to the extent that the transportation facilities, under City jurisdiction, operate at an acceptable level of service (LOS)/mobility target with the addition of project traffic; and

(21) Intersections under jurisdiction of another agency, but still within the City limits, shall be evaluated by either the City’s criteria or the other jurisdiction’s criteria, or both, whichever is considered applicable by the Public Works Department. If any peak hour trips leave the City limits it shall be the responsibility of the applicant to coordinate with the applicable jurisdictions.

(22) If the TIA is not consistent with the scoping letter (including any amendments), or is incomplete, then the TIA will be returned to the applicant without review.

**(F) Analysis criteria:**

(1) All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic then justification must be provided and approved by the Public Works Department prior to first submittal of the TIA.

(2) The peak hour used in the analysis must be the same for every intersection along the street and reflect that of the most critical intersection being evaluated.

(3) Counts performed must be a minimum of two hours and include the peak hour for analysis purposes. All documentation shall be included in the TIA.

(4) Any assumptions used in the TIA, including but not limited to, all supporting count data, LOS analyses, pass-by deductions, growth rates, traffic distributions, or other engineering assumptions must be clearly defined and attached to the TIA when submitted in report form to the City for review.

(5) All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1,800 vehicles per hour, per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. The peak hour factor shall be 1.0.

(6) Signal timing used in capacity or progression analysis shall follow City timing plans and account for pedestrian crossing times, unless otherwise noted in the scoping letter.

(7) Arrival Type 3 (random arrivals) shall be used unless a coordinated plan is in place during the peak hour.

(8) The safety review (per 10.461(E)(19)) shall include:

- (a) Total number of crashes
- (b) The calculated crash rate compared to the Critical Crash Rate
- (c) Discussion of crash patterns
- (d) Discussion of whether the location is included within a published safety study such as, but not limited to, ODOT Safety Priority Index System (SPIS). Other published safety studies may be used, at the City’s discretion, for all study intersections.

(9) When mitigation is needed at an intersection, roundabouts shall be evaluated as an alternative to traffic signals according to the current procedures of the Public Works department. (10) Residential dwelling units when within a vertically, mixed-use building, shall not be considered in trip generation calculations.

**(G) Other Enhancements Required**

- (1) If through the TIA analysis it is determined that transportation capacity increasing improvements will not be sufficient to meet the mobility targets, then the approving authority may require that the applicant implement other performance improving actions sufficient to meet the mobility target. Potential performance improving actions may include, but are not limited to: Transportation system connectivity improvements for vehicles, bicycles and pedestrians
- (2) Transportation demand management (TDM) methods to reduce the need for additional capacity, such as mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.
- (3) Multi-modal (bicycle, pedestrian, transit) improvements to reduce vehicle demand.
- (4) Operational improvements to maximize use of the existing system.
- (5) Land use techniques (e.g. restricted zones, trip caps/budgets to manage trip generation).

**10.462 Mobility Targets.**

**(A) Adopted Mobility Targets.** Whenever Level of Service (LOS) is determined to be below the mobility target listed below for arterials or collectors, development is not permitted unless the developer makes the roadway, or other improvements necessary to maintain the mobility target. LOS criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode. The following are the level of service standards for intersections in the City of Medford.

Level of Service Minimum	Intersection
D	Citywide (unless otherwise listed)
E	Barnett Road & Highland Drive South Pacific Highway (Hwy. 99) & Stewart Avenue

**(B) No Further Degradation.** In some cases a Transportation Impact Analysis shows transportation facilities not meeting the mobility target, identified in 10.462(A), under the TIA’s background conditions.

- (1) When the LOS is shown to be below the mobility target identified in 10.462(A), under the TIA’s background conditions, then no further degradation of the transportation facility shall be the mobility target. Further degradation shall be measured in volume-to-capacity (v/c) ratio, not LOS. V/c ratio criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode.

(2) Once reasonable levels of mitigation have been identified, calculated v/c ratios that are within 0.03 of the target are considered in compliance with the target. The adopted mobility target still applies for determining significant affect.

## Exhibit B

# City Council Study Session Minutes – January 31, 2019

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### MINUTES

January 31, 2019

IMMEDIATELY FOLLOWING COUNCIL MEETING

Approximately 6:15 p.m.

City Hall, Medford Room

411 W. 8<sup>th</sup> Street, Medford, Oregon

The Medford City Council Study Session was called to order at 6:25 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Kay Brooks Tim D'Alessandro, Dick Gordon, Alex Poythress, Kevin Stine and Michael Zarosinski; City Manager Brian Sjothun, Deputy City Attorney Eric Mitton, Parks, Recreation and Facilities Director Rich Rosenthal, Public Works Director Cory Crebbin, Transportation Manager Karl MacNair, and Deputy City Recorder Winnie Shepard

\* \* \*

### Concurrency

Transportation Manager Karl MacNair explained that per Council instruction, the concurrency requirement will be removed from the Transportation System Plan (TSP) and staff will rely on the State Transportation Planning Rule (TPR) for determining transportation facility adequacy. Staff is looking for direction on projects surrounding the North Phoenix/ South Stage mega corridor, as it is not a fully-funded project.

He defined "concurrency" as the requirement that developments have adequate transportation facilities available at the time of development (zone change). If not, they are required to build the capacity prior to vertical development.

When concurrency is removed, staff will rely on the TPR. This allows

developers to assume that all Tier 1 (funded) projects planned in the TSP over the next 20 years will occur. It could cause increase in congestion in the short term, but allows development to proceed so the City can collect development fees to fund transportation system improvements.

The City dedicated partial funds toward the South Stage overcrossing and classified it as a Tier 1 project. However, Medford does not have the estimated \$50 million dollars needed to actually build it. Without adequate funding, ODOT will likely appeal zone changes that are based upon the project's completion as it does not seem "reasonably likely" the overcrossing will be constructed during the future year analysis period. This would impact a portion of property recently annexed into the Urban Growth Boundary.

Council and staff discussed potential funding options for the South Stage overcrossing:

- Surcharge on SDC and street utility fees
- Gas tax
- General fund dollars
- Local improvement district
- Location specific SDC fees

Staff recommends pursuing funding sources for the mega corridor and/or the South Stage overcrossing and working work with Transportation Commission to develop recommendations.

Council discussion/answers to questions:

- MURA funds could pay for transportation facilities, if they were within the district
- ODOT's opposition will not impact the City's ability to receive grants
- City will apply for grants to help fund the project
- EDA was discussed. To use this option, the City would need to be in control of the property through donation or a long-term easement. If this option is reviewed, City could partner with other employment agencies

Mr. MacNair clarified that the timeline for the change to the concurrency expecting new code language in June for

approval. Then, development can move forward based on our Tier 1 projects.

ODOT will continue looking at capacity as development occurs. Eventually, the South Medford Interchange will reach the maximum allowed V/C (volume/capacity) ratio and further development will not be able to proceed. Developers are aware of this situation.

Mayor clarified that staff should work with the Transportation Commission to research funding options. There were no objections.

Planning Director Matt Brinkley provided a brief update on the TSP. We are currently in the appeal period; one notice of appeal was received. The appellant did not object to our record and has about a week to submit the actual appeal. If LUBA hears the appeal, it will be completed in about 77 days. Unless the appellant asks for a stay from LUBA and until LUBA grants that stay, the City will continue to accept annexation applications.

The meeting adjourned at 8:45 p.m.

Winnie Shepard, CMC  
Deputy City Record

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# Exhibit C

## Transportation Commission Meeting Minutes – April 16, 2019

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### MINUTES

April 24, 2019 – 12:30pm

City Hall, 411

W 8<sup>th</sup> St,

Medford, OR

Room 330

The regular meeting of the Transportation Commission was called to order at 12:32 p.m.

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#### 10. Roll Call

##### Commissioners Present:

Al Densmore,  
Chair Dennie  
Conrad, Vice  
Chair Jaime  
Jordan  
Kim  
Parducci  
Peggy  
Penland  
Jared  
Pulver

##### Commissioners Absent

Suzanne Schroeder

##### Staff Present

Cory Crebbin, Public Works  
Director Karl MacNair,  
Transportation Manager  
Kyle Kearns, Planner II  
Sheila Giorgetti, Recording Secretary

##### Others Present

Paige West, RVT  
Lance Ussery, Siskiyou Velo

\* \* \*

#### **40.2 Concurrency Code Amendment**

Karl MacNair, Transportation Manager, gave a PowerPoint presentation on Transportation Concurrency. Transportation concurrency is the requirement that developments must mitigate transportation impacts at the time of development. A development has transportation impacts if it contributes traffic to an intersection that is shown to operate below the City's level of service (LOS) standard with the project traffic.

During the Transportation System Plan process, concurrency came into question. One idea was to remove concurrency in the Medford Municipal Code (MMC) and rely on the Transportation Planning Rule (TPR) to determine whether capacity is present in the system.

The TPR requires that future capacity is planned, while the MMC requires that capacity is available now (concurrency), which is at the time of zone change. TSP advisory groups determined three options:

- 1) Concurrency at Zone Change
- 2) Concurrency at Site Plan
- 3) No concurrency

Of these options, the advisory group consensus was that no concurrency was the best option.

Commissioner Pulver questioned whether a change to no concurrency means that Public Works would receive System Development Charges (SDCs) that would go into a pool that would fix problems; would the developer build a project, would SDCs be enough to solve the problem. Mr. MacNair responded that the future condition is what gets looked at. For current Tier 1 projects, any impacts of development that aren't planned in the TSP would still need to be mitigated by the developer.

Commissioner Pulver asked about the frequency of updating the TSP. Mr. MacNair stated the State of Oregon would like cities to update the plan every five years. Staff would like to establish a regular update cycle.

Among other things, the TPR:

- Requires analysis of the horizon year of the adopted TSP
- Allows "planned" facilities, improvements or services to be included as built in the analysis (Tier 1 projects)
- Allows for alternative mitigation measures
- Provides for "no further degradation" allowance at already failing facilities

Chair Densmore stated that he hopes this commission will anticipate failing and/or unfixable areas in the TSP and shine a light on issues for the community to avoid significant economic consequences.

