PLANNING COMMISSION AGENDA

NOVEMBER 10, 2016

<u>Commission Members</u>

Tim D'Alessandro

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

Patrick Miranda

Jared Pulver

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

Meetings begin at 5:30 PM

<u>City of Medford</u>

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380

Agenda

Public Hearing
November 10, 2016
5:30 PM

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

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10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 **PUD-02-178 / LDP-14-111** Consideration of request for a one-year time extension of the approval of a two-lot partition of a 1.62 acre parcel within Creekstone Village Planned Unit Development Phase Two, located on the south side of Crestbrook Drive, 730 feet east of Ellendale Drive, within a SFR-10/PD (Single Family Residential – 10 dwelling units per gross acre/Planned Development) zoning district. (McAndrews Properties LLC, Applicant; Farber Surveying, Agent)

30. Minutes

30.1 Consideration for approval of minutes from the October 27, 2016, hearing.

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

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

Old Business

50.1 **ZC-16-089 / LDS-16-090 / E-16-091** Final Orders for a request of a consolidated application, consisting of a Zone Change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on 22.34 acres, a tentative plat for a 93 lot residential subdivision, and an associated Exception requests seeking relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development. The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford. (Hayden Homes LLC, Applicant; CSA Planning, Ltd.,/Jay Harland, Agent)

New Business

50.2 **DCA-16-028** A code amendment within Articles I, III, and V to allow brewery–public houses, micro distilleries, and small wineries in commercial zoning districts under the umbrella term of "craft alcohol production." (City of Medford)

50.3 **DCA-16-121** A Municipal Code amendment to revise the provisions of portable signs in the Central Business overlay district. (City of Medford)

50.4 **CUP-16-109** Consideration of a Conditional Use Permit to install an electronic message sign along the Black Oak Drive frontage, build new on-site stormwater detention ponds and bioswales to direct water to a new outflow pipe into Larson Creek, and to revise the master plan to include a multi-phase project on the 23.4 acre parcel located on the west side of Black Oak Drive, approximately 700 feet south of Barnett Road, within a SFR-4 (Single-Family Residential – 4 units per acre) zoning district. Phase I proposes the reconfiguration of the existing front parking lot and drop-off area and the creation of a new student parking lot adjacent to the northern end of the track and football field. Phase 2 proposes the construction of a new two-story, 17,452 square foot dormitory building for international students. Phase 3 proposes the construction of a new two-story, 24,564 square foot Common Building and Plaza which will require the demolition of four older buildings. Phase 4 comprises the construction of a new 4,400 square foot Administration Building to be located between the Commons Plaza and the school drop-off area. A future phase comprises the completion of a loop road surrounding the built portion of the campus. (St. Mary's School of Medford Inc., Applicant; CSA Planning Ltd.,/Craig Stone, Agent)

60. Reports

60.1 Site Plan and Architectural Commission

60.2 Joint Transportation Subcommittee

60.3 Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment

STAFF REPORT – EXTENSION OF TIME

Project	Creekstone Village PUD Two-Lot Partition Applicant: McAndrews Properties LLC; Agent: Farber Surveying
File no.	LDP-14-111
To	Planning Commission *for meeting of November 10, 2016*
From	Sarah Sousa, Planner IV
Date	November 3, 2016

Request

Consideration of request for a one-year time extension of the approval of a two-lot partition of a 1.62 acre parcel within Creekstone Village Planned Unit Development Phase Two, located on the south side of Crestbrook Drive, 730 feet east of Ellendale Drive, within a SFR-10/PD (Single Family Residential – 10 dwelling units per gross acre/Planned Development) zoning district.

Background

The Planning Commission adopted the Final Order granting approval of the project on December 11, 2014. The applicant is requesting an extension of time as allowed under Medford Land Development Code (MLDC) Section 10.292. This decision does not affect the approval period for the PUD; the extension request applies only to the land division application.

Project Review

Per MLDC Section 10.292, extensions shall be based on findings that the facts upon which the application was first approved have not changed to an extent sufficient to warrant refiling of the application. It can be found that neither the circumstances of approval nor applicable site development standards have changed to a degree that warrants refiling of the application. This is the only extension allowed under the Medford Land Development Code.

Recommended Action

Approve the one-year time extension to December 11, 2017 for LDP-14-111 per the Staff Report dated November 3, 2016.

Exhibits

A Letter requesting extension received October 12, 2016
B Approved tentative plat
Vicinity Map

FARBER SURVEYING

• FARBER & SONS, INC. • POST OFFICE BOX 5286 • CENTRAL POINT, OR 97502 •
• OFFICE • 431 OAK STREET • CENTRAL POINT •

RECEIVED
OCT 12 2016
PLANNING DEPT.

October 12, 2016

Medford Planning Commission
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

Re: Creekstone Village PUD / Partition Plat File No. PUD-02-178/LDP-14-111, Extension of Time Request.

Commissioners:

The plat has been reviewed and approved by the City of Medford staff. It has not had all of the final signoffs due to McAndrews Properties LLC, desire to remove all of the judgments from the title report prior to recording. Once this type of thing gets on a plat they carry an impact for the life of the plat.

10.269 Expiration of Tentative Plat approval
(1) Approval of a tentative plat application shall take effect on the date the final order for approval is signed, unless appealed, and shall expire two (2) years from the effective date unless the final plat has been approved by the Planning Director pursuant to Sections 10.276 - 10.280. If a request for an extension of a tentative plat application approval is filed with the Planning Department within two (2) years from the date of the final order, the Planning Commission shall grant an extension not to exceed one (1) additional year. Extensions shall be based on findings that the facts upon which the tentative plat application was first approved have not changed to an extent sufficient to warrant refiling of the application. All approvals made prior to the adoption of this ordinance shall expire one (1) year from the date of adoption of this ordinance, notwithstanding permitted extensions and previous phasing authorizations.

Finding: The criteria for approval of the partition Plat has not changed by any significant extent. The plat and requirement have been meet with the exception of the title and release from lien of that area on the plat being dedicated to the public for public use.

As Agent for McAndrews Properties LLC we hereby request and extension of one year to complete this task of resolving the court judgments from the financial crisis we are recovering from.

Respectfully,

Herbert A Farber

• HERBERT A. FARBER PRESIDENT / SURVEYOR • PHONE: 541-664-559

CITY OF MEDFORD
EXHIBIT # A
File # PUD-02-178/LDP-14-111
Time Ext. Request

NOTES

- ZONING IS SFR-10-PD
- GROSS AREA = 1.68 ACRES
- MIN/MAX DENSITY = 10/16 DWELLING UNITS
- MEDFORD SCHOOL DISTRICT 549C
- MEDFORD FIRE DEPARTMENT
- MEDFORD SANITARY SEWER
- MEDFORD WATER COMMISSION
- LAZY CREEK DRAINAGE BASIN
- MEDFORD IRRIGATION DISTRICT (NOT ASSESSED)

PRELIMINARY PARTITION PLAT

in

Creekstone Village
A PLANNED UNIT DEVELOPMENT

located in the

SOUTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF MEDFORD, JACKSON COUNTY, OREGON

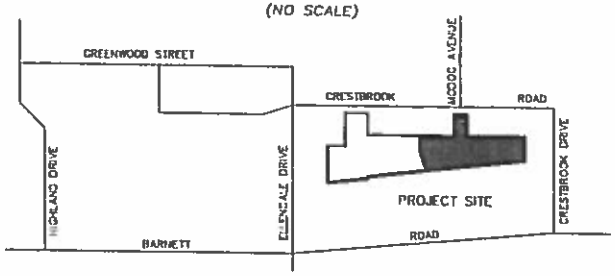
for

McANDREWS PROPERTIES, LLC

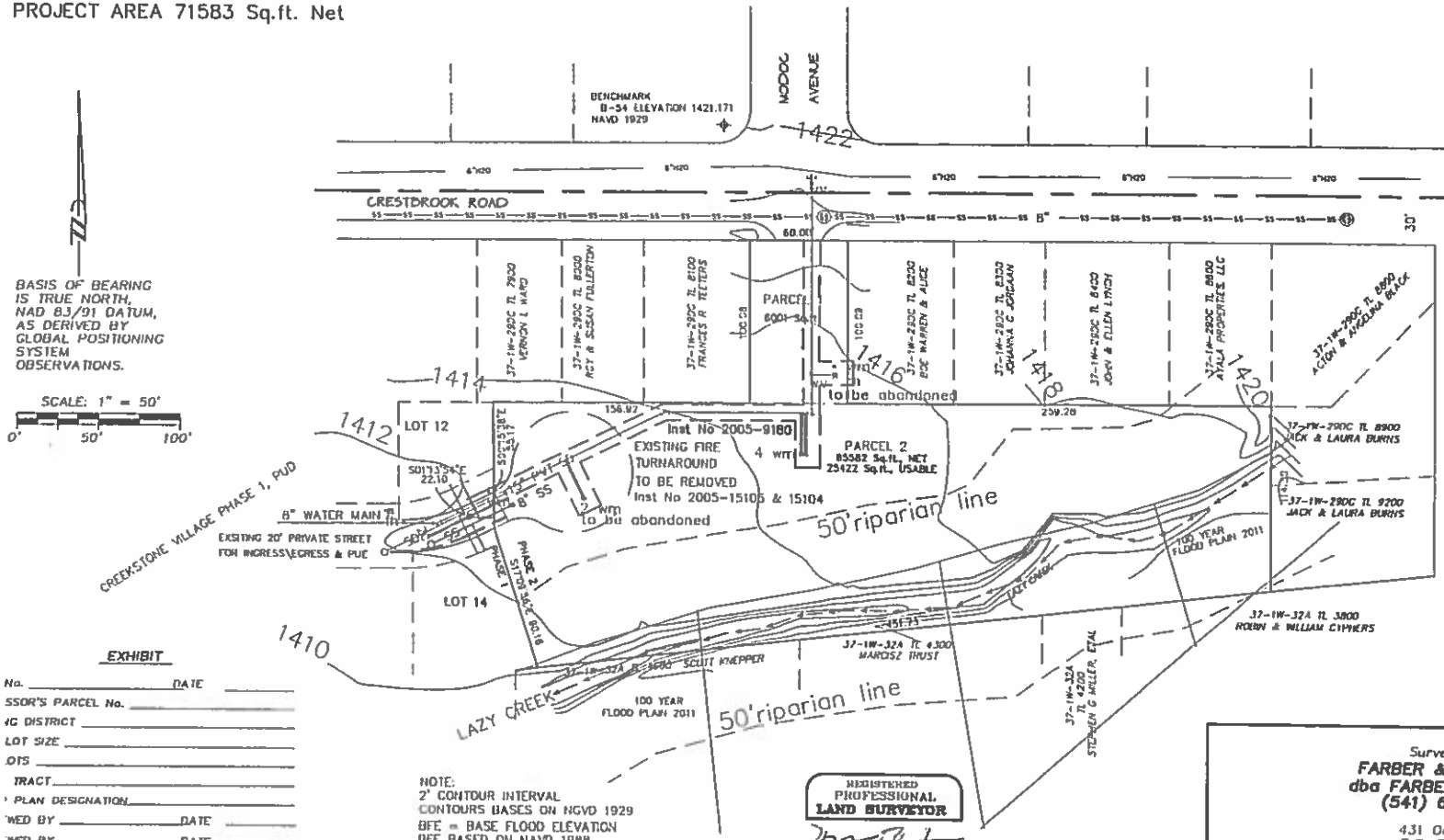
2316 W Hillside Drive
CENTRAL POINT, OREGON 97502

VICINITY MAP

(NO SCALE)



PROJECT AREA 73383 Sq.ft. Gross
PROJECT AREA 71583 Sq.ft. Net



NOTE:
2' CONTOUR INTERVAL
CONTOURS BASES ON NGVD 1929
BFE = BASE FLOOD ELEVATION
BFE BASED ON NAVD 1988
NAVD = 1929 + 0.6 + 3.38

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 28, 1995 HERBERT A. FARBER 2189
RENEWAL DATE 12-31-15

Surveyed by:
FARBER & SONS, INC.
dba FARBER SURVEYING
(541) 664-5599
431 Oak Street
P.O. BOX 5286
CENTRAL POINT, OREGON 97502

SCALE: 1" = 50'
DATE: August 22, 2014
JOB NO.: 0408-94

FILE NO. 37 1W 29DC TL 7100

Sheet 1 of 1

EXHIBIT
No. _____ DATE _____
ASSOR'S PARCEL No. _____
NG DISTRICT _____
LOT SIZE _____
OTS _____
TRACT _____
PLAN DESIGNATION _____
WED BY _____ DATE _____
WED BY _____ DATE _____

CITY OF MEDFORD
EXHIBIT # B
File # PUD-OR-178/LDP-14-111
Time Ext. Request

RECEIVED
SEP 23 2014
PLANNING DEPT.

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City of Medford

Planning Department

Vicinity Map

File Number:
PUD-02-178
LDP-14-111

Project Name:
Creekstone Village
PUD Phase II
Time Extensions Request

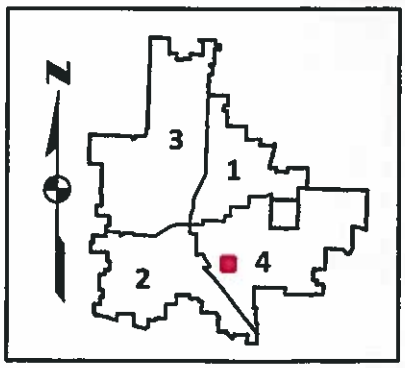
Map/Taxlot:

371W29DC Tl 7100

0 100 200 Feet

Legend

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



10/14/2016

Minutes

From Public Hearing on **October 27, 2016**

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

Commissioners Present
Patrick Miranda, Chair
David McFadden, Vice Chair
Tim D'Alessandro
Joe Foley
Bill Mansfield
Jared Pulver

Staff Present
Kelly Akin, Interim Planning Director
Kevin McConnell, Deputy City Attorney
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary

Commissioner Absent
David Culbertson, Excused Absence
Mark McKechnie, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 LDP-16-096 Final Order for a proposed tentative plat to create three lots on a 0.47 acre parcel located on the northwest corner of the intersection of De Barr Avenue and Seneca Avenue, within an SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district. (Elizabeth Carlton Investments, LLC, Applicant; Hoffbuhr & Associates, Inc., Agent)

20.2 LDS-16-100 Final Order for a proposed tentative plat for Wilkshire Terrace, Phases 1-3, a, 35-lot single family residential subdivision on a 9.72 acre parcel, generally located southwest of the Wilkshire Drive terminus, east of the Roberts Road terminus, west of the Voss Drive terminus and east of the Canyon Avenue terminus, within a SFR-4 (Single Family Residential – 4 dwelling units per gross acreage) zoning district. (William Barchet ET AL; Applicant; Scott Sinner Consulting, Inc., Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6–0.

30. Minutes

30.1. The minutes for October 13, 2016, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, stated that the agenda states under public hearings that there are no business items to be considered. Is that correct? He will not read the Quasi-Judicial Statement if there are no business items. The cell tower CUP-16-094 is a continuation that Mr. McConnell read the Quasi-Judicial Statement two weeks ago. Kelly Akin, Interim Planning Director, stated that there are no new business items on the agenda. Both items on the agenda under public hearings are old business. The rules were read before the prior hearing.

50. Public Hearings – **Old Business**

50.1 ZC-16-089 / LDS-16-090 / E-16-091 Consideration of a request for a consolidated application, consisting of a Zone Change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on 22.34 acres, a tentative plat for a 93 lot residential subdivision, and an associated Exception requests seeking relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development. The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford. (Hayden Homes LLC, Applicant; CSA Planning, Ltd.,/Jay Harland, Agent) **The applicant has requested a continuance to the November 10, 2016, Planning Commission Meeting.**

Motion: The Planning Commission continued ZC-16-089, LDS-16-090 and E-16-091 per the applicant's request to the Thursday, November 10, 2016, Planning Commission meeting.

Moved by: Commissioner Mansfield Seconded by: Commissioner Foley

Voice Vote: Motion passed, 6-0.

50.2 CUP-16-094 Consideration of a Conditional Use Permit application to allow a new wireless communications facility, consisting of a 114-foot support structure and associated equipment cabinets used for communication systems. The subject site is located at the southwest corner of Hillcrest Road and Fairview Drive at the northeast property corner of tax lot 371W28B5900. (Verizon Wireless LLC, Applicant; Paul Slotemaker, Agent)

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

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

Kelly Akin, Interim Planning Director, read the conditional use permit criteria and gave an abbreviated staff report since this was continued from the October 13, 2016, Planning Commission meeting.

Vice Chair McFadden asked if there was a condition that the City imposes to a site such as this such as blending into the area and other items? Ms. Akin reported that the code requires new structures, such as this, a stepped approach. The preferred option is to be attached to an existing tower or building limiting the number of structures. Also, to provide some form of concealment. If those two options are not viable then it can be just a plain tower. It has to be a "monopole" design.

Mr. McConnell stated that at the last meeting the applicant in response to public testimony regarding health effects of cell towers stated the Planning Commission would be preempted by Federal law. Mr. McConnell requested that the applicant provide the Federal law that he did not have at the October 13, 2016, Planning Commission meeting. The applicant has provided the Federal law. It is 47 U.S. Code § 332(7)(B)(iv) that states: "No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent such facilities comply with the Commissions regulations concerning such emissions." At the last meeting the applicant provided evidence that his proposed facility would comply with the FCC regulations on radio frequency emissions. The evidence in the record regarding health effects of cell towers or any evidence that the Commission may hear this evening cannot be considered by the Planning Commission. If they were to do so they could be overturned.

The public hearing was opened.

a. Paul Slotemaker, Technology Associates EC, Inc., 7117 SW Beveland Street, Suite 101, Tigard, Oregon, 97223. Mr. Slotemaker reported that if the public were to have concerns about the health effects they are encouraged to research the FCC's webpage or talk to their Congressman or Senator to get them in touch with the correct people at the federal level. Verizon Wireless has an FCC license. The evidence provided in the record shows that they comply with the FCC guidelines. They operate at 2% of the allowable limit for radio frequency emission.

Mr. Slotemaker provided into the record information regarding property value. The information provided touches on a LUBA case that happened in Eugene for a cell tower where LUBA decided there needs to be substantial evidence for an on-site specific property if there is a property value claim. The generalized information online is not enough. It is not site specific information on a particular property to demonstrate a loss in property value. There are a lot of variables that go into appraising a property. The applicant submitted additional articles into the record talking about the benefits of wireless facilities. How new home buyers look for reliable wireless service. The number

of wireless homes is increasing tremendously from 3% a decade ago to approximately 50% now.

The articles that talk about property values talk about it from a health effect standpoint.

Mr. Slotemaker reserved rebuttal time.

b. Steve Swartsley, 174 Littrell Drive, Medford, Oregon, 97504. Mr. Swartsley reported that the opponents to this application disseminated to the neighborhood several flyers that are false and misleading. They are only intended to rouse the neighbors with false facts and false information. He has resided in the neighborhood since 2000 and home values have gone up. There are over 130 residents in the immediate neighborhood and not one residence has a view of where the proposed cell tower will be located and erected. Mr. Swartsley submitted a paper with two pictures taken from the driveway of the closest residence. One would have to turn to the right to see where the cell tower would be. The second picture was taken from the front of the residence showing the view that looks out over the pond. That residence is not impacted in any adverse manner by the view. He urged the Planning Commission to support Verizon Wireless and to approve the conditional use permit as submitted and recommended by staff.

c. John Dailey, 2673 Oak View Circle, Medford, Oregon, 97504. In 2003 US Cellular approached the Country Club regarding leasing ground to locate a cell tower on Club property. The project came to the Planning Commission and was approved. The tower was erected in early 2004. It has been modified and expanded over the years. Mr. Dailey showed a graph of property values next to his property and close to the cell tower that have not declined.

d. John Zupan, 2850 Seckel Court, Medford, Oregon, 97504. Mr. Zupan has been a realtor in Medford since 1974. Lack of cell phone use has a negative impact on the sale-ability. He requested that the Planning Commission vote in favor of the application.

e. Matt Corrigan, 53 Fairway Circle, Medford, Oregon, 97504. Mr. Corrigan referenced the flyer stating that there was an allusion to a false photograph. It is the photograph of the cell tower at the Country Club. It is very close to the document that was submitted by Verizon Wireless. Mr. Corrigan mentioned the assets for Verizon; the new tower has 130 billion to the platform allowing a better advertising footprint, capital investment, to produce more revenue, increase shareholders value with 4G update, increase share of sales and service of cell phone contracts and products to customers, satisfy the City of Medford MLDC 10.249(2) and MLDC 10.248(3) at zero cost, improve relationship with Rogue Valley Country Club owners and members, and avoid costly litigation against the City of Medford for FCC noncompliance. Mr. Corrigan mentioned the assets for Rogue Valley Country Club; lucrative gains from monthly lease income from Verizon Wireless and low visual impact. He does not see that the homeowners get an advantage. He requested that the Planning Commission ask Verizon Wireless to look for a different site.

f. Frank Brown, 2901 Fairview Drive, Medford, Oregon, 97504. Mr. Brown is the closet resident inside 300 feet to the cell tower. It is his opinion property values go down when staring at a cell tower.

g. Ken Cockrell, 2916 Fairview Drive, Medford, Oregon, 97504. Mr. Cockrell commented that the existing cell tower is hideous. At first it looked good but most of the branches have been blown down and it does not get fixed. He disputes that his house is valued more today than 10 years ago. There has to be a better place that will not offend people as much. It is an eyesore.

Commissioner D'Alessandro asked if Mr. Cockrell has complained to the City or anyone else about the existing cell tower that he is saying is in dis-repair? Mr. Cockrell replied that he has not. Commissioner D'Alessandro asked if Mr. Cockrell was aware that the conditions of use are complaint driven. Mr. Cockrell replied no. He assumed that when the cell tower was erected there was a contract to maintain them.

h. Garin Bakel, 135 South Foothill Road, Medford, Oregon, 97504. Mr. Bakel believes the cell tower will be an eyesore. He agreed the current cell tower is ugly. He would be surprised that his home is worth what he paid for it in 2000.

Ms. Akin reported that Mr. Brown spoke about a 300 foot location. Ms. Akin clarified that the setback requirement is equal to the height of the tower. The 300 foot requirement in the Code is a requirement demonstrating for the site plan what residential properties are within 300 feet.

Mr. McConnell addressed the LUBA opinion submitted into the record by the applicant. He does not disagree with the applicant's analysis but he noted an important distinction. Under the federal preemption the Planning Commission cannot base their decision on alleged health effects of cell towers. The Planning Commission does have the ability for property values but under the criteria there would have to be evidence in the record that this cell tower would devalue the affected properties in that area. Criteria 1 and 2 talks about the development proposal will cause no significant impacts. If there were evidence that this cell tower would devalue the properties, then the Planning Commission could consider that. He leaves that to the Planning Commission to decide whether they heard that or not.

Mr. Slotemaker reported that this project is intended to improve wireless service to the surrounding area to improve the wireless network for the City of Medford and to serve the neighbors in the area. A lot of work goes into identifying an appropriate location such as working with the Planning Department, pouring over zoning maps and going through the Code to find the right location. The applicant believes this is the right location. It provides the service to the coverage area. They believe they have a good design next to existing screening with tall trees as a "monopine" design. It is the least intrusive design to provide service to this area.