Mr. MacNair briefed on the "mega corridor," which includes Foothill Road, North Phoenix Road, and South Stage Road. City Council has long said this is a high priority and will be an important corridor. This is a Tier 1 project that has a large funding gap, despite the fact this is a regional partnership project. Grant opportunities are being explored, but even if received the city will still have to raise additional funds.

Commissioner Pulver questioned how the mega corridor project relates to concurrency. Mr. MacNair responded that as a Tier 1 project with a giant funding gap, the TPR requires that it must be reasonably likely to be funded by the end of the planning period. Removal of concurrency will dramatically increase existing issues around intersections under ODOT jurisdiction; the city anticipates a challenge from ODOT if South Stage Road is included in Traffic Impact Analyses without a better defined funding plan.

Chair Densmore clarified that part of the commission's task this summer is to figure out how to make this project viable. Mr. MacNair agreed and stated that in the meantime code language that will change concurrency is being updated; this will be discussed at the May meeting.

Commissioner Jordan questioned the percentage of Tier 1 projects that actually get completed and how often are they pushed back. Cory Crebbin, Public Works Director, responded that it is hard to predict which projects will be completed. Commissioner Parducci asked if the projects not completed under the 2003 TSP could be counted. Mr. Crebbin stated that some of those were dropped because things changed and the projects were no longer needed.

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#### **90. Adjournment**

The meeting adjourned at 2:08 p.m.

# Exhibit D

## Transportation Commission Meeting Minutes – May 22, 2019

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### MINUTES

May 22, 2019 – 12:30pm

Lausmann Annex, 200 S. Ivy Street Medford, OR  
Room 151

The regular meeting of the Transportation Commission was called to order at 12:37 p.m.

#### 10. Roll Call

##### Commissioners Present:

Al Densmore, Chair  
Dennie Conrad, Vice Chair  
Jaime Jordan  
Jared Pulver  
Suzanne Schroeder  
Kay Brooks, Alternate Council Liaison

##### Commissioners Absent

Kim Parducci  
Peggy Penland

##### Staff Present

Eric Zimmerman, Deputy City Manager  
Cory Crebbin, Public Works Director  
Alex Georgevitch, Deputy Public Works Director / City Engineer  
Karl MacNair, Transportation Manager  
Kyle Kearns, Planner II  
Bonnie Glidewell, Recording Secretary

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#### 40. Agenda Items

##### 40.1 Concurrency Code Amendment

Kyle Kearns, Planner II, gave a PowerPoint presentation on Transportation System Plan (TSP) Code Updates on Concurrency and Traffic Impact Analysis (TIA). He discussed the hearing schedule for presenting to City Council and Planning Commission, next steps, project objectives and the desired outcomes of the Transportation Commission meeting.

Staff is proposing Medford Land Development Code (MLDC) changes that allow for use of the Transportation Planning Rule (TPR) as the determinant of transportation facility

adequacy. The changes proposed would allow for developments to include transportation projects, planned for construction by the City or other public agencies, as built projects in future year analysis for TIA's for development proposals such as a zone change. Benefits of these proposed changes include allowing for the use of planned projects in development proposals, allowing development to proceed prior to transportation improvements being built (good for development), and the changes align with Oregon Department of Transportation (ODOT) requirements.

Cons of the proposed changes would make it more critical for the City to deliver the planned transportation projects over the 20-year planning period, allowing development to proceed prior to improvements being built (more congestion), and more reliance on a regional traffic model of which the City does not have direct control.

Questions and comments were had along with clarification by Mr. Crebbin of why this came about. Commissioner Pulver asked about planned projects, forecasting and other impactful development and/or traffic flow that would also potentially change the concurrency. He is concerned with a con showing a lot of forecasting is happening and there are many variables that affect the plan as opposed to what is forecasted. He posed the question that if developers bring a plan and do not follow that plan, how does it affect concurrency? Mr. MacNair answered that the change would be that Tier one projects in the TSP would be accounted for.

Mr. Zimmerman asked staff to explain the difference between the new recommendation processes versus how it happens now. Mr. MacNair, explained that it depends on where development actually happens compared to what is modeled and that projects will be built where traffic indicates they are needed. Mr. Crebbin explained that in about 6 years we will be working on the new TSP and will work with the data that is best available at the time, but the numbers are not meant to be stagnant. Amendments will be made if needed for the 20 year plan. Chair Densmore posed the question if staff thought it would create a smoother workflow. Mr. MacNair answered it probably will not turn into a smoother process for staff, but it will be smoother for developers. Mr. Zimmerman asked how it might affect developers and what reasons the Council posed this. What were the reasons that Council brought this up? Councilor Brooks answered that she hears from the public that it would provide more streamlined planning and developing. Mr. Crebbin commented it will contribute to more orderly development due to trip cap stipulations around people wanting to develop their properties. Commissioner Pulver noted that the TSP will likely be visited more than in the past and asked if projects that are not Tier one might fall off, or Tier two projects might move up. Mr. Crebbin noted this may happen. Mr. Kearns noted that the TPR allows for people to apply for changes to the TSP and potentially allow for a change to the comprehensive plan. Chair Densmore asked if we needed more deliberation or not.

MOTION: Recommendation to move this to the Planning Commission.  
MOVED by: Commissioner Conrad. SECONDED by Commissioner Schroeder.  
MOTION was approved unanimously.

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## 90. Adjournment

The meeting adjourned at 2:33 p.m.

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# Exhibit E

## Planning Commission Study Session Minutes – June 10, 2019

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From Study Session on **June 10, 2019**

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

**Commissioners Present**

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

**Staff Present**

Kelly Evans, Assistant Planning Director  
Carla Paladino, Principal Planner  
Madison Simmons, Senior Assistant City Attorney  
Sarah Sousa, Planner IV  
Seth Adams, Planner III  
Kyle Kearns, Planner II  
Karl MacNair, Transportation Manager

**Commissioners Absent**

Patrick Miranda, Excused Absence

**Subject:**

\* \* \*

**20.3 DCA-18-180 Concurrency Amendments**

Kyle Kearns, Planner II reported that transportation concurrency is the requirement that developments must mitigate transportation impacts at the time of development.

A development has transportation impacts if it contributes traffic to an intersection that is shown to operate below the City's level of service standard with the project traffic.

State law requires future capacity is planned. Medford required capacity be done at the time of Zone Change. There are three options of how to change how it is done now:

- 1) Concurrency at Zone Change
- 2) Concurrency at Site Plan
- 3) Remove concurrency (Staff's recommendation)

Commissioner Mansfield asked, why is staff recommending eliminating all of it? Would it not violate the State Rule? Mr. Kearns stated that the details have not been fully explained yet in the presentation.

When stating remove concurrency it is not removing the requirement to mitigate impacts of the transportation system. The proposal is allowing the use of planned documents, such as the TSP and others, that have budgeted for projects and analysis to assume construction of that project. If a particular facility has not been planned that requirement for that to be mitigated is still required. It is not removing concurrency but it is removing the timing of when they can do it.

Karl MacNair, Transportation Manager, reported that it is also looking at the plan horizon year that is 2038 and saying at that time transportation capacity will be there as opposed to the way it works right now. One cannot build until that capacity is there.

In 2002 the Zone Change for Summerfield Subdivision came in. When doing their Traffic Impact Analysis two intersections, one at North Phoenix Road and Chery Ln and the other at Hillcrest and Pierce, were shown to fail without improvements. In order to prevent that from happening the Planning Commission at that time limited the development to 124 units until intersections were improved.

Commissioner McFadden asked, is staff saying that is the State option? Mr. Kearns replied that is what the City does now.

The assumption is that the City collects SDCs from the homes in the subdivision they can then build the intersections planned for construction. Doing it the way the City does it now they do not collect SDCs limiting the development of what they can build and the intersection does not get built.

Commissioner McFadden asked, is staff saying that the City charges the new property owners the cost versus the developer the cost? Commissioner Foley responded no. That did not change.

Mr. MacNair commented that the City does not collect SDCs until the house is built.

Commissioner Foley is concerned with the target year of 2038. No one is going to write plans that far out, they will change. Is there a better horizon that makes more sense? Mr. Kearns stated that the TPR allows applicants to change the Tiers of projects by going to City Council for a Comprehensive Plan change.

Mr. MacNair reported that part of the TSP and the Tier 1 is showing that all the studied intersections work in the future. If it gets bumped off the Tier 1 list it would have to be an intersection that meets the standard.

Also, projects on the Tier 1 list that do not end up being built are usually projects that are not a priority because development is not happening in that area or traffic patterns change. Staff will need to revisit the plan more frequently with this because projects will need to be moved around and reanalyzed. Internally, staff has talked about every five to six years doing TSP updates as opposed waiting until the end of the twenty year planning horizon.

Commissioner Pulver asked, a couple of projects related to both the South Stage Overpass and North Phoenix Super Corridor, is it the same mechanism in terms of modifying the TSP of shifting projects around? Looking at a couple of projects that were excluded it seemed plausible that some portions of those could get built such as Juanipero to the south border of Medford. Is there an easy mechanism to remove it from excluded projects? Mr. Kearns reported the language itself within there should be enough. The language is the same as used in the TPR.

Mr. MacNair stated that if it is something that is built it would be in the existing conditions when doing the traffic impact analysis. Tier 1 projects are included in the analysis as built in the future. The grey area is if it gets funding.

Mr. Kearns reported that understanding the process of exactly how this comes together might be helpful. Analyzing everything, figuring out what intersections will work and what can be budgeted. When developments come in they analyze the traffic impact analysis and how their development will impact that. That gets into the changes staff is proposing. The timing of the when the TIA is needed. How one can look at that TIA and development proposal is what staff is changing. The third step in the process would be how to proceed forward.

Staff is proposing amending the land development code to allow for use of TPR (i.e. in zone change and Transportation Impact Analysis criteria); TPR allows for:

- “Planned” facilities in TSP may be used in project analysis
- Use of alternative mitigation measures
- Already failing intersections to be reviewed with a “no further degradation target”

Alternative Measures is signaling timing improvements, multi-modal improvements (transit or bicycle facilities), or street connectivity that would improve the system as a whole.

Commissioner Pulver asked, does the alternative measures have to be related to the intersection in question? Mr. Kearns stated that it has to show how it will fix the problem.