Commissioner Pulver stated that the agent has experience dealing with the Department of Aviation of the various cell tower locations requiring lighting. They can effectively shield the parties below and make sure the light is focused upward. Mr. Slotemaker reported that is the design of the shield. It is for airplanes in the air and to shield the light from ground views.

The applicant is working with the FCC. They have not given the applicant the determination at this point. One of the conditions is that if the FCC decides no lighting is needed the applicant would not have to light it.

The public hearing was closed.

Motion: The Planning Commission adopts the findings for MLDC 10.248(2) and 10.249(3) as recommended by staff and adopts the Final Order for approval of CUP-16-094 per the revised staff report dated October 20, 2016, including Exhibits A-1 through T.

Moved by: Vice Chair McFadden Seconded by: Commissioner Mansfield

Commissioner Pulver addressed the audience stating that he lives in the area and the first attempt of the existing cell tower was not good and has deteriorated over time. Continued maintenance is a complaint driven issue. He suggested that the country club members and residents in the vicinity to continue to "hound" the City so they in return can "hound" the responsible parties to continue to maintain the existing cell tower. This application is improved over what was done 13 or 14 years ago. It is important that it be maintained at the level it was initially installed at.

Voice Vote: Motion passed, 6-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner D'Alessandro reported that the Site Plan and Architectural Commission met on Friday, October 21, 2016. They considered plans for the development of a storage unit facility consisting of 157,060 square feet of storage buildings, and 3,874 square feet for proposed office space with a caretaker's residence, on 6.39 acres located at 4843 Helo Drive within the Heavy Industrial zoning district. They approved the application.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver reported that the Joint Transportation Subcommittee met on Wednesday, October 26, 2016. It was mostly reports from various Transportation Subcommittee members such as Public Works, RVTD, etc. The Transportation System Plan update is their primary focus. John Adam's departure was significant since that

was one of his projects. It is being handled by Public Works and the Planning Department. They will be receiving a proposal from the consultants to draft the update.

60.3 Planning Department

Kelly Akin, Interim Planning Director, reported that the next Planning Commission study session is scheduled for Monday, November 14, 2016. There is no business at this time but staff will keep the Planning Commission informed.

There is business for the next Planning Commission meeting on Thursday, November 10, 2016. Thursday, November 24, 2016, is Thanksgiving so that meeting will be cancelled. December 8, 2016, is busy because the second meeting in December is generally cancelled.

Last week City Council initiated a right-of-way vacation for Cedar Landing that will come before the Planning Commission soon. Also, at that meeting a citizen came forward and requested the Planning Department to reconsider the size limitation for mobile food carts. Right now it is limited to 170 square feet outside of the downtown area. It is 128 square feet in the downtown.

Desmond McGeough has turned in his resignation. He is moving to Minneapolis, Minnesota. His last day in the Planning Department will be Wednesday, November 2, 2016.

Commissioner Pulver is concerned with the turnover in the Planning Department. He wants to make sure the Planning Department creates an environment that allows people to stay. The Department would be more effective with more localized experience and knowledge. The more staff lost the more strain it puts on the department. Ms. Akin replied that it is a challenge. There have been three staff members to move out of state, several have moved to Corvallis and several have retired. From her perspective it is great that the department trains well enough for planners to move to other municipalities and organizations.

Vice Chair McFadden stated that having gone through extensive staff changes before, the City is resilient, and staff continues to do an excellent job.

Vice Chair McFadden commented that there should be a section in the Code under cell towers that the applicant provides a series of photographs from the height of their proposal showing various locations of what it looks like from that area. The photographs received tonight are not looking up very much. The tall pine tree that is supposed to be there he did not see in the photographs. The more people can visualize the better.

Vice Chair McFadden reported that when the original cell tower at the Country Club came before the Planning Commission it was accepted with a lot of excitement because it was the first one that they thought the Code called for in terms of camouflage and stealth. It is unfortunate that it is falling into disrepair.

Chair Miranda stated that it comes down to line of sight. If there are a lot of small boosters or repeaters they have limited range because they are still too low to the ground.

70. Messages and Papers from the Chair.

70.1 Chair Miranda commented that hideous does not begin to describe the existing cell tower.

Chair Miranda thanked Commissioner D'Alessandro for stating the maintenance of the cell tower is complaint driven. A call to Code Enforcement could get that taken care of.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission.

90.1 Commissioner D'Alessandro stated that he knows there is a condition for the maintenance. Is there a fine? Ms. Akin replied that there could be. It would be a violation of the Code not maintaining the facility as approved. Those run with the land. It is an on-going operational condition. Staff will make contact with the owner of the cell tower and if they do not do something in a certain amount of time then staff can implement the code enforcement action process. She believes it is $250 a day fine.

Mr. McConnell stated that was correct. There are several options. It would be a violation of the Medford Land Development Code which is a $250 daily fine if the City chooses that avenue. Under state law if there is a violation of the Code for 10 or more days the City can apply for permanent injunctive relief through the Jackson County Circuit Court.

100. Adjournment

The meeting was adjourned at 6:37 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: November 10, 2016

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-16-089	)	
APPLICATION FOR A ZONE CHANGE SUBMITTED BY	)	**ORDER**
HAYDEN HOMES LLC	)	

ORDER granting approval with conditions of a request for changing the zoning from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on 22.34 The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on 22.34 The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, 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 Revised Staff Report dated November 3, 2016, and the Findings contained therein – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 08 Tax Lot 1101

is hereby changed from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) zoning district.

Accepted and approved this 10th day of November, 2016.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

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

IN THE MATTER OF A TENTATIVE PLAT APPROVAL OF	)	
	)	**ORDER**
DELTA ESTATES PHASES 2–5 [LDS-16-090]	)	

ORDER granting approval of a request for a tentative plat *for Delta Estates Phases 2-5* described as follows:

The site is a 93 lot residential subdivision is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and

2. The Medford Planning Commission has duly held a public hearing on the request for a tentative plat *for Delta Estates Phases 2-5* as described above, with the public hearings a matter of record of the Planning Commission on October 13, 2016 and November 10, 2016.

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

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted for tentative plat approval *for Delta Estates Phases 2-5,* as described above and adopted the final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Delta Estates Phases 2-5 stands approved per the Revised Staff Report dated November 3, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Revised Staff Report dated November 3, 2016.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 10th day of November, 2016.

CITY OF MEDFORD PLANNING COMMISSION

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Planning Commission Chair

ATTEST:

_____
Planning Department Representative

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

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR	)	
	)	**ORDER**
DELTA ESTATES PHASES 2-5 [E-16-091]	)	

ORDER granting approval of a request for an exception seeking relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.251 and 10.252; and

2. The Medford Planning Commission has duly held a public hearing on the exception requesting relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford, with the public hearings a matter of record of the Planning Commission on October 13, 2016 and November 10, 2016.

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

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted exception approval and adopted a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for Delta Estates Phases 2-5 stands approved per the Revised Staff Report dated November 3, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Revised Staff Report dated November 3, 2016.

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

Accepted and approved this 10th day of November, 2016.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

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Planning Department Representative

City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

SECOND REVISED STAFF REPORT

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

PROJECT	Delta Estates Subdivision Phase 2-5, Zone Change, Tentative Plat & Exception Hayden Homes, LLC, Applicant (CSA Planning Ltd., Jay Harland, and Agent)	
FILE NO.	ZC-16-089, LDS-16-090, E-16-091	
TO	Planning Commission	*for November 10, 2016 hearing*
FROM	Kelly Akin, Interim Planning Director	
DATE	November 3, 2016	

BACKGROUND

Proposal

Consideration of a request for a consolidated application, consisting of a Zone Change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on 22.34 acres, a tentative plat for a 93-lot residential subdivision, and an associated exception requests seeking relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development. The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford.

Subject Site Characteristics

Zoning:	SFR-10
GLUP:	Urban Residential
Existing Use:	Vacant

PUD Surrounding Site Characteristics

North	County EFU	Agriculture
South	SFR-4	Single-Family Residential, Vacant Single Family Residential Lots
East	SFR-10	Wetland pond, Future Single Family Residential
West	SFR-6	Single-Family Residential

Related Projects

ANNX-97-084	Root Annexation (65.27 ac.)
ZC-10-078	SFR-00/EA (Single Family Residential, one dwelling unit per parcel/Exclusive Agricultural Overlay) to SFR-10 on 65.27 acres
LDP-13-086	Delta Waters Properties, three lot partition
ZC-15-017	SFR-10 to SFR-6 on 11.36 acres, Delta Estates Phase 1
LDS-15-015	57-lot single-family residential subdivision plat
E-15-0016	Relief to particular setbacks (Denied)

Applicable Criteria

Medford Land Development Code Section 10.227: Zone Change Approval Criteria

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

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

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

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

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

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

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

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition

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

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

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

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

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

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

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

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

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

Medford Land Development Code Section 10.270: Land Division Approval Criteria

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

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

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

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

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

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

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

Medford Land Development Code Section 10.253: Exception Approval Criteria

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

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

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

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

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

Corporate Names

Delta Waters Properties, LLC, is the owner of this property. The Oregon State Business Registry lists James M. Root as its Registered Agent. Hayden Homes, LLC, is the applicant for the subject request. The Oregon State Business Registry list Dennis Murphy is the Register Agent for Hayden Homes, LLC.

ISSUES AND ANALYSIS

Second Revised Staff Report

This application was scheduled for hearing on October 13. At the hearing, the applicant's agent submitted a traffic analysis and requested that the item be continued to October 27. Prior to the second hearing, the applicant requested that the item again be continued to allow sufficient time to complete the review of the traffic analysis.

On October 28, the applicant's traffic engineer submitted a revised analysis, and on October 31, staff responded with additional questions. At the time of this writing, there has been no resolution on the traffic analysis. As a result, no staff recommendations have changed. The correspondence between staff and the traffic engineer have not been included as they are still in draft form.

A petition submitted by the Owen Park Residents and presented at the October 13 hearing has been included as Exhibit L.

Background

Prior Approvals

The subject property was annexed to the City of Medford in 1998 (Ordinance 1998-126, file ANNX-97-084). The Planning Commission adopted a final order of approval for the Delta Waters Properties LLC zone change on February 10, 2011, which changed the zoning of the property from SFR-00 to SFR-10, subject to conditions (ZC-10-078). The SFR-10 zone district requires a density range of 6 to 10 dwelling units per gross acre.

On November 14, 2013, the Planning Commission adopted a final order dividing the original 65.27 acre parcel into three parcels for the purposes of estate planning. A condition of approval was included specifying that no residential development would occur on any of the three parcels unit a subsequent final plat was approved for that particular parcel.

On April 23, 2015, the Planning Commission adopted final orders for a Zone Change from SFR-10) to SFR-6 on one parcel totaling 11.36 acres and a tentative plat for a 57-lot residential subdivision.

Removal of specific traffic mitigation conditions of approval

The Planning Commission adopted a final order of approval for the Delta Waters Properties LLC zone change on February 10, 2011, which changed the zoning of the property from SFR-00 to SFR-10, subject to conditions (ZC-10-078). Based on the traffic study that was submitted in 2010, there were a total of seven conditions of approval pertaining to traffic mitigation requirements. In January of 2016, the applicant submitted a revised technical memorandum from the applicant's traffic engineer. The Public Works Department has determined that two of the previous conditions could be eliminated. One condition had been met by street improvements made by the City. The other condition was released as a result of a change in the Code standards which impacted the analysis of current and future traffic conditions (See Exhibit B - Applicant's Exhibit 10). The table below identifies the seven required traffic mitigation measures, per the approval of ZC-10-078. The two removed conditions are in strikeout text.

Intersection Improvements Per ZC-10-078	
CATEGORY "A" FACILITIES *Proposed Mitigation*	**CAPACITY LIMITS** *(SFR units or daily vehicle trips)*
Crater Lake Avenue & Owen Drive *Install mitigation to the satisfaction of the City*	*Over 50 SFR units or 479 trips*
~~**Delta Waters Road & Springbrook Road**~~ ~~*Realign Springbrook and install signal*~~	~~*Over 69 SFR units or 661 trips*~~
~~**Crater Lake Avenue & Delta Waters Road**~~ ~~*East & westbound left turn lanes, eastbound right turn lane*~~	~~*Over 76 SFR units or 728 trips*~~
Delta Waters Rd. & Foothill Rd. *All-way stop & advanced flashing beacons*	*Over 246 SFR units or 2,355 trips*
Springbrook Rd. & Cedar Links Dr. *All-way stop control*	*Over 320 SFR units or 3,063 trips*
Springbrook Rd. & Lone Pine Rd. *Northbound right turn lane*	*Over 470 SFR units or 4,498 trips*
Crater Lake Highway (Hwy 62) & Delta Waters Rd. *Additional westbound left turn lane, or demonstrate adequacy.*	*Over 346 dwelling units* *or equivalent p.m. peak hour trips*

Project Summary

The subject request for a consolidated application, consisting of a Zone Change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on 22.34 acres, a tentative plat for a 93-lot residential subdivision, and an associated exception requests seeking relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development. The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way.

Under the current SFR-10 zoning, the number of units that would be required for Phases 2 through 5 would range from a minimum of 134 units to a maximum of 223 units. Under the proposed SFR-6 designation, the number of dwelling units that can be built on the subject property will range from 89 to 134 units. If the subject SFR-6 zoning is approved there will be 31.5 acres remaining of SFR-10 zoned property out of the original 65.27 acres. If the 93-lot subdivision is approved, overall 65.27 acre development will contain a minimum of 339 units and a maximum of 465 units.

The proposed subdivision consists of a street pattern where streets are generally aligned north to south and east to west. Approximately 27% of the dwelling units have an east or west orientation and 73% of the lot have a north or south orientation. Development standards contained in Medford Land Development Code (MLDC) Section 10.710 for the SFR-6 zoning district require a 50-foot minimum interior lot width and 60-foot corner lot width. Minimum lot

depth is 90 feet. Lot area requirements for the SFR-6 zone range in size from a minimum of 4,500 square feet to a maximum of 12,500 square feet. The proposed tentative plat is consistent with all development standards of the MLDC.

The third component to this application is an exception request, where the applicant seeks relief in intersection spacing and the elimination of the 10 foot wide street planter on the west side of Durst Street. Further discussion regarding the exception will be addressed in the exception criteria compliance section.

Density

Based on the 22.34 gross acre project area, the minimum number of units that could be built is 89 and the maximum number permitted is 134. The applicant has proposed a total of 93 units for Delta Estates Phases 2-5. The overall density for Phases 2 through 5 calculates to 4.16 dwelling units per gross acre, which is the lower end of the required density range of the SFR-6 zone district.

Analysis

Zone change

An itemized analysis of the proposed rezone request based on the criteria outlined in Medford Land Development Code (MLDC) Section 10.227 cited above is as follows:

Section 10.227(1):

> *The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*
>
> *b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase,* one (1) or more of the following conditions must exist:*
>
> > *(i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or respectively; or*
> >
> > *(ii) The area to be rezoned is five acres of larger; or*
> >
> > *(iii) The subject property, and abutting parcel(s) that are in the same General Land Use Plan Map designation and vacant, when combined, total at least five acres.*

Findings of Fact, Staff:

In regard to locational criteria expressed in Section 10.227(1)(b), the subject application proposes a decrease in density. Therefore no additional locational criteria, other than the General Land Use Plan designation, apply to this application.

In their approval of the 2010 zone change, the Planning Commission found the zone change was consistent with the General Land Use Plan Map and the Transportation System Plan(TSP) and thus with the Transportation Planning Rule. The underlying General Land Use Plan (GLUP) Map designation on the subject property is UR (Urban Residential). The SFR-6 zone district is a permitted zone under this classification.

The applicant's Findings of Fact and Conclusions of Law (Exhibit B) note that the zone change reduces trip generation when compared to the current SFR-10 zoning and therefore the proposed zone change is fully consistent with the City's Transportation System Plan (TSP). Staff concurs with the Applicant's Findings and recommends the Commission adopt the applicant's Findings pertaining to TSP compliance as submitted.

Section 10.227(2):

> *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*
>
> *(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*

Findings of Fact, Staff:

Storm drainage: The subject properties have access to existing storm drainage facilities in the area, which have the capacity to serve their property under the proposed zoning. The Owen Drive storm drainage facility, installed for Delta Estates, was designed to provide sufficient storm drainage capacity of the entire 65.27 acre development. Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit B) and recommends that the Planning Commission adopt the Findings as submitted by the Applicant.

Sanitary sewer: The subject site lies within the City of Medford Sewer Service Area. A condition of approval for the original zone change of this property (ZC-10-078) limits future construction to 380 single family units until the City upgrades the Terminal Spur Trunk Line. At that time, the developer could add an additional 60 single family units before additional upgrades become necessary. The Applicant's findings (Exhibit B) recognize the Phase 1 final plat proposed tentative plat for phase 2 through 5 contains a total of 148 single family units. Thus a total of 212 dwelling units could be constructed on the remaining 31.57-acre SFR-10 zoned property without exceeding the 380 dwelling unit cap. The proposed zone change to SFR-6 will have the result of lowering the density and total number of units on the 22.34-acre property. Therefore, there is a reduced impact to the existing sewer system with the proposed change of zone. Staff has reviewed the applicant's Findings of Fact and Conclusions of Law

(Exhibit B) and recommends that the Planning Commission adopt the Findings as submitted by the Applicant.

Water: Municipal water services are provided to the subject properties by the Medford Water Commission. The Medford Water Commission has determined that access to existing MWC water lines is available to connect subject property to MWC facilities. No off-site water line installation is required and there is adequate capacity in the MWC system to serve the subject property. Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit B) and recommends that the Planning Commission adopt the Findings as submitted by the applicant.

(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;

***

Findings of Fact, Staff:

As determined in the Planning Commission decision on ZC-10-078, adequate street capacity does not exist without specific transportation system mitigation. Nothing in this zone change to SFR-6 changes the prior conclusions of the Planning Commission in regard to the transportation deficiencies or mitigation. The conditions of approval provided for ZC-10-078 are identified above in the background discussion. As noted in the discussion above, two of the seven conditions of approval for ZC-10-078 are no longer applicable due to a change in the development code standard and street improvement made by the City. Approval of this zone change lowers potential number of units and therefore will reduce traffic generation associated with the overall development project. Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit B) and recommends that the Planning Commission adopt the Findings as submitted by the Applicant.

Land Division

An itemized analysis of the proposed tentative plat based on the criteria outlined in Medford Land Development Code Section 10.270 cited above is as follows:

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

The subject application is consistent with the North Medford Circulation Plan. Local streets are not identified on the North Medford Circulation Plan. Owen Drive, located in Phase 2 and the north boundary of Phase 3 and 4, is identified in the circulation plan as a "Major Collector" street. Owen Drive will ultimately intersect with the future McLoughlin Drive alignment at the northeast corner Residual Parcel 1. McLoughlin Drive is also classified as a "Major Collector"

street. Both higher order streets were recognized as future streets in an exhibit in the 2013 Planning Commission approval of three-lot partition for Delta Estates (LDP-13-086).

The subject tentative plat meets all design standards set forth in MLDC Articles IV and V, excluding the subject interrelated exception requests regarding intersection distance and the planter strip elimination. The exception request will be discussed further below. Subject lots of tentative plat are consistent with all lot width, depth and size requirements of Article V. The proposed street layout of Phases 2 through 5 is consistent with maximum block length and maximum block periphery provisions of Article IV. Subject to approval of the exception request, the Planning Commission can find that the tentative subdivision plat meets Criterion 1.

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

This application meets this criterion, and will not prevent future development of the remainder of this property or of adjoining lands. The Commission can find that Criterion 2 is met.

(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;

The applicant's findings of fact and conclusions of law provide that the subject plat will bear the name of "Delta Estates", which was approved by the County Surveyor for Phase 1 of the development. The Commission can find Criterion 3 is met.

(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;

The subject land division lies at the existing termini of Ford Drive, Cheltenham Way, Torrent Street and Owen Drive. The proposed development proposes the continuation of these residential streets and the Major Collector classification for Owen Drive. The Commission can find Criterion 4 is met.

(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;

The Applicant's Findings note that there are no private streets or alleys are proposed by this application and Criterion 5 is not applicable. However, the tentative plat does identify two minimum access streets, which will provide access to lots 68, 69, 70, 80, 81, and 82. While minimum access streets may be utilized as "street frontage" they are privately held access

easements upon private property and not considered a public street. The final plats submitted for the development will need to distinguish the private streets on the plat and plat declarations pertaining to such easements set forth. Staff recommends that the Commission adopt findings within this staff report pertaining to Criterion 5. A condition of approval has been included requiring the final plat to distinguish the minimum access easements and provide declarations to their purpose.

(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.

Based on the Applicant's Agricultural Assessment analysis of the adjacent EFU zoned lands, the property appears to be used primarily for passive agricultural uses. The north portion of tax lot 800 appears to have orchards. However, the orchard lies over 600 feet to the north of the subject property, separated by Garret Creek and grass pasture lands. The adjoining tax lot 900 has a small area, which also appears to be active orchard lands. However, the orchard is over a quarter-mile from the subject property. The area of tax lot 900, adjacent to the site, appears to be an area of pasture lands. EFU lands that are utilized for pasturing of livestock is considered passive agriculture use. Required mitigation for passive agriculture includes; a 6-foot fence or wall, a deed declaration regarding the adjoining passive agriculture, and measures to mitigate adverse impact of periodic natural run off and agricultural irrigation run off.

It should be noted that lot 70, immediately adjacent to the EFU lands, will have a six-foot high fence. It should be further noted that lots adjacent to tax lot 900 will be separated by Owen Drive, which will have a 63-foot wide interim cross section. Lots 107 through 114 face away from the agricultural area, will be separated by Owen Drive, and will have a 6-foot fence. Lots 83 and 99 side to Owen Drive and will have a six foot street side yard fence. Based on the Applicant's Agricultural Assessment, the Planning Commission can find Criterion 6 is met.

Owen Drive Off-Site Extension issue (See Exhibit I, J & K)

With the submittal of the subject application, the Applicant's Findings stated that they would stipulate to constructing the Owen Drive Extension, from the project site to Springbrook Road, subject to dollar-for-dollar SDC credit. The Public Works report identifies that City Code does not allow for dollar-for-dollar SDC credit reimbursement. The technical memorandum from Lancaster Engineering notes that the only material difference between constructing the project without the Owen Drive Extension is that westbound Owen Drive traffic will use Ford Drive and Springbrook Road, and the intersection of own Drive at Springbrook Road would operate at LOS C. (Exhibit 'J")

The correspondence from Peter Mackprang of Public Works, dated October 20, 2016, notes additional data is need to analyze the development without the Owen Drive extension. The project agent has received this information and will seek to provide the needed information in the Public Works correspondence (Exhibit K) early next week. Should planning staff receive the Public Works analysis of new data prior to the October 27, 2016 Public Hearing, it will be forward to the Planning Commission as soon as possible for their review.

Land Division Recommendation

Staff recommends that the Commission adopt staff's finings for Criterion 5. Staff recommends that the Planning Commission adopt the land division findings for Criteria 1 through 4 and 6 as submitted by the Applicant. Subject to a positive result of the traffic analysis by Public Works regarding the revised traffic circulation through the development, staff recommends that the Commission approve the Land Division application.