Pros:

- Planned projects can be included in the analysis
- Allows development to proceed prior to improvements being built

- No pipeline trips
- Aligns with ODOT requirements

Cons:

- More critical for the City to deliver the planned projects over the 20 year planning period
- Allows development to proceed prior to improvements being built
- More reliant on a regional traffic model of which the City does not have direct control
- The Mega Corridor

**30. Adjournment**

The meeting was adjourned at 1:16 p.m.



Submitted by:

Terri L. Richards

Recording Secretary

# Exhibit F

## Transportation Planning Rule (TPR)

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Link for entire Oregon Administrative Rule (OAR):

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3062>

Only sections most pertinent to DCA-18-180 have been provided as an exhibit. Other sections of TPR pertain to transportation more broadly, requirements for transportation system plans and transportation planning on rural lands.

\* \* \*

Chapter 660

Division 12

TRANSPORTATION PLANNING

\* \* \*

### 660-012-0060

#### Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand

management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate

Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments

shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial,

collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment

from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, "multimodal mixed-use area" or "MMA" means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal

to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

\* \* \*

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## Exhibit G

### Building Department Comments – June 10, 2019

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# Memo

**To:** Kyle Kearns, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** N/A  
**Date:** **June 10, 2019**  
**Re:** DCA-18-180\_2018 TSP Updates Concurrency and TIA

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#### **Building Department:**

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

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Building Department has no comments.

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# Exhibit H

## Public Works Department Comments

### – June 12, 2019

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*Medford – A fantastic place to live, work and play*

#### CITY OF MEDFORD

LD Date: 6/12/2019  
File Number: DCA-18-180

#### PUBLIC WORKS DEPARTMENT STAFF REPORT

##### Development Code Amendment 2018 TSP Updates – Concurrency & TIA

**Project:** Staff is preparing updates to the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Objective 4, Action Item a:

4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy

**Applicant:** City of Medford

**Planner:** Planner, Kyle Kearns, Long Range Division

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**Public Works has no comments on the proposed amendment.**

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs

# Exhibit I

## Medford Fire-Rescue Department

### Comments – June 12, 2019



#### Medford Fire-Rescue Land Development Report

#### Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 6/3/2019  
**Meeting Date:** 6/15/2019

**LD File #:** DCA18180

**Planner:** Kyle Kearns

**Applicant:** City of Medford

**Project Location:** N/A

**Project Description:** Staff is preparing updates to the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analysis (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Objective 4, Action Item a

4a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy. Planner, Kyle Kearns.

#### Specific Development Requirements for Access & Water Supply

#### Conditions

Reference	Description	Conditions
Approved	Approved as submitted with no additional conditions or requirements.	

#### Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan reviews shall not prevent the correction of errors or violations that are found to exist during construction. This plan reviews based on information provided only.

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

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

[www.medfordfirerescue.org](http://www.medfordfirerescue.org)

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# Exhibit J

## Medford Water Commission Comments – June 12, 2019

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BOARD OF WATER COMMISSIONERS  
*Staff Memo*

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

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

**SUBJECT:** DCA-19-180

**PARCEL ID:** 371W30AC TL 2500

**PROJECT:** Staff is preparing updates to the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Objective 4, Action Item a:  
  
4-a. Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy. Planner: Kyle Kearns.

**DATE:** June 12, 2019

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

**CONDITIONS**

1. No comments.

**COMMENTS**

1. No comments.

# Exhibit K

## Jackson County Roads Comments – June 3, 2019



**JACKSON COUNTY**  
*Roads*

Roads  
Engineering

Chuck DeJanvier  
Construction Engineer

200 Antelope Road  
White City, OR 97503  
Phone: (541) 774-6255  
Fax: (541) 774-6295  
dejanvca@jacksoncounty.org  
www.jacksoncounty.org

June 3, 2019

Attention: Kyle Kearns  
Planning Department  
City of Medford  
200 South Ivy Street, Lausmann Annex, Room 240  
Medford, OR 97501

RE: 2018 TSP Updates – Concurrency and TIA  
Various city maintained roads.  
Planning File: DCA-18-180.

Dear Kyle:

Thank you for the opportunity to comment on consideration of updates to the Medford Land Development Code regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Action Item a:

4-a Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy. Jackson County Roads has the following comment:

1. Jackson County Roads supports these updates to the City of Medford Land Development Code regarding the City's transportation concurrency standards.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Chuck DeJanvier, PE  
Construction Engineer

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## Exhibit L

# Memorandum – City Staff Responses to Public Comments Received at June 27, 2019 Hearing

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### MEMORANDUM

**Subject** City Staff Response to Public Comments received at June 27, 2019 Hearing

**File no.** DCA-18-180

**To** Kim Parducci, Transportation Commissioner & Jay Harland, CSA Planning

**From** Kyle Kearns, Planner II & Karl MacNair, Transportation Manager

**Date** July 23, 2019

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### BACKGROUND

On June 27, 2019 the Planning Commission voted unanimously to continue the development code amendment (DCA-18-180) in relation to concurrency and transportation impact analyzes (TIA). The reason for continuance is due to staff receiving public testimony the day of the hearing. Public comment was received into the record on June 27 from Jay Harland of CSA Planning (Exhibit A); additional comments were received previously from Kim Parducci on June 25 (Exhibit B). Ms. Parducci had asked her comments not be added to the record, however her comments still provide substantive views on DCA-18-180. As part of a public legislative process, the record must reflect comments received from the public that influenced the proposed code language

The intent of this memorandum is to provide review of the aforementioned comments and possible additions to the proposal to address the comments received from both Mr. Harland and Ms. Parducci. Mr. Harland's comments serve as a review of the Transportation Planning Rule (TPR) as it pertains to the proposal (Exhibit C) with suggestions on how to implement certain provisions from his professional perspective. Each comment is summarized in the memo and contained as an Exhibit; sections pertinent to DCA-18-180 are provided in sequential order as the code language would appear in the Medford Land Development Code

(MLDC). Exhibit C contains the proposed language that was reviewed at the Planning Commissions Hearing on June 27, 2019.

## **COMMENTS AND PROPOSED ACTIONS FOR DCA-18-180**

The following sections contain the various sections of DCA-18-180 that are referenced by both Ms. Parducci and Mr. Harland in the comments (Exhibits B & A, respectively). Kim Parducci's comments are shown as KP, Jay Harland's as JH. A preliminary review of how these comments can be addressed is provided in each individual section; comments that are broader in nature have been addressed at the beginning of the memo.

### 10.204(3)(B) – KP, Exhibit B

Concerned with vagueness of the language regarding Public Works ability to require improvements "...for reasons of public safety." Suggested to provide an example of public safety.

**Staff Response:** Staff is not recommending any changes in regards to this comment. Staff acknowledges the vagueness of this language but would not want to be locked in to an exclusive list as it pertains to public safety. Leaving the discretion of what constitutes "public safety" to the Public Works Director can be important as there will be instances when data or a prescriptive process cannot account for unforeseen safety concerns of the future. Staff would also like to point out that section 10.461(E)(19)(b) does provide further detail about what types of issues are considered safety issues.

## **Section 10.461 TIA Applicability and Methodology**

### 10.461 Broad Comments – JH;

Mr. Harland had several broad-based comments regarding the TIA applications and methods. He raises many valid points; however, the understanding of staff was that adopting TPR by reference in 10.204 would allow for many of these provisions to be used. Many of his comments below respond as if we were to add provisions explicitly into the MLDC. The following are his comments summarized:

- Stated that the current proposal has no allowance regarding an analysis process for changing roadway functional classification
  - **Staff response:** Add a section to 10.461 stating that when the maximum allowed Annual Average Daily Trips (AADT) for local and collector streets are exceeded, a comprehensive plan amendment is required and add the maximum allowed AADT for those classes to 10.462. Additionally, staff will amend the proposal to include a provision that lowering a classification

(i.e. collector to local street) may not be approved without a comprehensive plan amendment.

- Concerns regarding the current TIA standards require that developments first find failing intersection prior to reducing trips
  - **Staff response:** Staff respectfully disagrees with this comment and believes that the code requiring developments to find a failing intersection is already consistent with the TPR. The TPR language states that the *significant effect* can be reduced or eliminated by reducing trips; this implies that a significant effect has already been identified. Staff believes this provision is intended to allow development to avoid costly infrastructure improvements, not to simply stipulate to avoid the requirement to do a TIA.
  
- Subsection (3) of TPR has not been provided for in DCA-18-180.
  - **Staff Response:** This portion of TPR is a "...may approve..." as opposed to a "shall approve." Staff believes that the option for approval in these cases is in the code as currently proposed. However, it would be a good idea to provide some guidance on how this would work should it ever come up. Staff recommends inserting language into 10.461 stating that when an applicant is proposing approval under this section of the TPR, the Public Works Director (or designee) shall submit a recommendation to the approving authority stating whether the proposed mitigation provides enough benefit in the near term to outweigh additional delay in the future, in their professional opinion. If the Public Works Director (or designee) supports it, then the approving authority will approve it. If the Public Works Director (or designee) does not support it, then the approving will review competing testimony by the professional engineers with expertise in transportation and will approve or deny the proposed development with the proposed mitigation.
  
- Subsection (6) of TPR addressing reductions in mixed-use, pedestrian-friendly centers, and neighborhoods is not directly addressed in the code language. Mr. Harland suggest that the trip rates for zoning should be brought into the MLDC and the process for updating them. Additionally, it is requested that these rates follow the 10% trip reduction allowed within TPR.

- **Staff Response:** Adding the trip rates, into the MLDC or as a department policy available to the public, used for zone changes will resolve this. Additionally, the 10% reduction for mixed-use, pedestrian-friendly centers and neighborhoods is already explicitly stated in the TPR, therefore it is not needed in the MLDC.
- Subsection (8) of TPR outlines standards for what “mixed-use, pedestrian –friendly center or neighborhood” shall mean in reference to TPR. Mr. Harland points that these standards could be brought into code.
  - **Staff response:** Staff will rely on the provisions explicitly stated in TPR to ensure the benefits of this section are provided for. Language accompanying the trip rates will be incorporated citing the TPR definitions of “mixed-use, pedestrian –friendly center or neighborhood.”
- Mr. Harland notes that Subsection (9) of TPR, would in theory, apply to all zone changes given the lack of direction in DCA-18-180. Subsection (9) states that a zone change does not affect a transportation facility if zoning is consistent with the comprehensive plan, the local government has an adopted TSP and the subject property wasn't exempt from this rule prior to annexation.
  - **Staff Response:** Inclusion of this provision would in effect remove all TIA analysis for a zone change if there was no proposed change to the comprehensive plan designation. The language in TPR states that “...a local government may find...” making this an optional requirement. Working with the provisions of subsection (9) could streamline many of the City's zone changes and development proposals. However, it could also create problems where development will build without key local street connections and the city has no way to require mitigation for issues created by this. This provision was discussed in Council Study Sessions during the TSP update. Staff's understanding is that Council intended to remove concurrency and allow planned projects to be included in the analysis but not to remove the requirement to study facility adequacy for most zone changes. Staff will add language stating that approval under TPR subsection (9) is not allowed to clarify.