Exception Request

The applicant has requested two separate but interrelated exception requests. The first exception request pertains to minimum distance between intersections (MLDC 10.426D). This section notes; *"streets intersecting other streets shall be directly opposite each other, or offset by 200 feet'.* The applicant asserts in the Findings that this can be interpreted as a provision intended to prevent off-set intersections. Owen Drive continues through the development and Durst Street is a T-intersection. Thus, the minimum spacing requirement is not necessarily applicable to this particular design configuration.

As a precaution, the applicant has provided exception findings regarding section 10.240 (D) should the Commission not find the interpretations plausible. When looking at the application of the provision to the context of this particular scenario, staff notes the applicant's interpretation is plausible. As Torrent Street and Durst Street are local residential streets with somewhat relatively limited number of units generating the traffic at intersection of Torrent Street and Durst Street, it does not appear the difference between 190-foot spacing between streets versus a 200 foot separation becomes significant. Staff recommends that the Commission find the interpretation plausible and the street design consistent with the intent code.

The second exception request addressed by the applicant pertains to the removal of the 10-foot planter strip on a very short segment of Durst Street. This will allow the spacing between Durst Street and Owen Drive to be 190 feet rather than 180 feet.

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 Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.

The exception is clearly 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. Approval of this exception will not be injurious to the general area, or detrimental to the health, safety, general welfare and natural resources in the area. First, the subject request only is applicable to a short segment of Durst Street on one side.

Second, staff finds the request for exception to be a preferred design scenario. When the 2,100-foot maximum block perimeter causes the creation of an additional street, a 20 percent increase in block perimeter is permissible. An absolute maximum block perimeter maximum of 2,520 linear feet would be acceptable under the Code. The applicant could potentially terminate Durst Street into a cul-de-sac with the 450-foot depth permitted by code. If the plat was to be designed to terminate Durst Street into a cul-de-sac, the resulting block perimeter would be 2,500 feet which is less than the absolute maximum perimeter requirement. This would likely result in the loss of one lot as to create the 45 foot cul-de-sac radius.

If the planter strip for Durst Street was required for the short length, and the street extended through, from Cheltenham Street to Torrent Street, it would result in in a very sharp reverse curve on the west side of Durst Street and would result in the loss of lot 63. Alternatively, staff finds removing the planter strip on Durst Street, for a limited extent, the most preferable scenario for the following reasons:

- The extent of the planter strip removal is limited
- Durst Street would extend through from Cheltenham Street to Torrent Street without a sharp reverse curve
- Durst Street would not terminate in a Cul-de-sac, as permitted otherwise by meeting the block length standards without Durst Street being a though connection.
- Removal of the planter strip results in an additional 10-feet separation, between Owen Drive and Durst Street while allowing Durst Street to fully extend between Cheltenham Street and Torrent Street.

Based on the Applicant's findings, the Commission can find Criterion 1 is satisfied.

(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.

The requested exception pertains to physical improvements of the development. In no way does the granting of exception establish a use that is not permitted in the SFR-6 zone district. Staff recommends that the Commission adopt the Applicant's findings as submitted. The Commission can find that Criterion 2 is met.

(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.

The Applicant's Findings note there are unusual circumstances in this instance relating to the to the design and street connections required that are to be extended to Owen Drive (Cheltenham Street and Torrent Street). There are potential design solutions that would allow for street segments to contain the required planter strip and fully comply with code. One possibility would be to terminate Durst Street towards the west end in a cul-de-sac, or the adding another north bound street to connect into Owen Drive, which is a Major Collector

Street. However, this would involve another intersection with Owen Drive, a higher order street. Under both of these design scenarios, it appears that the applicant would lose a lot(s). However, from a circulation perspective, much is lost in terms of establishing a better local street network pattern by permitting the limited exception.

With the proposed design, as provided by the tentative plat, Durst Street becomes a through street, block perimeters are smaller, and there is an additional 10-foot separation between Owen Street and Durst Street. In other words, the proposed subdivision design with the exception approval is preferable to an alternative subdivision design that fully complies with all aspects of the code. The need for exception results from the Owen Drive transition to current alignment on the west end, resulting in a truncated block on the west end and the current alignments of the north to south streets. This creates an oddly shaped internal parcel that is a challenge in both street connectivity and lot utility. Staff concurs with the Applicant that outcome of exception approval is a benefit to the overall circulation pattern for the neighborhood.

Staff recommends that the Commission adopt the Applicant's findings as submitted. The Commission can find that Criterion 3 is met.

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

The need for the Exception is not the result of an illegal act, nor would it be established on the basis that Applicant purchased land with or without knowledge of the standards, it and is suffered by the particular property in question, given the existing street connections that must be made and the alignment shift of Owen Drive. The subdivision design presented appears to be the most efficient use of the space within the block. Full compliance with code would likely result in the loss of a lot with either a cul-de-sac improvement or removal of Lot 63 to provide a through connection of Durst Street. However, the demonstrated circulation pattern allows for much smaller blocks and increased connectivity and limits access to Owen Drive, which are positive benefits to neighborhood circulation. Staff recommends that the Commission adopt the Applicant's findings as submitted. The Commission can find that Criterion 4 is met.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the applicant's findings as submitted, with exception of Criterion 5 of the Land Division. Staff recommends that the Commission adopt Staff's Findings for Criterion 5 as provided within this report.

RECOMMENDED ACTION

Adopt findings as recommended by staff and adopt the Final Orders for approval of ZC-16-089, LDS-16-090 and E-16-091 per the second revised staff report dated November 3, 2016, including Exhibits A through **L.**

EXHIBITS

A Conditions of Approval, dated October 6, 2016

B Applicant's Findings of Fact, received July 25, 2016, including exhibits listed below:
- Demonstration of Compliance with Applicable Standards
- Jackson County Assessor plat map 37-1W-08, which contains and depicts the subject property
- City of Medford GLUP Map
- Current City of Medford Zoning Map on Aerial
- Proposed Medford Zoning Map
- Zoning Tech Memo
- Conditions of Approval from Planning File No. ZC-078
- Removal of Conditions Letter, Dated January 28, 2016.
- Civil Plans
- Planter Strip Exception Plan
- Partition Plant and legal description of subject parcels
- Irrigation Canal Piping Easement
- Storm Drain and Access Easement
- Agricultural Impact Assessment Report, July 18, 2016
- Application Addendum, received September 27, 2016, including:
  - Updated Tentative Plat, Delta Estates Phases 2 through 5
  - Drainage Easement Partial Plan
  - Owen Drive Cross Section

C Public Works Department Report pertaining to Zone Change dated, September 14, 2016

D Public Works Department Staff Report pertaining to Land Division & Exception dated, September 14, 2016

E Medford Water Commission Staff Memo, dated September 14, 2016

F Medford Fire Department report, prepared September 13, 2016

G Medford Building Department Staff Memo, dated September 13, 2016

H Oregon Department of Aviation E-mail correspondence, received September 8, 2016

I Owen Drive Extension Memorandum from CSA Planning, received October 13, 2016

J Lancaster Engineering Technical Memorandum Alternative Scenario, received October 13, 2016.

K Public Works correspondence to Lancaster Engineering, dated October 20, 2016

L **Petition from Owen Park Residents dated October 9, 2016**
Vicinity map

PLANNING COMMISSION AGENDA:

OCTOBER 13, 2016
OCTOBER 27, 2016
NOVEMBER 10, 2016

EXHIBIT A
Conditions of Approval
October 6, 2016

ZC-16-089 / LDS-16-090 / E-16-091
Delta Water Estates Phases 2 through 5
Zone Change, Subdivision & Exception Request

Code Conditions

1. The property owner shall comply with the reports from the Public Works Department dated September 14, 2016 (Exhibit C & D).

2. The property owner shall comply with the report from the Medford Water Commission dated September 14, 2016 (Exhibit E).

3. The property owner shall comply with the report from the Medford Fire Department prepared September 13, 2016 (Exhibit F).

4. The applicant shall identify the private minimum access easements on the final plats for Phase 2 through 5 and set forth reservations or restrictions relating to the private streets in the plat declaration statement.

RECEIVED
July 22, 2016
PLANNING DEPARTMENT

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN APPLICATION FOR A ZONE CHANGE FROM SFR-10 TO SFR-6, FOR A TENTATIVE SUBDIVISION PLAT APPROVAL, AND SEEKING TWO INTERRELATED EXCEPTIONS REGARDING INTERSECTION SPACING STANDARDS ON AN AREA OF LAND HAVING 54.14 ACRES LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MEDFORD, OREGON	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
Applicant: Hayden Homes, LLC:	***Applicant's Exhibit 2***
Owner: Delta Waters Properties, LLC	
Agent: CSA Planning, Ltd.	

I

SUMMARY AND SCOPE OF APPLICATION

Applicant Hayden Homes, LLC seeks approval for a Zone Change from SFR-10 to SFR-6 for a 22.34 acre area of land and a Land Division to create 91 residential lots plus two detention pond lots and two reserve parcels totaling 54.14acres on Parcels 2 and 3 of Partition Plat No. P-26-2014. This application is a continuation of the first phase of the Delta Estates Subdivision. The first phase has obtained final plat and homes are under construction in that area. This project proposes five additional phases.

Accompanying this application for land division, Applicant tenders two interrelated Exception requests. The purpose of the Exceptions is to provide a through-street (avoiding a cul-de-sac) where Owen Drive extends through but curves up to the north property line. The existing street stub location for Owen Drive is just under the distance necessary to achieve the full 200-foot intersection spacing standard. The interrelated exceptions seek to balance these competing street design challenges in an optimum manner that maximizes the amount of intersection spacing that can be achieved while maintaining the street design standards as much as possible.

APPLICANT REQUEST: The subdivision is proposed in phases and Applicant respectfully requests the Planning Commission approve a time schedule for platting the individual phases for up to five years as allowed by MLDC 10.269(2).

CITY OF MEDFORD
EXHIBIT # "B"
File # ZC-16-089/LDS-16-090/E-16-091

II

EVIDENCE SUBMITTED WITH APPLICATION

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

Exhibit 1. Signed and Completed Zone Change, Land Division and Exception Application Forms with Authorization from the current property owner, Delta Waters Properties LLC and the Applicant, HHM.

Exhibit 2. The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the Zone Change, Land Division and Exception application complies with the applicable substantive criteria of the MLDC

Exhibit 3. Demonstration of Compliance with Applicable Standards

Exhibit 4. Jackson County Assessor plat map 37-1W-08, which contains and depicts the subject property

Exhibit 5. City of Medford GLUP Map

Exhibit 6. Current City of Medford Zoning Map on Aerial

Exhibit 7. Proposed Medford Zoning Map

Exhibit 8. Zoning Tech Memo

Exhibit 9. Conditions of Approval from Planning File No. ZC-10-078.

Exhibit 10. Removal of Conditions Letter, Dated January 28, 2016.

Exhibit 11. Tentative Plat
a. Overall Site
b. Phases 2, 3, 4, & 5

Exhibit 12. Civil Plans
a. Conceptual Grading and Drainage Plan- C.1- (Sheets 1 & 2)
b. Conceptual Water and Sewer Plan- C.2- (Sheets 3 & 4)

Exhibit 13. Planter Strip Exception Plan

Exhibit 14. Partition Plat and Legal Description of subject parcels

Exhibit 15. Irrigation Canal Piping Easement

Exhibit 16. Storm Drain and Access Easement

Exhibit 17. Agricultural Impact Assessment Report, July 18, 2016

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III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which the application for Land Division must be approved are in Section 10.270, of the Medford Land Development Code (MLDC). The approval criteria are recited verbatim below and again in Section V, where each are followed by the conclusions of law:

City of Medford Approval Criteria

ZONE CHANGE

MLDC 10.227 ZONE CHANGE CRITERIA (Inapplicable provisions omitted)
The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

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

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

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

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

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

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in 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

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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.