- Subsection (10) of TPR outlines provisions for a local government to deviate from applying performance standards related to vehicles in the case of land use proposals in a multimodal mixed-use areas (MMA). Mr. Harland states that there is no process for this addition.
  - **Staff response:** Again, this is an optional provision of TPR. The City currently has no MMA established and to do so would require a comprehensive plan process. There may be reason to incorporate this, but this is outside of the scope of DCA-18-180 unless directed otherwise by Council. This allowance does present some potential benefits when applied in the right areas (e.g. Downtown, West Main, S-E Plan Area, or Liberty Park).
- Subsection (11) outlines processes for partial mitigation of transportation facilities when industrial or traded-sector jobs are used and certain uses are restricted (retail or auto-oriented businesses). Mr. Harland points out the potential economic development tools this provision provides.
  - **Staff response:** The allowance to use this section could be more explicitly outlined, however the provisions are still applicable for those seeking to use this exception. However, this is a policy decision that would need Council approval. Research into how other cities are handling this is needed prior to implementation.

10.461 "TIA Applicability" – KP, Exhibit B

Disagrees to allow for the modification of a scoping letter due to "...significant development," approvals.

**Staff response:** Staff recommends removal of this language from the code.

10.461(B)(2) – KP, Exhibit B

Would like clarification that facility adequacy standards only apply to collectors and arterial roadways.

**Staff response:** Add language to 10.461(B)(2) that says, "Any collector or arterial intersection with another collector or arterial where the...."

Additional comments were regarding the vague language that states "This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situation." Additions clarifying instances of a need to adjust for safety or unusual situations is desired.

**Staff response:** This provision is rarely, if ever, used and is intended to address situations where staff is aware of existing problems that need to be looked at. Staff respectfully disagrees with this comment.

10.461(E)(9) – KP, Exhibit B

Concerns around what is considered to be “off-peak season” and “peak season.” Ultimately it is recognized that this may be hard to define within the comment.

**Staff response:** Leave language as is to allow for flexibility in determining when the “peak season” is based on area (e.g. schools aren’t in session during summer).

10.461(E)(12) – KP, Exhibit B

Voicing opinion that a pass-by cap of 25% is not necessary. “The ITE may use studies that show bigger cities and the pass-by rates might be a little higher in some situations but the City of Medford doesn't have any better information to show that 25% is more accurate. Not allowing consultants to use the ITE pass-by rate is like not allowing consultants to use ITE land use trip rates because those studies were also prepared using large cities.”

**Staff response:** Staff believes that removing this language is problematic and is not proposing any changes. An example of staff’s concern is that per Table E.18 of the ITE Trip Generation Handbook, a Costco could claim a pass-by percentage of 37% based on studies done on the east coast. This percentage is not realistic given the Costco in the Rogue Valley draws customers from hundreds of miles away. The existing code language already allows for higher pass-by percentages to be when request in advance and approved Public Works Director. Additionally, pass-by is not considered when using the zone change trip rates.

10.461(E)(14) – KP, Exhibit B

Questioning the need to continue to track pipeline trips as it front-loads analyses and can cause exiting conditions to be almost as high as future 2038 conditions. The adopted TSP should account for previous zone changes, especially if adopted prior to the TSP being adopted. Suggested moving towards a proportionate share (“pro-rata share”) for developers as opposed to tracking pipeline trips.

**Staff response:** Staff considered a proportionate share contribution with DCA-18-180 originally but removed it due to the politics of adding such a fee to development, as well as the amount of research needed to implement a project like this in an expedient time frame. The TSP also directs the addition

of a “pro-rata share” contribution for intersections in the Key Code and Policy Amendments, which is a proportionate share. This project will need to be revisited with focus specific to this amendment.

In reference to pipeline trips, they account for trips from approved zone changes that have not built out. Pipeline trips are added to the existing counts to establish the current day background conditions. Under the analysis required by the TPR, existing counts are grown to future volumes using growth rates derived from the regional model to establish the future background conditions. The constrained growth in the regional model includes growth in areas where that are also included as pipeline trips. Including pipeline in the future year analysis double counts these trips. Including pipeline in the current year analysis ensures that already approved developments are accounted for in the current year.

In order to be consistent with the direction to apply the TPR as the determinant of facility adequacy, pipeline trips should be abandoned. Since the future year is the determining year for mitigation under the TPR, this will not impact TPR required mitigation. Therefore, the only impact to the City's ability to require mitigation would be in the projected build year of the project, which is already limited to “reasons of public safety” by 10.204. Reasons of public safety will generally be related to existing safety concerns, not pipeline trips.

Staff will consider removing references to pipeline trips from the code.

10.461(E)(15) – JH; Exhibit A

States that the city should include the Regional Transportation Plan (RTP) in the list of methods to become “...reasonably likely to be funded...”

**Staff response:** Add the RTP Fiscally Constrained Project List to the list in accordance with the list provided in the TPR.

10.461(E)(15) – KP, Exhibit B

Disagrees with exempting the Mega Corridor projects from the Tier 1 allowances proposed in DCA-18-180. Projects along N. Phoenix, Foothill and S. Stage should not have been identified as Tier 1 projects if they did not have secure funding.

**Staff response:** These points had been raised by staff during the onset of the drafting of DCA-18-180. However, the Oregon Department of Transportation (ODOT) had not supported the consideration of the Mega Corridor projects (primarily the South Stage Overcrossing) as Tier 1, fiscally constrained

projects, due to lack of funding identified in the TSP. At the time of preparing the TSP for adoption by the City Council, Staff was directed to include the Mega Corridor projects in the Tier 1 list but to only allocate \$15 million to the group of projects. These projects are called out as not being considered fiscally constrained in order to address ODOT's concerns about development proceeding without a funding plan for these projects being in place, and degrading the operations of the South Medford interchange. This is why these projects are not considered fiscally constrained, even though they were included in the analysis performed for the future year in the TSP. Medford is committed to finding funding for these projects but is not considering them fiscally constrained until that funding is more certain.

Please note that the intersections along the Mega Corridor needing mitigation are identified as separate Tier 1 projects and will be considered as funded in analysis.

Additionally, TPR provides guidance on how a transportation facility may be considered "...reasonably likely to be provided..." with the following language:

"(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period."

(TPR - OAR 660-012-0060 (4)(b)(E))

Efforts to determine a funding package for the Mega Corridor are underway and it is likely that the need to exempt these projects will be removed. This decision will ultimately need additional direction from the City Council. Staff recommends adding, until the City Council issues a statement directing otherwise to the end of the sentence in section 10.461(E)(15)(a) . The language can be removed when additional funding is identified.

#### 10.461(E)(18) – KP, Exhibit B

Similar concerns as above in reference to the term "safety review," there appear to be issues with the potential for subjectivity.

**Staff response:** Staff respectfully disagrees that this language is subjective. The elements of the safety review are defined in 10.461(F)(8) and mitigation requirements are spelled out in 10.461(E)(19). Staff is not recommending changes

based on these comments, see above comments as it relates to 10.204(3)(B) for additional clarity.

10.461(E)(19) – KP, Exhibit B

Feels this proposed language is not consistent with the allowances in TPR to allow for a no further degradation target. Additional comments regarding a pro-rata share were reiterated in this comment.

**Staff response:** Staff believes that the proposed code allows for a “No Further Degradation” target in Section 10.462. The language in question references section 10.462, which includes both the adopted mobility targets (acceptable LOS) and the “No Further Degradation” target.

10.461(F)(2-3) – KP, Exhibit B

Comments pertain to using a common peak hour in TIAs.

**Staff response:** Staff recommends replacing “peak period” with “peak hour” throughout section 10.461.

10.461(G) – JH; Exhibit A

Within the Transportation Planning Rule there are several remedies that divert from the traditional methods of providing for transportation facility adequacy (i.e. improving roadways for vehicles). Mr. Harland has identified a lack of process stating “...there is not much in the way of process description for how someone would apply for any of the above options under TPR.” These options include amending the TSP project list or functional classification, conditioning TDM for developments, providing alternative modes of transportation and allowing for minor transportation improvements to aid in alleviating level-of-service failures.

**Staff response:** In terms of process, staff is proposing that these remedies be conditions of approval of land use reviews similar to how other transportation facilities are required for development and it is directly stated in Subsection (G). Additionally, changes to the TSP identified in this portion of TPR identified above would be subject to the Comprehensive Plan Amendment criteria and the Type IV land use review standards. Staff disagrees with this comment and feels the process for implementation is already in place.

**NEXT STEPS**

Revisions to the proposed language will be made to DCA-18-180 once staff has received appropriate direction on the comments contained with this memo and its

exhibits. The Planning Commission hearing is scheduled for August 22 and City Council on September 19. Given the likelihood of substantial changes coming from these comments, Planning staff would recommend the inclusion of another Planning Commission study session to review the changes. If taken back to Planning Commission in a study session, the hearing dates would need to be pushed back in order to reflect this new timeline.

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# Exhibit M

## DCA-18-180 Comments – CSA Planning, Ltd. via Jay Harland

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June 27, 2019  
Medford Planning Commission  
200 South Ivy Street, Lausmann Annex, Room 240 Medford, Oregon 97501

RE: **DCA-18-180**

Dear Commissioners:

This letter provides CSA Planning's comments on the proposed code amendments in Planning File No. DCA-18-180. We request this letter be entered into the record for this land use proceeding. As a matter of Comprehensive Plan policy implementation, our opinion is that this code amendment is as important as any code amendment the Planning Commission has considered in recent memory. Given the gravity of these changes, this letter includes extensive comments. We respectfully request the Planning Commission continue this hearing so that our comments can be given thorough consideration by the Commission. We believe this continuance request is appropriate given that we received a copy of the proposed amendments only 10 days ago which was a full week after the Planning Commission's study session.