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

SECTION 660-012-0060

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. 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

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(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

LAND DIVISION – Tentative Subdivision Plan

10.270 Land Division Criteria

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

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

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

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

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

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

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

EXCEPTION

10.253 Criteria for an Exception

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

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

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

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

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

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

AGRICULTURAL BUFFERING

MLDC10.801 Agricultural Buffering in Non-Urban Reserve Areas

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.

(1) Land Divisions.

(2) Planned Unit Developments.

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.

(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 then 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.

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(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.

(4) Discretionary Mitigation Measures/Design Considerations. In addition to the specific mitigation measures required in Subsections 10.801.D(2) and 10.801.D(3), an applicant shall also consider the following design items and the approving authority may, in its sole discretion, impose conditions which do any of the following:

(a) Increase the rear or side yard setback to afford greater spatial separation between agriculture and urban development.

(b) Regulate the location of garages and parking areas to place them between dwellings and other buildings intended for human occupancy and agricultural land.

(c) Require the placement of streets, driveways, open space or common areas between urban development and agricultural land.

(d) Require fencing and landscaping, including the use of berms, in excess of that required in Subsection 10.801.D.

(e) Regulate or require other mitigation measures or features deemed reasonably necessary and appropriate by the approving authority to protect the public health, safety and general welfare, and to make urban development compatible with agricultural uses which exist on adjacent lands zoned EFU or EA.

E. Alteration or Removal of Buffering Measures.

The measures required by the approving authority to buffer agricultural land from urban uses and development may be altered or removed entirely when the zoning of an adjacent and touching agricultural land is changed from EFU or EA to a city zoning district other than EA. No alteration or removal of the agricultural land buffering features shall cause the removal of fencing or landscaping which is required to meet the Bufferyard requirements of Sections 10.790 through 10.796.

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IV

FINDINGS OF FACT

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

1. **Property Location**: The property is located at the northern termini of Cheltenham Way and Torrent Street and abuts the parcel where Owen Drive is planned to be extended to the east. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary.
2. **Property Description and Acreage**: The property is identified in the records of the Jackson County Assessor as Tax Lots 1101 and 1102 in Township 37 South Range 1 West in Section 08. In 2013 the parent parcel, Tax Lot 1100, was partitioned into three parcels. The subject properties are identified as Parcels 2 and 3 and have approximately 54.14 total acres.
3. **Subject Property Ownership:** The subject property is under contract for purchase by HHM which has provided a limited power of attorney and consented in writing to this zone change, subdivision and exception application. Delta Waters Properties LLC is the seller and current owner of the property has also provided a limited power of attorney to authorize the application. *See*, Exhibit 1 which includes a power of attorney from the Delta Waters Properties LLC and HHM.
4. **Comprehensive Plan Map Designation**: The property is designated Urban Residential on the Medford Comprehensive Plan Map.[1]
5. **Zoning Map Designation**: The subject property is zoned City SFR-10. Proposed zoning is SFR-6. In preparing maps for this application it was found that the current City Zoning map does not accurately reflect the previous rezoning of the Delta Estates Phase 1 lots 0053 to 057 from SFR-10 to SFR-6. Our maps reflect the current zone of these adjacent lots. Please see Exhibits 6 and 8.
6. **Existing Land Use**: The property contains an old barn and some small agriculturally related outbuildings. The property is currently used for low intensity agricultural uses including bee-keeping and some limited field farming.
7. **Intended Land Use**: Property is to be developed as a single-family residential subdivision.
8. **Topography**: The property slopes gently from the west up to the east at one to two percent grade. There is a small ridge that runs along the eastern edge of the property with a farm pond beyond. Topography does not represent a significant constraint for urban utilization of the property.

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

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9. **Wetlands; Floodplain**: According to Medford and Jackson County Geographical Information System (GIS) data bases taken from the U.S. National Wetland Inventory, the subject property contains irrigation ditches, including the Hopkins Canal. There is no identified floodplain and the Applicant has piped the Hopkins Canal so that there is no impact on this project. *See,* Exhibit 15. Two lots, Lots 71 and 100, will contain storm water detention ponds. The pond on Lot 71 is already constructed and will be deeded to the City at, or immediately after, final plat of Phase 2. It will provide storm detention for Phases 1 and 2. Lot 100 will remain in private ownership until the drainage pond has been constructed, at which time the intension is to deed it to the City. It will provide detention for Phases 3 to 5 and future phases on the residual property. In addition, there is an existing minor drainage ditch along the southern border. This ditch will continue to be accessible to the City of Medford for maintenance through a new access easement.

10. **Surrounding Land Uses**: The GLUP map (Exhibit 5) and Zoning Map which is overlaid on an aerial photo (Exhibit 6) accurately depict the pattern of land partitioning and development in the surrounding area. The land uses that surround the subject property and which are further described as follows:

    A. **Surrounding Area Characteristics**: The property is located within Medford's urban growth boundary with urban uses to the south and west and agricultural uses to the east and north.

    B. **East**: Lands to the east contains some low intensity agricultural properties that are outside the urban growth boundary, but within an Urban Reserve. They are currently planned by Jackson County as Agricultural and zoned Exclusive Farm Use (EFU), but as part of MD-3 are planned as Urban Residential and Neighborhood Commercial. The residual parcels abut these properties. These properties have been included in the Council's recommendation for UGB inclusions being finalized and forwarded on to Jackson County.

    C. **South**: To the south and southwest are Urban Residential lands zoned SFR-4. These lands are developed with single-family dwellings constructed in the early 1980s through the mid-1990s and also to the south and southwest is the first two phases of Delta Estates where home construction is currently occurring.

    D. **West**: To the west are Urban Residential lands, zoned SFR-6. These lands are developed with single-family dwellings constructed in the early 1980s through the mid-1990s. The residential lands to the west constitute a fairly narrow strip between the subject property (~1/4 mile) and commercial and industrial lands along Highway 62.

    E. **North:** Lands to the north contains some low intensity agricultural properties that are outside the urban growth boundary, but within an Urban Reserve. They are planned by Jackson County as Agricultural and zoned Exclusive Farm Use (EFU), but as part of MD-3 are planned as Urban Residential. The properties are owned by Rocky Knoll LLC. The lands contain a large drainage area for Garrett Creek, some low intensity agricultural and rural uses and a small orchard on the north side of the Garrett Creek drainage. One residential lot, two on-site detention ponds and the extension of Owens Drive will abut these parcels. These properties have been

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included in the Council's recommendation for UGB inclusions being finalized and forwarded on to Jackson County.

11. **Essential (Category "A") Public Facilities**: The comprehensive plan defines Category "A" public facilities as: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The Planning Commission finds the following facts with respect to each of the Category "A" public facilities:

    A. **Sanitary Sewer Service (Collection)**: The property is in the area served by City of Medford. Existing 8-inch sanitary sewer lines are adjacent to the property in several locations. Based the findings adopted for the SFR-10 zone change, there exist some downstream deficiencies for full development of the originally zoned SFR-10 area but the zone change established adequate sewer capacity for up to 380 dwelling units without the need for additional mitigation. Consequently, the proposed 91 residential lots will still provide for up to 232 dwelling units on the remaining Delta Waters Properties LLC lands prior to the need for any sanitary sewer mitigation improvements. The proposed zone change to SFR-6 will reduce the amount of sanitary sewer demand when compared to the existing SFR-10 zoning.

    B. **Sanitary Sewer Service (Treatment)**: According to representatives of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant, which is located near Bybee Bridge where Table Rock Road crosses the Rogue River. The plant serves the Rogue Valley Sewer Services (RVSS)[2] and the cities of Central Point, Jacksonville, Medford, Phoenix and Eagle Point. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

        - The Vern Thorpe Regional Water Reclamation Facility, more commonly known as the Medford Regional Water Reclamation Facility (RWRF), was built in 1970 by the City of Medford as a regional facility to treat sewage from the cities of Central Point, Jacksonville, Medford, Phoenix, Talent and rural areas of Jackson County served by Rogue Valley Sewer Service (RVSS). The original RWRF capacity was 10 million gallons per day (MGD) average dry weather flow
        - RWRF capacity was doubled between 1980 and 1990 through several incremental expansions. In 1992 the RWRF was permitted for a 20 MGD average dry weather flow, and 60 MGD wet weather flow. Subsequent to 1992 several more projects have been constructed to improve plant operating

[2] Formerly Bear Creek Valley Sanitary Authority (BCVSA)

reliability, energy efficiency, and bio-solids handling capabilities, as well as increase the reliable wet weather flow handling capacity to 80 MGD.

- The average daily influent flow for 2004 was 15.7 mgd, an increase from 13.2 mgd in 1988 and 14.1 mgd in 1994.
- In 2012, West Yost Associates updated the Medford Regional Water Reclamation Facility Master Plan. Table 4-8 states that the Peak Wet Weather Flow (PWWF) at the plant is currently 91 MGD. The plan lays forth the capital improvements to the plant that are planned over the next ten years specifically and subsequent 10 years more generally. The planned improvements are funded by rate payers and systems development charges and will increase the capacity of the plan to handle a PWWF of 118 MGD by 2030 to serve a future 2030 City of Medford population of 115,286.
- The proposed zone change from SFR-10 to SFR-6 will reduce the demand for sewer treatment.

C. **Water Distribution Lines**: Water is available to the property via multiple water lines that are gravity served by the Capital Hill water reservoir. An 8-inch water line is available at the terminus of Cheltenham Way. A 12-inch water line is available at the terminus of Ford Drive. The zone change from SFR-10 to SFR-6 will reduce the demand for water.

D. **Water Supply**: According to the Medford Water Commission Manager, the Medford water system presently serves a population of ±80,000. The present maximum daily use is 45 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 56.5 MGD. There is an additional water source capability of 35 MGD available. The Water Commission expects present facilities will be adequate to accommodate growth until around the Year 2050. The zone change from SFR-10 to SFR-6 will reduce the demand for water.

E. **Storm Drainage**: Storm drainage for Phase 2 will connect to the existing storm detention pond on Lot 71 that drains into the storm system on Owen Drive. The Owen Drive storm drainage system that was installed for Delta Estates was engineered to provide sufficient capacity for all of the Delta Waters Properties LLC lands. The project also includes an additional lot for a second storm drainage pond that the Applicant expects will be constructed as part of the infrastructure to serve the subdivision requested herein.

F. **Streets and Traffic**: The following facts pertain to streets as proposed in this project:

(1) **Project Access and Street Functional Classification**: Local standard residential street Cheltenham Way provides access to this property. Cheltenham Way connects to Delta Waters Road, a major arterial to the south. Owen Drive which is to be extended east from its current terminus will connect the subdivision to the west to Crater Lake Avenue, a major collector and Highway 62 (Crater Lake Highway) is classified as a State of Oregon Highway.

(2) **New streets**: Four new minor residential streets and one new standard residential street will be added as part of the project. Four existing streets will be extended.

Summary of Project Streets

Street Name	Type	Classification	Direction	Runs From:	To:
Torrent Street	Extend existing	Minor Residential	South to North	Ford Drive	Owen Drive
Cheltenham Way	Extend existing	Major Residential	South to North	Cascara Street	Owen Drive
Owen Drive	Extend existing	Minor Collector	West to East	Springbrook Road	McLoughlin Drive (future)
Ford Drive	Extend existing	Minor Residential	West to East	Springbrook Road	McCloud Street
Durst Street	New	Minor Residential	West to East	Torrent Street	Cheltenham Way
Durst Street	New	Major Residential	West to East	Cheltenham Way	McLoughlin Drive (future)
Carnelian Street	New	Minor Residential	West to East	McCloud Street	Past Metolius St
McCloud Street	New	Minor Residential	South to North	Ford Drive	Carnelian Street
Metolius Street	New	Minor Residential	South to North	Durst Street	Owen Drive

(3) **Subdivision Lot Access:** Each resulting individual lot will have frontage and access from a City street.

(4) **Future Access**: Three street stubs are created as part of this subdivision that will allow the streets that are part of this project to be extended when the adjacent properties build-out.

(5) **Construction of Owen Drive Offsite:** A 330-foot section of Owen Drive right-of-way exists to the west of the project that is unimproved. The Applicant is willing to accept a condition of approval requiring this right-of-way be improved as part of the project but acceptance of such a condition of approval is contingent upon the condition being explicit that the Applicant will be entitled to "dollar for dollar" SDC credits for the cost of constructing this section and not be subject to the standard formula for "partial credit" that is often applied to on-site improvements for higher order streets.

G. **Streets and Traffic**: The following facts pertain to traffic as proposed in this project:

Trip Generation and Restrictions: The proposed zone change from SFR-10 to SFR-6 will reduce the potential trip generation of the subject property by approximately 89 PM Peak Hour trips. The zone change to SFR-10 for the entire Delta Waters Properties LLC property included trip generation restrictions, see Exhibit 9. Exhibit 10 demonstrates that the City of Medford has removed conditions 2 and 3 related to traffic mitigation. The remaining conditions are the issues at Owen Drive and Crater Lake Avenue and the broader ODOT trip cap. Nothing in this

application will alter and change the ODOT trip cap restrictions; however the proposed units are still well under that cap. With respect to Owen and Crater Lake Avenue, Delta Waters Properties LLC has provided traffic analysis at the request of Public Works and this analysis is currently under review with Public Works. Public Works' review of this analysis will direct the implementation of mitigation for this intersection. The Applicant is aware of these restrictions and understands that vertical construction cannot take place on platted lots until the mitigation for the intersection of Crater Lake Avenue and Owen Drive has occurred or has been assured to the satisfaction of Public Works.

H. Police and Fire Protection: The property is served by the Medford Fire Department from its Fire Station 5. Emergency fire response is estimated to be approximately 3 minutes. Police protection is from the City of Medford Police Department.

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CONCLUSIONS OF LAW

Based upon the evidence in enumerated in Section II and summarized in the Section IV Findings of Fact, the Planning Commission reaches the following Conclusions of Law with respect to this matter:

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

ZONE CHANGE

MLDC 10.227 ZONE CHANGE CRITERIA

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

Zone Change Criterion 1

MLDC 10.227 ZONE CHANGE CRITERIA (Inapplicable provisions omitted)

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

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

(a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:

(i) if at least seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%),

(ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

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

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

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

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

Conclusions of Law: Criterion 1 is threefold: consistency with the TSP, consistency with the General Land Use Plan Map and consistency with the locational standards in MLDC 10.227 (1) (a) through (d).

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Regarding the TSP, the Planning Commission concludes the proposed zone change will reduce the trip generation potential of the site when compared to the current SFR-10 zoning and is consistent in all ways with the City's TSP.

Regarding consistency with the General Land Use Plan (GLUP) Map, the Planning Commission concludes from Exhibit 6 that the property is designated Urban Residential on the GLUP Map. The proposed SFR-6 zone is consistent in all respects with the portion of the subject property's Urban Residential GLUP Map designation.

Regarding consistency with the relevant locational standards in MLDC 10.227 (1) (a) through (d), section (b) applies to SFR-6 and SFR-10 zone changes, and therefore applies. The Applicant seeks to change the zone of the subject property from SFR-10 to SFR-6. Zoning to the west of the subject property is SFR-6 and so at least one property adjacent to the proposed zone change area is already zoned SFR-6. Also, the proposed SFR-6 zoning area is much larger than five acres and therefore the locational criteria of SFR-6 are satisfied

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

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Zone Change Criterion 2

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

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

Discussion; Conclusions of Law: The Planning Commission concludes that Goal 1 of the Comprehensive Plan Public Facilities Element is aspirational in language and context and the actual criteria for determining the adequacy of Category A public facilities, consistent with the Public Facilities Element, reside solely in MLDC 10.227(2). The Planning Commission reaches the following conclusions of law with respect to each of the Category "A" infrastructure components:

Wastewater Collection and Treatment: Based upon the findings of fact in Section IV, the Planning Commission concludes that wastewater collection and treatment facilities are sufficient to serve up to 380 units. Combining the 57 Phase 1 Delta Estates lots with the 91 proposed residential lots in Phases 2-5 equals 148 units, which is therefore substantially below the maximum allowed number of units. The related projected peak flows from these units within the proposed SFR-6 zoning district can therefore be accommodated for that specific gravity flow service area as determined by the city engineer, and, the Commission finds that facilities are available to adequately serve the property.

Storm Drainage System: Based upon the findings of fact in Section IV, the Planning Commission concludes storm drainage facilities are available for connection to the subject

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property. The anticipated development of the subject property under the SFR-6 zoning will cause no more than nominal impacts to projected peak flows for that specific service area as determined by the *Comprehensive Medford Area Drainage Master Plan* (1996). The Planning Commission concludes that Garret Creek will not be negatively impacted by development of the subject property through compliance with the City's adopted storm water management requirements and construction of the plans for storm drainage prepared by CEC Engineering and the proposed drainage can feasibly and will be constructed consistent with the plans prepared by CEC Engineering.

Water System: Based upon the findings of fact in Section IV, the Planning Commission concludes that the water system is sufficient to provide the subject property with a permanent water supply having adequate water pressure and volume for projected commercial fire control needs expected from development under the SFR-6 zoning district as determined by the water utility manager, and that these facilities are available to adequately serve the property under the proposed SFR-6 zone.

(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.

Discussion and Conclusions of Law Continued: The Planning Commission concludes that adequate facilities do not exist without mitigation as required by the zone change in Planning File ZC-10-078 and that nothing in the zone change to SFR-6 changes the prior conclusions of the Planning Commission in this regard because of deficiencies at Owen Drive and Crater Lake Avenue. However, the Planning Commission understands that the Applicant and Property Owner are collaborating on mitigation of the intersection of Crater Lake Avenue and

Owen Drive acceptable to Public Works for this intersection and that this intersection is the only remaining transportation restriction that would limit build-out of the proposed tentative plat filed concurrently with this zone change.

(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.

Discussion and Conclusions of Law Continued: The Planning Commission concludes the special development conditions that apply to sewer will continue to apply to the property although the SFR-6 area can be developed as proposed in the tentative plat without violating those conditions. The Planning Commission further concludes that the ODOT cap on trip generation will remain in place but the proposed tentative plat can be built out without exceeding this cap. The Planning Commission concludes that the only remaining special development condition concerns the Owen Drive and Crater Lake Avenue intersection and the Applicant and Owner are collaborating on the mitigation of that intersection and the same is in the review process with Public Works; the Planning Commission concludes it is feasible that this intersection can be mitigated (or acceptable mitigation assured) prior to vertical construction of houses on the lots proposed for tentative plat concurrent with this application.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Zone Change Criterion 2.

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State of Oregon Approval Criteria
Oregon Transportation Planning Rule
OAR Chapter 660, Division 012

The following provisions of the Oregon Transportation Planning Rule (OAR 660-012-0060) operate as approval criteria for zone changes:

Zone Change Criterion 3

SECTION 660-012-0060

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance

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standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. 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) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Discussion; Conclusions of Law: In reaching the foregoing conclusions of law addressing OAR 660-012-0060(1), the Planning Commission concludes the proposal will change the zoning from SFR-10 to SFR-6. This change will not change any functional classification of any transportation facility nor will it change the standards implementing a functional classification system. The Planning Commission further concludes that the zone change from SFR-10 to SFR-6 will not allow land uses or level of development that would result in types or levels of travel or access that are inconsistent with the functional classification of any transportation facility and that the downzoning will not cause the performance of an existing or planned transportation facility to be reduced below the minimum acceptable standard in the TSP, provided the conditions of approval that continue to apply from ZC-10-078 remain in place or mitigation occurs or is assured consistent with the conditions therein.

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LAND DIVISION – Tentative Subdivision Plat

MLDC 10.270 Land Division Criteria.

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

Land Division Criterion 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;

Conclusions of Law; Consistency with the Comprehensive Plan: In *Bennett vs. City of Dallas* 17 Or LUBA 450, aff'd 96 Or App 645 (1989), the Oregon Court of Appeals held that quasi-judicial land use criteria that require compliance with a comprehensive plan do not automatically transform all plan Goals, Policies and Implementation Strategies into decisional criteria; only the Goals, Policies and Implementation Strategies that contain language that,

read in context, were intended to function as decisional criteria are in fact criteria. Based upon its review of the Comprehensive Plan, the Planning Commission holds that the Comprehensive Plan contains no goals nor policies that by their language and context were intended to function as approval standards for the subject land division application.

Conclusions of Law; Applicable Specific Plans: The subject property is covered by a Neighborhood Circulation Plan — the adopted and acknowledged *North Medford Circulation Plan* which contemplates the extension of Owen Drive west along the north boundary of the adjacent property (except in the property's northwest corner where Owen Drive is contemplated to dip to the south before connecting with the existing right-of-way along the subject property's west boundary.) A copy of the Adopted North Medford Circulation Plan is shown at Exhibit 11. This proposal includes the extension of a portion of Owen Drive.

Conclusion of Law; Consistency with MLDC Articles IV and V: MLDC Article IV governs public improvements by establishing standards for their construction. See Exhibit 3 for demonstration of the project's compliance with these standards.

MLDC Article V establishes standards for site development, including standards for lot size and density. MLDC 10.702 prescribes the Lot Area and Dimension Requirements, as follows:

> **10.702 Lot Area and Dimensions**
>
> Each lot shall have an area, width, frontage, and depth consistent with that prescribed in this Article for the housing type, or commercial or industrial district in which the development, or the portion thereof, is situated, except in the following situations:
>
> (1) Within a planned unit development, a condominium project, as defined by ORS 100.005, or a pad lot development, as defined herein, the approving authority (Planning Commission) may permit tax lots and common areas to be of an area, width, frontage, or depth different from such prescribed minimum or maximum lot area or dimensions.
>
> (2) For a condominium project, as defined by ORS 100.005, the minimum lot area and dimensions shall apply to the parent parcel only.
>
> (3) A new residential lot may exceed the maximum lot area only under the following circumstances:
>
> (a) When an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area; or,
>
> (b) When a portion of the lot is unbuildable for a reason beyond the control of the developer (i.e., due to creeks, oversized easements, etc.), the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area.

In MLDC 10.710 the minimum and maximum density factor for single family dwellings in an SFR-6 zone is 4 to 6 units per acre. With 93 lots proposed on 22.34 acres the proposed subdivision has a density of 4 units per acre. Based upon Exhibit 3, the proposed lot dimensions shown in Exhibit 11b, and the Findings of Fact in Section IV, the Planning Commission concludes the application contemplates the creation of lots that are sufficiently sized and consistent with the proposed SFR-6 zoning district and thus Land Division Criterion 1.

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Land Division Criterion 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;

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Conclusions of Law: Based upon Exhibit 11a and the Findings of Fact in Section IV, the Planning Commission concludes the Applicant owns no other adjacent or nearby lands. This land division will also not prevent the development of any other adjoining land or of access thereto as this land division includes extending existing streets and the creation of new streets, all of which will be terminated with reserve strips to support future development of the undeveloped properties to the north and east. As such, this application is therefore consistent with the requirements of Land Division Criterion 2.