### **POLICY CONSISTENCY WITH THE TSP:**

The proposed code amendments continue much of the current process and approach to traffic analyses and demonstration of transportation facility adequacy for zone changes. If the prior regulations were working well, then language refinement and minor adjustments are an appropriate approach. The proposed code changes include beneficial flexibility that does not exist in the current code language- to be sure. However, the Medford City Council has already directed a major change in policy. The new TSP includes specific policy direction to fundamentally change the approach. This language is called out in the staff report and is as follows:

TSP Goal 1, Objective 4, Action Item a:

4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy.

The TSP policy direction is crystal clear. Where the Comprehensive Plan includes language that is this clear, the code language implementing it must be consistent with the plan language. Development codes implement the Comprehensive Plan, not the other way around. Unfortunately, this code amendment falls short of fully implementing the policy set forth in the TSP. The staff report includes no analysis of the applicable section of TPR nor does it explain how the code amendment is implementing the adopted policy direction in Action Item 4-a.

Moreover, some of the definitional changes appear to indicate a departure from the policy precedent set in the Wal-Mart/Siporen decision that transportation facility adequacy is determined at the time of zone change. This would be a major policy change from current policy. Moreover, applying TPR as *the determinant of facility*

**adequacy** provides no basis to impose extensive capacity analysis requirements at the time of the development when TPR does not even apply.

### **TRANSPORTATION PLANNING RULE (TPR)\_ANALYSIS:**

There are many proposed code provisions where detailed technical comments may be appropriate in the future. However, given the issue of policy consistency with the TSP described above, such detailed technical comments about specific code provisions is not appropriate at this juncture. A comparative analysis of TPR and the proposed language is the more pressing matter. Accordingly, the below comments provide an analysis of TPR and these comments seek to illustrate where code changes are needed to fully implement the TSP's policy direction.

**TPR Facility Adequacy Policy Overview-** The proposed new MLDC zone change criteria for transportation facility adequacy cites directly to OAR 660-012-0060. This is consistent with the policy set forth in Action Item 4-a in the TSP. As a primary matter, an overview of the policy context contained in OAR 660-012-0060 may help the Commission understand the more detailed TPR analysis that follows.

OAR 660-012-0060 is a "planning level analysis". Some traffic engineering may be performed as part of a TPR analysis. However, it is not, fundamentally, a traffic engineering exercise. The "test" in OAR 660-012-0060 occurs at the end of the planning period that is 20-years in the future. The test includes the financially constrained planned transportation projects. The point of the analysis is to evaluate if adequate transportation planning has been done to support the land use change or if there are land use planning benefits to be realized that justify the acceptance of higher levels of congestion.

TPR uses the language of "significant effects" on a transportation facility resulting from a land use change. If no changes to the functional classification of any streets will occur and all the performance standards of all transportation facilities in the future year will either meet the adopted standard or will not be made worse then there is "no significant effect" and the facility adequacy exercise ends at that point. If the initial analysis shows there is a significant effect, TPR includes a number of planning options to obtain compliance and eliminate the "significant effect".

The underlying policy assumption embedded in TPR is that allowing development to occur that is consistent with transportation planning for the area and the Comp Planned land uses will, ultimately, result a transportation system that balances congestion with the other requirements of the statewide land use planning program for cities (efficient urban land use G14, housing G10, economic development G9). TPR recognizes that incremental development-by-development traffic performance criteria that seeks to avoid any localized congestion may not actually result in a better performing transportation system in the long-run- especially in medium and larger urban areas. TPR recognizes that development is encouraged to spread out geographically under this type of policy regime causing trip lengths to increase and limiting the ability of transit and alternative modes to capture transportation demands in medium and larger urban areas.

#### **Detailed TPR Review-**

- 41 If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- 41.2 Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

**41.3** Change standards implementing a functional classification system; or

**41.4** Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within

the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

**COMMENT:** Nothing in the City's code amendments explain what is expected for the functional classification analysis. All the language is focused on (c) (B and C), which is typically where the issues are. However, some language explaining what is expected for functional class analysis, and associated access analysis, is appropriate because TPR requires a finding to that effect. Much of the TIA language can be used to address the performance standards analysis.

The other concern is that TPR specifically provides that significant effects can be eliminated through enforceable requirements to limit trips. The existing Medford code and the proposed code carry forward a requirement to first find a failing facility and then reduce the trips. TPR includes no such requirement. It is often a waste of time and energy because a developer knows the use they want to do is allowed in a different zone but it will not produce more trips than the trip generation rates of the existing zone. For example, this evening's agenda has a zone change that was stipulated on traffic generation to allow a hotel on property that was previously zoned I-L and we were only able to stipulate because a prior TIA had already found a failing facility, or otherwise that project would have had to go looking for one. TPR does not require this needless step and it should be eliminated.

The new City language does include the "no degradation standard" which is reflected in TPR and this is a welcome addition to the code.

- (2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.
  - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism

- consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
- (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
  - (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.
  - (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:
    - (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;
    - (B) The providers of facilities being improved at other locations provide written statements of approval; and
    - (C) The local jurisdictions where facilities are being improved provide written statements of approval.

**COMMENT:** The staff report suggests that the above flexibility will be available under the new code. However, there is not much in the way of process description for how someone would apply for any of the above options under TPR. If the request is broad in scope, then it is clearly legislative and so the City can process it in a flexible manner the City sees fit.

However, there may be instances where quasi-judicial requests would be appropriate but it seems like the City would want some sideboards on that and also some criteria. The TIA is only one component of the submittal that would appear to be required.

The subsection "(G) enhancements" seems to allow for some of the above TPR components but it is in the TIA section of the code.

There is a planning process piece that seems to be missing.

- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:
  - (a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;
  - (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;
  - (c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

- (d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

**COMMENT:** Essentially, this section of TPR deals with a specific circumstance where facilities are projected to fail in the future, and even with some mitigation, will be made worse in the future year, but can be improved in the build year. This is an unusual circumstance. CSA has used it on a project one time in the last 10 years since it has been in existence. Nevertheless, there is nothing in the revised code, as I read it, that provides a mechanism for this process. Maybe there does not need to be, but some findings that explain how the new code works under this section would provide informative legislative intent.

- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
  - (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
  - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
    - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
    - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
    - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
    - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
    - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
  - (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

- (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
- (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- (d) As used in this section and section (3):
  - (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
  - (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
  - (C) Interstate interchange area means:
    - (i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or
    - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

**COMMENT:** The proposed MLDC 10.461(E)(15) code language is prohibiting the use of certain TSP Tier 1 improvements in the TPR facility adequacy analysis. The proposed code language indicates they can be included based upon certain actions in subsection (b). TPR provides that if they are included in the RTP financially constrained list then you “shall rely” on those improvements. Inclusion in the RTP list is not one of the listed “actions” for those projects to be considered funded. For example, Foothill Road McAndrews to Delta Waters is in the RTP, and therefore, may be relied upon under the express language of TPR.

- (5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

**COMMENT:** This section of TPR is not relevant.

- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below:
  - (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only

- if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
- (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;
  - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
  - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

**COMMENT:** The proposed code refers to the zone trip rates that are on file with the Public Works Department. These rates are critical to zone changes. These should arguably be in the code itself. At a minimum the code should specify how they get approved (Council Resolution???), how frequently they should be re-evaluated, and some math should be provided that demonstrates there is an adequate factual base. These trip rates function as a foundational element to implement the City's Comprehensive Plan for transportation so they are not some minor administrative function.

With respect to the particular language in TPR above, the base rate needs to reflect these TPR requirements. There should be separate rates that are at least 10% lower for zone changes in mixed-use pedestrian friendly neighborhoods. Proposed section 10.461(E)(11) should tie to this section of TPR and expressly allow for the required reductions.

- (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):
  - (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
  - (b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's

requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

- (c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

**COMMENT:** Medford has an adopted TSP so subsection (7) does not apply.

- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

- (a) Any one of the following:

- (A) An existing central business district or downtown;
- (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
- (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
- (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

- (b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

- (A) A concentration of a variety of land uses in a well-defined area, including the following:

- (i) Medium to high density residential development (12 or more units per acre);
- (ii) Offices or office buildings;
- (iii) Retail stores and services;
- (iv) Restaurants; and
- (v) Public open space or private open space which is available for public use, such as a park or plaza.

- (B) Generally include civic or cultural uses;

- (C) A core commercial area where multi-story buildings are permitted;

- (D) Buildings and building entrances oriented to streets;

- (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

- (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

- (G) One or more transit stops (in urban areas with fixed route transit service); and

- (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

**COMMENT:** While not required, some connection to this TPR provision seems to make sense?

- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

**COMMENT:** Nothing in the code explains how this section of TPR is implemented<sup>1</sup>.

- (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.
- (a) A proposed amendment qualifies for this section if it:
    - (A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and
    - (B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.
  - (b) For the purpose of this rule, "multimodal mixed-use area" or "MMA" means an area:
    - (A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;
    - (B) Entirely within an urban growth boundary;
    - (C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;
    - (D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and
    - (E) Located in one or more of the categories below:
      - (i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

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<sup>1</sup> Given the language in the proposed zone change criteria and the silence on how this is to be applied, it would appear this option would be available to any zone change application.

- (ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or
  - (iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.
- (c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.
- (A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:
    - (i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;
    - (ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and
    - (iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.
  - (B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.
- (d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.
- (e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

**COMMENT:** Again, there is not much in the way of process description for how someone would apply for any of the above options under TPR. If the request is broad in scope, then it is clearly legislative and so the City can sort of process it in a flexible manner. However, there may be instances where quasi-judicial requests would be appropriate, but it seems like the City would want some sideboards on that and also some criteria. Again, there is a planning process piece that seems to be missing.

- (11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.
- (a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.
    - (A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

- (B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.
  - (C) For the purpose of this section:
    - (i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.
    - (ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.
  - (D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:
    - (i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.
    - (ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.
    - (iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.
  - (E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.
- (b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.
- (c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:
- (A) Proposed amendment.
  - (B) Proposed mitigating actions from section (2) of this rule.
  - (C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.
  - (D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.
  - (E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

**COMMENT:** This is a potentially significant economic development tool available under TPR. No guidance whatsoever is provided by the proposed code language on any local procedures to implement this part of the rule. Potentially significant Goal 9 opportunities could be advanced by having a solid local procedure in place to implement this part of the rule.

**CONCLUDING COMMENTS:**

Ultimately, the policy direction in the TSP is straightforward. The amendments move the City towards this policy objective, but not nearly there. The stated reason for the code amendments is to implement action item 4-a in the staff report. The City should be completing code amendments to fully implement the TSP action item as part of this code amendment.

We are certainly willing and able to work with the City on code language as the project moves forward. However, it is not realistic for us to provide an entire battery of specific code changes to address all the issues pointed up in this letter. We do not want to hold the project up for an extended period. We are anxious, as are others, to see the new TSP reflected in the code. However, we also believe this in an instance where doing it right once the first time will be the most beneficial.

## Exhibit N

# DCA-18-180 Comments – Transportation Commissioner Kim Parducci

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**From:** Kim Parducci  
**To:** Karl H. MacNair; Kyle W. Kearns  
**Subject:** Concurrency and code changes review  
**Date:** Tuesday, June 25, 2019 10:01:46 AM

Hi Karl and Kyle,

I know this is coming late but I missed the TC meeting when we discussed the proposed concurrency language and code revisions and have finally had time to read through it and give it thought. For what it's worth, these are my comments.

10.204(3)(b) "Adequate streets and street capacities must be provided.....The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety." I think this is too vague and will ultimately lead to issues / battles over what is "public safety". Maybe an example or some guidelines would be helpful to narrow this down a little.

10.461 "TIA Applicability.....Scoping letters may require modification if significant development is approved during the 180 days." I disagree with this. Once a traffic consultant starts an analysis and is preparing it per the scoping letter I don't think Public Works should add a development to be considered. That requires a full revision to every analysis scenario and wouldn't allow the consultant to adequately plan for it or provide it within an estimate.

(B)(2) "Any intersection....." This is the same language that's in the current code but when I was reading through it I was wondering why it doesn't state that facility adequacy standards don't apply to intersections involving local streets. Should this section state intersection of collectors and arterials to be consistent with the scoping letter provided by Public Works?

(B)(2) " This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and" I think this is too vague and again will lead to issues/disagreements. If Public Works wants to have discretion for safety then it would be helpful if they quantify a more narrow description of what kinds of things would be considered because safety can cover a long list of subjective criteria.

(E)(9) " An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-season" What is appropriate and what is considered off-peak because depending on the area summer could be off-peak if school traffic has a big impact. I've always thought this language in the current code should have been more specific but it's difficult because most seasonal adjustment methods just assume summer is the peak. I don't disagree with an adjustment factor but I feel like the language is unclear as to what should be used.

(E)(12) I want to continue to voice my opinion that a pass-by cap of 25% is not necessary. The ITE may use studies that show bigger cities and the pass-by rates might be a little higher in some situations but the City of Medford doesn't have any better information to show that 25% is more accurate. Not allowing consultants to use the ITE pass-by rate is like not allowing consultants to use ITE land use trip rates because those studies were also prepared using large cities. It's no different in my view.

(E)(14) I don't have any good alternative (yet) but I feel like having to continue to count pipeline trips is a mistake because I see how it front-loads analyses and makes it very confusing when existing conditions are almost as high as future 2038 conditions. There has to be a better way to consider zone changes that haven't built out. The current TSP should already account for past zone changes that haven't built out and any new zone change from this point forward could possibly be considered by larger growth rates or something in areas where the City sees a lot of zone changes occurring. I'd be more open to developers having to pay a pro-rata share more often or some other mechanism than tracking pipeline trips. I don't think it's even an accurate way of dealing with zone changes since it's based on potential conditions and sites often don't develop to that level. Overall, pipeline trips are just a tracking disaster.

(C)(15) I'm struggling with not allowing Tier 1 projects that were included as Tier 1 projects in the TSP and used in that analysis, specifically with the South Stage crossing. I'm not sure where the breakdown occurred but if we weren't going to allow it to be included in 20 years then we shouldn't have included it in the model runs that were used to determine future conditions. And, if it was decided that it should be included as a Tier 1 project so that it makes it easier to go after grants and such, then it should be treated like any other Tier 1 project.

(E)(18) The term "safety review" of study area intersections is too vague even if it's followed up that it's based on ODOT or City criteria because it encompasses too many possibilities. A crash analysis used to be required to address safety. Now the language is stating that a "safety review" of intersections is required, and that will end up being very subjective.

(E)(19) Mitigation measures are still being required such that an acceptable LOS is achieved? The State allows a developer to address their impacts and not make conditions worse. I thought we were revising the language to make it consistent with the TPR and allow developers to mitigate their impact. This is where a pro-rata share or small improvement could be proposed to mitigate an impact but not necessarily have to bring an intersection to an acceptable level.

(F)(2) I don't think the language has changed here but "peak period" refers to a longer duration than a peak hour. The intent of this paragraph I think is to state that coordinated systems use the same snapshot in time or same "peak hour". Stating peak period or that a common peak period should be used or not used suggests, for instance, 4:00-6:00 pm. Similarly, in (F)(3) the statement that counts should be a minimum of two hours and include the peak period should say should include the "peak hour" because the point is that you don't want to have a peak hour from 4:00-5:00 pm that could have been 3:45-4:45 pm had you been required to show that the peak hour was indeed within the peak period counted. As a caveat to this, I think a common peak hour or global peak hour is much more appropriate in analyses because using a different

peak hour for each intersection is inaccurate and then causes large imbalances that consultants have to then balance....making the data even more inaccurate. A common peak hour can be determined based on the most critical intersection.

Sorry that these comments are so late in coming. Feel free to correct me if I made any erroneous assumptions or call me if you have any questions. I just wanted you to have my thoughts since I might be the only person within the TC group with traffic background knowledge as it pertains to the technical side of things.

Kim

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## Exhibit O

# Planning Commission Study Session Minutes – August 12, 2019

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August 12, 2019

12:00 P.M.

Lausmann Annex, Room 151

200 S. Ivy Street, Medford, Oregon

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The regular meeting of the Planning Commission was called to order at 12:00 noon in the Medford Lausmann Annex, Room 151, 200 S. Ivy Street, Medford, Oregon on the above date with the following members and staff in attendance:

**Commissioners Present**

Mark McKechnie, Chair

Joe Foley, Vice Chair

David Culbertson

Bill Mansfield

David McFadden

E.J. McManus

Jared Pulver

Jeff Thomas

**Staff Present**

Kelly Evans, Assistant Planning Director

Carla Paladino, Principal Planner

Madison Simmons, Senior Assistant City Attorney

Karl MacNair, Transportation Manager

Kyle Kearns, Planner II

**Commissioner Absent**

E.J. McManus, Unexcused Absence

Patrick Miranda, Excused Absence

**Guest**

Nathan Emerson, CSA Planning Ltd.

**20. Subject**

**20.1 DCA-18-180 Concurrency**

Kyle Kearns, Planner II reported that the Transportation System Plan (TSP) was adopted in December 2018 with policy guidance to implement provisions of the Transportation Planning Rule (TPR).

There was public testimony received from CSA Planning Ltd., asking that DCA-18-180 be continued to a future hearing. There were additional comments received from Transportation Commissioner Kim Parducci. Their concerns were regarding missing Transportation Planning Rule language and analysis.

Staff met with Mr. Harland and Ms. Parducci to review staff's responses to their comments on August 7, 2019. Staff has incorporated several more changes that will be discussed during this study session.

**Prohibiting TPR Subsection (9):** Optional provision of TPR. It would allow for zone changes, without TIA, if zoning met the comprehensive plan and adopted TSP. Inclusion of this provision, would in effect remove TIA. Bend, Oregon has implemented a similar approach. Without further direction, staff is not suggesting inclusion of subsection (9) allowance.

Commissioner Mansfield asked for the pros and cons so he could understand it better. Mr. Kearns reported the pros would streamline zone changes and when zoning is consistent with the Comprehensive Plan and applicants would not have to analyze transportation impacts. It would put more pressure on staff to make the TSP come true. It would put more financial burden on the City and could end up causing unforeseen impacts to the transportation system.

Karl MacNair, Transportation Manager added that they did not analyze every single intersection in the City that could be impacted; there may be some projects that were not accounted for. Another con would be that the TSP looks at the full buildout at 20 years and what is expected based on development patterns and the Tier 1 project list. As development occurs over time there may be more development in one area than anticipated and less in another area.

Commissioner Mansfield asked, is one option a plan to analyze impacts as it goes and the other is a set plan per the TSP? Mr. MacNair responded yes.

Commissioner Mansfield asked, which way is staff recommending? Mr. MacNair stated to analyze as you go.

**Allowing Failing Facilities:** Optional provision of TPR. Rare circumstances (CSA indicated use of one time in 10 years). Allows approving authority to allow failing facilities when, even with mitigation, the facility will fail in the future year of the analysis. As Medford develops, this provision may get more applications when roadways are over capacity (e.g. Stewart and Highway 99). Staff has incorporated this allowance under Code Section 10.204(D).

Commissioner Pulver asked, if someone proposes a development in the vicinity that would have an impact on the intersection projected to fail, they would work it out with the City Engineer to make changes to make it no worse or pay money to contribute to a solution recognizing they cannot fix it by themselves? Mr. MacNair responded that this is not what this is getting at. It

is saying that if the analysis shows the intersection to be failing in the future, they can do mitigation to make it operate better in the year of opening (or baseline condition) but in the future year it is still worse than what the baseline condition shows. This allows the City to approve it if they feel the near term improvements are enough of a benefit to outweigh the future degradation of a transportation facility.

Commissioner Pulver asked, is this the one where Transportation (Engineer) agrees and approves with the applicant but if it does not get approved the applicant pleads their case to the Planning Commission. Mr. MacNair replied yes.

Commissioner Pulver asked, is this a situation of proportionate share for a future fix? Mr. MacNair responded this is not proportional share.

Commissioner Pulver asked, is it objective or subjective that there is a basis to making a decision to short term/long term benefit or not? Mr. Kearns replied that it is based on analysis that is objective but there is some subjectivity in the decision making.

**Added Average Daily Trips (ADT) into Medford Land Development Code:** Discussions with CSA Planning Ltd. and Transportation Commissioner Parducci, staff decided this is not necessary. Adding it to the code could cause complications in the future. This has been removed.

**Removed Pipeline Trips:** Comments described the burdensome and inaccurate uses of pipeline trips. Staff has proposed the use of "traffic count growth rates," based on the Regional Model, in place of pipeline trips.

Vice Chair Foley asked, if someone has a restriction will they now be able to apply, under the new rules, and reduce the restriction? Mr. Kearns replied yes.

Commissioner Pulver stated there are developments in north Medford that have restricted zoning due to intersection issues; now, the intersections analyzed may be on the Tier 1 projects list. The applicant would be able to reapply and then take credit for the Tier 1 project and might get the restrictions removed. They then build housing and the City receives SDCs to help fund that project or another Tier 1 project. Is that the idea? Mr. MacNair reported that the pipeline trips are different with removing concurrency looking at the existing year and requiring Level of Service to meet the target in the existing year. It is looking at the horizon year of the TSP and requiring it then. Being a Tier 1 project does not mean an older restriction could be removed.

**New City Policy on Trip Rates for Zone Changes:** Staff has proposed a policy, as opposed to MLDC language to avoid lengthy code amendments in the future if rates change.

Mr. MacNair reported that staff will be working with CSA Planning and Transportation Commissioner Parducci on the 1500 trips per acre for larger commercial zones. When talking about a 40 acre parcel it does not make a lot of sense.

**Common Peak Hours:** Comments described how the use of varying peak hours results in less accurate analysis such as intersections near schools versus employers. Staff is proposing the use of one common peak hour for future Transportation Impact Analysis (TIA).

Mr. MacNair added that it is a lot of work for the consultant's analysis to balance different peak hours. When using different peak hours there is a greater variation between intersections.

**Future Policies:** Some of the comments received have sparked additional policy discussion, including:

- The use of Subsection (9) in the TPR – “One Map” Land Use – Would allow for zone changes, without a TIA, when comprehensive plan is consistent with TSP analysis. Would create a “one map” land use approach. If the City implemented this there would be a zoning map and a comprehensive plan map, but it could lead towards a “One Map” system.
- Partial mitigation of transportation impacts when adding traded or industrial sector jobs – Subsection (11) of TPR is available without MLDC changes. A Type IV land use review could aid in the larger policy discussion; however, applicants could site partial mitigation in their findings, employing the use of TPR (11) as a mitigation measure.
- Allow use of all Tier 1 projects (i.e. remove “Mega-Corridor” exemption) – The inclusion of this exemption was to avoid appeals regarding the unfunded Tier 1 projects in the TSP. Without further direction this exemption will remain.

For the next steps staff will go back to the Transportation Commission on August 28, 2019 to get another recommendation since staff has added substantial changes. It will go before the Planning Commission on September

12, 2018 and City Council on October 3, 2019. If any of the "Further Policy" items are desired, additional code amendments would need to be initiated or a recommendation to City Council will be needed.

Commissioner Pulver asked, what improvements to the system does the Tier 1 projects presume? Mr. MacNair responded that the TSP analyzed the 2038 baseline without any improvements to the transportation system. Failing facilities are identified and, generally, put on the Tier 1 project list. A mitigated scenario is done to make sure the proposed improvements improve the failing issues.

Commissioner Pulver asked, does the second scenario factor in the Mega Corridor? Mr. MacNair replied that it included the Mega Corridor in the 2038 Mitigated TSP analysis. The road improvements along North Phoenix/Foothill are not Tier 1 projects (**Note:** The projects are Tier 1 projects, but are not funded) but the intersection projects that are needed to meet the Level of Service are included as Tier 1 projects and funded.

Commissioner Pulver asked, did Mr. MacNair state that the roads are not included? Mr. MacNair stated that it costs a lot more to improve the entire road to five lanes. So they put in Tier 1 projects that widen the road at key intersections that were failing. Putting in turn lanes if needed and additional through lanes getting the capacity at the intersections.

Commissioner Pulver stated there is a lot of roadway between the Phoenix boundary and the north Medford boundary. Is the idea that the property owners upon development do their share? How do those roads get improved if it is not the City? Mr. MacNair reported that property owners would do their frontage improvements as they develop. The City did intend to build it but did not have the funding to show they could build it all which is why they were lumped into the Mega Corridor.

Vice Chair Foley asked, are the signals at North Phoenix and Hillcrest and McAndrews and Foothill funded? Mr. MacNair replied those are funded also, the signal at Delta Waters.

Vice Chair Foley asked, those signals are funded therefore can be used in concurrency but won't that allow most of the development Mr. MacNair talked about to happen? Isn't it the intersections where the failure is not the roadway?

Commissioner Pulver commented that the big one is South Stage. One theory is that if the South Stage crossing is built it will take pressure off Barnett Road.

Mr. MacNair reported that the City is working with ODOT on the South Medford Interchange area. Recently they had a meeting to develop a scope of work to look at alternate mobility measures at the South Medford Interchange, that the TSP called for, as well as if there are any projects in that vicinity that could be done to say the City is doing everything they can to support the Interchange but there still needs to be an alternate mobility target.

Mr. Kearns stated that the intersection projects are not included in this exemption.

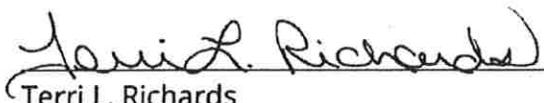
Commissioner Pulver asked, is CSA Planning and Kim Parducci aware of where staff is and are they happy with where this is at? Mr. MacNair commented that they are closer to agreement. The outstanding item that he is aware of is that they will be working on the 1500 ADT for larger commercial parcels.

Commissioner Pulver stated that in Mr. Harland's memorandum he was suggesting that the TPR be incorporated in its entirety or this particular portion of it. Staff recognizes it but modifying the code selectively as appropriate based on that rule. Is that correct? Mr. Kearns responded that is correct. A lot of the provisions in the TRP are "may" not "shall". Staff implemented what works best.

100. Adjournment

101. The meeting was adjourned at approximately 12:48 p.m.

Submitted by:



Terri L. Richards  
Recording Secretary

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## Exhibit P

# Transportation Commission Draft Meeting Minutes – August 28, 2019

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**August 28, 2019**

12:30 P.M.

Medford City Hall, Medford Room 330  
411 West 8<sup>th</sup> Street, Medford, Oregon

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The regular meeting of the Transportation Commission was called to order at 12:32 p.m.

### 10. Roll Call

#### Commissioners Present

Al Densmore, Chair  
Jaime Jordan  
Jared Pulver  
Kim Parducci  
Kay Brooks

#### Commissioners Absent

Dennie Conrad, Vice Chair  
Tim D'Alessandro, Council Liaison  
Peggy Penland  
Suzanne Schroeder

#### Staff Present

Cory Crebbin, Public Works Director  
Karl MacNair, Transportation Manager  
Eric Zimmerman, Deputy City Manager  
Kyle Kearns, Planner II  
Bonnie Glidewell, Recording Secretary

#### Staff Not Present

Alex Georgevitch, Deputy Public Works Director/City Engineer  
Carla Paladino, Principal Planner

#### Citizen Present

Paige West

**20. Citizen Communications**

None.

**30. Approval of Minutes from July 24, 2019**

There being no additions or corrections, the minutes for July 24, 2019, were approved as submitted.

**40. Agenda Items**

40.1 Concurrency Code Amendment DCA-18-180 (R)

Kyle Kearns, Planner II, gave a presentation on Concurrency & TIA, DCA-18-180. The overview included: a) the background of Concurrency, b) proposed changes to code DCA-18-180, c) future policy discussion and d) next steps. Proposed changes prepared by staff members in response to citizen comments include: a) Prohibiting Subsection (9) of TPR, b) allowance for approval of failing facilities, c) removed pipeline trips, d) new policy on ADT used for City zones, and e) created common/universal peak hour for TIA.

[Audio recorder batteries died]

Reasons for prohibiting TPR subsection (9) include: a) it is an optional provision of TPR and b) it would allow for zone changes without a TIA if zoning is consistent with the comprehensive plan and adopted TSP. Inclusion of this provision would, in effect, remove the requirement for a TIA at the time of zone change in most circumstances and without further direction, staff is not suggesting inclusion of (9) allowance.

Reasons for including code language relating to allowing failing facilities include: a) it is an optional provision of TPR, b) there are circumstances (comments claims use of one time in 10 years) where it may be beneficial to the City and developers, c) allows for approving authority to allow failing facilities when, even with mitigation, the facility's performance will still be degraded in the future, and d) as Medford develops, this provision may get more application when roadways are over capacity (e.g. Stewart and Hwy. 99). Staff has incorporated code language regarding this allowance under 10.204(D) - pages 40-41.

Reasons for removing pipeline trips include: a) comments described the burdensome and inaccurate uses of pipeline trips, b) pipeline trips are "guaranteed" transportation impacts accounted for in previous zone changes, with no guarantee they come to fruition, c) use of pipeline trips has caused

underdevelopment, and d) new TSP analyzed potential development in existing zoned land, making pipeline trip's duplicative. Staff recommends the use of "traffic count growth rates," based on the Regional Model, in place of pipeline trips – page 34.

Reasons for adopting a new Public Works policy on trip rates for zone changes include: a) comments described the lack of clarity surrounding numbers used and b) staff recommends a policy, as opposed to MLDC language to avoid time consuming code amendments in the future if rates change – pages 47-48.

Reasons for changing to a common peak hour include: a) comments described how the use of varying peak hours results in less accurate analysis (for example: intersections near schools v. employers have different peak hours), and b) consistency with Jackson County and ODOT guidelines. Staff is recommending the use of one common peak hour for future TIAs.

Commissioner Parducci commented that in her experience the people who stipulate are typically getting zone changes to commercial and if we are requiring them to find a failing facility before they can stipulate then they're required to prepare an analysis just to stipulate to what they can already generate under existing zoning. She stated that if the commercial daily trip estimations for commercial zones were not so high then many developers would likely not want to stipulate. She was asked by the City last year to do some research on what the commercial daily trip estimations should be and she met with Jay Harland at CSA Ltd. to look at them. Jay developed trip graphs and tables that show a sliding scale rate works much better for the commercial zones than applying the City estimated 1,500 trips per acre across sites of varying sizes. She recommends that consideration be made to adjust the commercial trip rates for zone changes when the City implements the new policy. She recommends: 1) City staff to review traffic daily trip estimations for commercial zones before putting those numbers into new policy and 2) For a DCA-18-180 amendment to allow pass-by percentages in accordance with the most current edition of the ITE.

Karl MacNair, Transportation Manager, noted they can solidify what the revised rates will be before it is brought to Council in October.

Commissioner Jordan questioned why we would not take the stipulations out and Mr. MacNair answered that it could encourage underdevelopment. Commissioner Parducci asked that the 25 percent pass-by rate be removed. She noted that the ITE rate, from the Trip Generation Manual, we are using is from national studies and the ITE pass-by rate goes hand-in-hand with this, as well as making it more consistent and defensible. Mr. Crebbin noted that the

25 percent can go higher if requested and gave examples of how. Commissioner Jordan asked Mr. Crebbin if people want to do this, how one goes about it. He noted it would need to be shown with research and presented to Public Works.

Mr. Kearns spoke on potential future policies spearheaded from comments received, which may include: a) the use of subsection (9) in TPR – “One Map” land use, b) partial mitigation of transportation impacts when adding traded or industrial sector jobs, and c) allow use of all Tier 1 projects (i.e. remove “Mega-Corridor” exemption).

The next steps include: a) Planning Commission hearing September 12, 2019, b) City Council Hearing – October 3, 2019, c) if any of the “Further Policy” items are desired, additional code amendments would need to be initiated or a recommendation to Council will be needed, and d) the suggested motion: move to recommend approval of DCA-18-180 as described in the Transportation Commission memorandum dated August 21, 2019.

Mr. Kearns noted that on page 10-11 of the memo provided in the agenda packet, the staff has a recommended motion. Mr. MacNair noted that the two issues that Commissioner Parducci brought up can be voted on today if the Commission is ready. Commissioner Pulver asked if we can give staff the ability to require more information from applicants if outliers are present, as well as use the ITE manual. Mr. Kearns noted it could be an easy code change if need be.

Commissioner Pulver recommends approval of DCA-18-180. Commissioner Parducci SECONDED. He then amends the motion and asks staff to work on a staggered scale for trips to be used based on size of lot. Commissioner Parducci SECONDED. Amendment was approved. He then MOVED that percentage for pass by trips to be used to be in accordance with the latest ITE manual. Commissioner Parducci SECONDED. Amendment was APPROVED. Motion was APPROVED.

#### 40.2 Parking Commission (I)

Eric Zimmerman, City Deputy Manager, spoke on aligning the work of the Parking Commission and the Transportation Commission. There is also potential of changing the Parking Commission to a committee but it has not yet been decided.

Commissioner Parducci asked to be part of the ODOT Volunteer Request for Planning Advisory Committee (PAC) for the North Medford I-5 Exit 30 Interchange Area Management Plan (IAMP).

**50. Other Business**

50.1 Citizens Academy

Mr. Zimmerman spoke about the new program that will launch in September and will generate interest, understanding, knowledge, support and communication between the community and the City. Chair Densmore suggested that if we are going to do a better job with this, we need a forum or more time in order to do so, and suggest the same set up as the Osher Lifelong Learning Institute (OLLI) at Southern Oregon University (SOU OLLI) program.

**60. Planning and Public Works Department Update (I)**

Mr. MacNair spoke about the Larson Creek Trail project which will be open in early October, from Ellendale to Black Oak. Additionally, Crater Lake Avenue and Owen Drive intersection improvements is under construction for the new signal. Springbrook Rd, from Cedar Links to Pheasant Lane is at 30% design and the Foothill Road Improvement Project: Hillcrest Road to McAndrews Road is at 60 percent design.

**70. Comments from Commissioners and Other Committees (I)**

Commissioner Pulver reminded all that this Commission does our best to provide the best we can do to vet what is needed for City Council, as well as other committees and commissions.

**80. Next Meeting:**

The next meeting is scheduled for Wednesday, September 25, 2019, at 12:30 p.m., and will be in City Hall, Medford Room 330.

**90. Adjournment**

The meeting adjourned at 2: 07p.m.

Respectfully Submitted,

Bonnie Glidewell

## Exhibit Q

# Trip Generation Rate, Public Works Policy

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**PURPOSE**

The purpose of this policy is to provide documentation of the vehicle trip generation rates to be used in Transportation Impact Analyses for zone changes.

**POLICY**

Trip generation rates shall be calculated per the below table. Trip generation rates are given in Average Daily Trips per acre (ADT/acre). "ITE rate" refers to the trip generation rate provided in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Where the ITE rates are not used, the peak hour trip generation is assumed to be 10% of the ADT. Consult with the Planning Department to determine if gross acreage or net acreage is used to determine density for a specific zone.

Zoning District	ADT/acre
SFR-00	ITE Rate for Single-Family Detached Housing
SFR-2	(ITE Rate for Single-Family Detached Housing) * 2
SFR-4	(ITE Rate for Single-Family Detached Housing) * 4
SFR-6	(ITE Rate for Single-Family Detached Housing) * 6
SFR-10	(ITE Rate for Single-Family Detached Housing) * 10
MFR-15	(ITE Rate for Low Rise Multifamily Housing) * 15
MFR-20	(ITE Rate for Low Rise Multifamily Housing) * 20
MFR-30	(ITE Rate for Mid Rise Multifamily Housing) * 30
I-G	200
I-H	200
I-L	300
C-S/P	500
C-R	1500
C-C	1500
C-H	1500
C-N	1500

If a property wishes to remove the I-00 overlay, the existing trip credit shall be based on the County zoning prior to annexation in accordance with the below table.

<b>County Zoning</b>	<b>ADT/acre</b>
Light Industrial	100
AD-MU	200

The above rates may be reduced by 10% in mixed-use, pedestrian-friendly developments in accordance with the rules and definitions outlined in Oregon Administrative Rule 660-012-060.

**This Policy will remain in effect until superseded or cancelled.**

**Approved:** Cory Crebbin  
Public Works Director

**Date:** TBD

## Exhibit R

# DCA-18-180 Comments – The Chamber of Medford/Jackson County

**Allen Purdy, Chair**  
*S+B James Construction Co.*

**Stephen Gambee, Secretary**  
*Rogue Disposal & Recycling*

**David Wright, Treasurer**  
*CPM Real Estate Services*

**Dixie Hackstedde, Vice Chair**  
*John L. Scott Realty*

**Bruce Hoevet, Vice-Chair**  
*Rogue Regency Inn & Suites*

**Travis Snyder, Vice-Chair**  
*Precision Electric*

**Jessica Gomez, Chair-Elect**  
*Rogue Valley Microdevices*

**Bill Powell, Immediate Past Chair**  
*Red Robin*

**Brad Hicks**  
*President & CEO*

**Curt Burrill**  
*Burrill Real Estate*

**Nick Card**  
*Combined Transport*

**Chad Day**  
*RoxyAnn Winery*

**Mike Donnelly**  
*Carestream, Inc.*

**Jay Harland**  
*CSA Planning, LTD.*

**Joel Frasier**  
*Knife River Materials*

**Tim Jackle**  
*Foster Denman*

**Jeff Kapple**  
*PacificSource Health Plans*

**Scott Kelly**  
*Asante*

**Cathy Kemper-Pelle**  
*Rogue Community College*

**Christina Kruger**  
*Pacific Power*

**Sue Kupillas**  
*Allied Solutions by Kupillas*

**Steven Lightman**  
*Harry & David*

**Chris Pizzi**  
*Providence Medford Medical Center*

**Patsy Smullin**  
*KOBI NBC News 5*

**Jason Stranberg**  
*Adroit Construction Co.*

**Matt Stephenson**  
*Rogue Credit Union*



RECEIVED  
AUG 28 2019  
PLANNING DEPT.

August 19, 2019

City of Medford Planning Commission  
200 S. Ivy Street  
Lausmann Annex, Room 240  
Medford, OR 97501

Dear Commissioners,

I am writing on behalf of The Chamber of Medford/Jackson County Board of Directors, and over 1,300 members employing over 50,000 area residents, regarding some concerns related to the implementation of the TSP. As I think you are aware, this is a matter on which The Chamber has been providing input for a number of years. We appreciate the opportunity to comment on this proposal and it appears many of the changes proposed to date by the Commissioners and City staff are ones that will benefit the community.

We understand that Medford staff has sought policy direction from the Planning Commission on the proposed new transportation concurrency land development code language. The Chamber of Medford/Jackson County respectfully requests the Planning Commission consider providing the following policy direction:

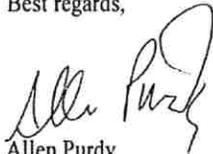
1. As a general matter, transportation impact analyses are expensive and time-consuming for our small business community. The Chamber recognizes that they are appropriate to assure adequate transportation facilities are available to land being rezoned for future urban development. However, The Chamber requests the Commission consider the transportation impacts analysis procedures carefully to minimize any unnecessary or duplicative analysis requirements that do not, ultimately, capture actual impacts that are reasonably expected to arise from future development.

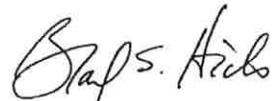
City of Medford Planning Commission  
August 19, 2019  
Page 2

2. The staff report for the August 12<sup>th</sup> Planning Commission Study Session requested specific policy direction on the implementation of Subsection 11 of the Transportation Planning Rule. The Chamber requests the Planning Commission direct staff to include a process to implement this subsection of TPR as part of the proposed code amendments. OAR 660-012-0060(11) allows transportation system performance flexibility if a City wants to allow development that creates jobs in "traded sector" industry. The Chamber, in cooperation with our other regional economic development partners, has years of experience in the attraction and growth of traded sector industry. In our experience, industry decision-makers for major capital investments want certainty with respect to schedules and process. Establishing develop code language to implement OAR 660-012-0060(11) will allow regulatory flexibility while providing all of us in the economic development community a tool that is subject to a schedule and a predetermined process.

Your consideration of these concerns is greatly appreciated. Either I, or members of our Executive Committee would be happy to answer any questions.

Best regards,

  
Allen Purdy  
Chairman of the Board

  
Brad S. Hicks, CCE, IOM  
President & CEO