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Land Division Criterion 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;

Conclusions of Law: The Planning Commission concludes that this tentative plat is proposed to bear the name of Delta Estates which was approved by the Jackson County surveyor for the adjacent Phase 1 of the subdivision. Records show no other land division with this name. Therefore, this application is deemed to be consistent with Land Division Criterion 3.

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Land Division Criterion 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;

Conclusions of Law: The Planning Commission concludes that this land division includes the creation of four public streets. All new streets are laid out to conform to the plats of the existing adjoining subdivisions. No unbuilt plats have been approved adjoining this parcel. Therefore, this application is consistent with Land Division Criterion 4.

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Land Division Criterion 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;

Conclusions of Law: This application does to involve the extension or creation of any private street. Therefore, the Planning Commission concludes that this criterion is met by reason of inapplicability.

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Land Division Criterion 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.

Conclusions of Law: Based on the evidence in Section II (see Exhibit 17), the Findings in Section IV and the Conclusions of Law for section MLDC 10.081 in Section V, the Planning Commission concludes that this criterion is met.

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EXCEPTION

10.253 Criteria for an Exception

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

Exception Criterion 1

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

Discussion: The Applicant is requesting two very narrow and interrelated Exceptions. One is to the street standard right at the intersection of Torrent and Durst. Applicant is requesting approval to eliminate the planter strip as the street approaches the intersection to maximize the centerline separation from Durst Street and Owen Drive. The related exception is for a reduction in the street spacing standard by approximately 10 feet. The Exception to MLDC 10.426(D) is submitted as a precautionary measure in the event the Planning Commission does not concur with either of the other two ways in which this standard can be interpreted to be satisfied (*see Exhibit 3)*.

Conclusions of Law: The Planning Commission concludes that the only design alternative available without these two small interrelated exceptions is for a cul-de-sac. The Planning Commission concludes that cul-de-sacs are disfavored in the code but may be permitted when necessary to avoid conflicts with the code in other respects. In this instance, a cul-de-sac could be justified. However, two very narrow exceptions are all that is required to avoid the need for cul-de-sac and allowing Durst Street to be a through street is in harmony with the general purpose and intent of the ordinance.

The Planning Commission further concludes that the language in MLDC 10.426(D) makes clear that the purpose of the 200-foot minimum intersection spacing standard is to avoid the creation intersections that are off-set by too-short a distance. Intersections that are off-set by too-short a distance can create turning movement hazards. In the subject application, there is no potential for an off-set intersection because the street is a "T" intersection so there will be no turning movement conflicts and the only potential source of conflict will be individual

driveways which exist throughout Medford irrespective of the 200-foot intersection spacing standard.

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Exception Criterion 2

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

Conclusions of Law: The Planning Commission concludes that the Applicant is aware this exception does not permit or establish a use that is not permitted within the SFR-6 zoning district. Therefore, the Planning Commission concludes that this exception to the side yard setback is consistent with Exception Criterion 2.

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Exception Criterion 3

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

Conclusions of Law: The Planning Commission concludes that the unusual circumstances in this instance is the distance that Torrent must be extended to Owen Drive combined with the City's desire to minimize access points to Owen Drive. The Planning Commission concludes that in the context of cul-de-sac design alternatives these are disfavored by the code and prohibiting two very narrow exceptions necessary to avoid a cul-de-sac configuration represents a peculiar, exceptional and undue hardship where both the City and the Applicant would prefer the more-favored through-street design. The Planning Commission further concludes that this is a peculiar, exceptional and undue hardship on the owner because the code standard is directed at the prevention of off-set intersections which is not proposed and will not occur in the future under the proposed design.

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Exception Criterion 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.

Conclusions of Law: The Planning Commission concludes that the need for this exception results from the nature of the site configuration that is not the result of any illegal act and the need for the exception is suffered directly by the property in question. The proposed design solution that necessitates the two narrow and interrelated exceptions are irrelevant from the standpoint of profit.

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LAND DIVISION

MLDC10.801 Agricultural Buffering in Non-Urban Reserve Areas

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.

(1) Land Divisions.

(2) Planned Unit Developments.

Agricultural Buffering Criterion 1

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.

Conclusions of Law: Based upon the Agricultural Impact Report and supporting evidence adopted and incorporated herein, the Planning Commission concludes adjacent land zoned EFU is planned for urbanization and is not managed in a manner that meets the statutory definition of farm use and that this land use is consistent with the passive agricultural classification.

* * * * * * * * * * * * * * * * *

Agricultural Buffering Criterion 2

(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 then 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.

Conclusions of Law: With respect to mitigation, the Planning Commission concludes the following:

(a) The Applicant stipulates to the installation of a 6 foot high wood fence along the northern border of Lot 70 abutting EFU lands at the northwest corner of the property.

(b) The Applicant stipulates to install a six foot wood fence along the northern boundary line, facing the EFU lands, of all lots that are part of this application that abut the southern border of Owen Drive.

(c) Existing wire fencing along the northern boundary adjacent to the detention ponds, Owen Drive, and reserve acreage abutting the land to the north, will remain until such time that those lands are annexed and developed. Existing wire fencing along the eastern boundary of the reserve acreage abutting the EFU lands to the east, will remain until such time that those lands are annexed and developed.

(d) Applicant has stipulated and the same will be required to record the requisite deed declaration for properties within 200 feet that are zoned EFU at the time of final plat.

(e) The grading and stormwater management concept plan, depicted in Exhibit 12, will be sufficient to assure any potential for adverse impacts between the EFU lands and the project site will be mitigated.

Based upon Exhibit 17, the Agricultural Impact Report in Section II and the Findings of Fact in Section IV, the Planning Commission concludes the Applicant the has met Agricultural Buffering Criterion 2.

* * * * * * * * * * * * * * * * *

Agricultural Buffering Criterion 3

(4) Discretionary Mitigation Measures/Design Considerations. In addition to the specific mitigation measures required in Subsections 10.801.D(2) and 10.801.D(3), an applicant shall also consider the following design items and the approving authority may, in its sole discretion, impose conditions which do any of the following:

(a) Increase the rear or side yard setback to afford greater spatial separation between agriculture and urban development.

(b) Regulate the location of garages and parking areas to place them between dwellings and other buildings intended for human occupancy and agricultural land.

(c) Require the placement of streets, driveways, open space or common areas between urban development and agricultural land.

(d) Require fencing and landscaping, including the use of berms, in excess of that required in Subsection 10.801.D.

(e) Regulate or require other mitigation measures or features deemed reasonably necessary and appropriate by the approving authority to protect the public health, safety and general

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welfare, and to make urban development compatible with agricultural uses which exist on adjacent lands zoned EFU or EA.

Conclusions of Law: Based upon the Agricultural Impact Report and supporting evidence adopted and incorporated herein, the Planning Commission concludes the nearby land zoned EFU, for which mitigation is contemplated by the MLDC, is urbanizable land by operation of Statewide Planning Goal definition and therefore no discretionary mitigation measures/design considerations are necessary or appropriate.

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VI

STIPULATIONS OFFERED BY APPLICANTS

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

1. At the time of construction, Applicant will install a minimum of a 6 foot high wood fence along the northern boundary of Lot 70 and of each lot that abuts the southern frontage of Owen Drive.

2. Applicant stipulates to recording the requisite deed declaration per 10.801.D(2)(c) for all properties within 200 feet of lands that are zoned EFU at the time of final plat.

VII

ULTIMATE CONCLUSIONS

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

Respectfully submitted on behalf of Applicant HHM, LLC:

CSA PLANNING, LTD.

Jay Harland
Consulting Planner

Dated: July 20, 2016

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July 22, 2016
PLANNING DEPARTMENT

APPLICANT'S EXHIBIT 3

DEMONSTRATION OF COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

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

10.310 (-1) SFR-6 and SFR-10, Single-Family Residential - 6 or 10 dwelling units per gross acre

These two urban residential districts provide for standard and higher density single-family detached dwellings, duplexes, and mobile home parks.

In SFR-6, 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) . . . . . 4.0 to 6.0 DU/gross acre

Compliance with Standards: The proposed single-family home subdivision is a permitted use in the SFR-6 zone. With 91 residential lots plus 2 detention pond lots proposed on 22.34 acres, the project has a density of 4.2 dwelling units per acre. When you subtract the area of approximately 4.25 acres that will be dedicated to accommodate a new minor collector and the two large detention ponds, the actual density within the residential portion increases to approximately 5 units per acre. The project complies with the standard.

* * * * * * * * * * * * *

10.426 Street Circulation Design and Connectivity

B. Street Connectivity and Formation of Blocks Required.

1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.
2. Proposed streets, alleys and access ways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.
3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.
4. Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.

C. Maximum Block Length and Block Perimeter Length.

1. Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH
Table 10.426-1

Zone or District	Block Length	Block Perimeter Length
a. Residential Zones	660'	2,100'

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:

   j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.

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CITY OF MEDFORD
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File # ZC-16-089/LDS-16-090/E-16-091

3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,
4. When block perimeters exceed the standards in accordance with the10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

Compliance with Standards: The North Medford Neighborhood circulation plan includes the extension of Owen Drive. The proposed subdivision layout includes the extension of Owen Drive along the northern border, conforming with this circulation plan.

All new blocks being formed by this project meet the standards of this section and provide clear connections with existing and future streets surrounding the site.

D. Minimum Distance Between Intersections.

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

Compliance with Standards: All proposed intersections where there is a proposed or potential "four-legged" intersection will meet the minimum distance between the intersections.

The intersection of Owens Drive with Torrent Street and Durst Street with Torrent Street is 190 feet (with approval of an exception to move the sidewalk to the street) or 182 feet without the Exception. This is due to the existing location of the connecting point for Owen Drive. This is a "T-intersection" and the City could reasonably interpret its code to conclude that this standard does not apply to the proposed design because, by its language and context, this code section functions to prevent "offset" intersections[1]. The proposed design does not create any "offset" intersections because Owen Drive is a parallel street with its own four-legged intersection and Durst is strictly a "T-intersection" and is likely to always be a "T-intersection". Thus, the measurement of less than 200-feet from the centerline of Owen Drive to Durst Street can be found to not be a requirement that is applicable this particular project design[2].

If the Planning Commission concludes that this code section must be applied to the subject application then the code provision includes an internal exception (that is separate and apart from the Exception application process). The Planning Commission can find the proposed separation between Durst and Owen is necessary to economically develop the property for single family residential development. The proposed street location for Durst Street is the most economically practical location for the intersection, as, if it is moved north, it reduces the distance to Owen further; if it is moved south, it reduces the distance between Durst and the next intersection south to under 200 feet and creates an unbuildable lot that does not meet any other standards.

[1] Applicant is not arguing the City is precluded from interpreting its code to apply to this situation, but merely that a plausible interpretation is that the code section does not apply and this would be entitled to deference under Siporen vs. City of Medford.

[2] One could observe that this interpretation could be problematic because while the proposed Durst Street is adequately separated from Owen Drive one could imagine a design that is much less than 200' that could cause a problem even for a "T intersection". For example, if Durst were only 60 feet from Owen Drive then there street spacing could become an issue. However, such an interpretation is not actually a problem because MLDC 426(B)(4) would be violated by such a design and the City would have appropriate basis to deny such design notwithstanding that MLDC 10.426(D) did not apply to the project.

If the Planning Commission cannot reach either of the above two findings, then an Exception is requested for this condition in the Exhibit 2 Findings document.

* * * * * * * * * * * *

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	**SFR**
Less than 500 ADT***	12 to 18 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.

****May be up to 24' with approval of Public Works Director or Designee.

Compliance with Standards: Driveways of all proposed lots can and will comply with the standards.

* * * * * * * * * * * *

(3) Driveway Spacing and Locational 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. Cul-de-sacs are exempt from these standards.

The closest edge of a driveway shall be a minimum of 35 feet from any intersecting local streets measured along the curb to the nearest right-of-way line of the intersecting street. If the parcel does not have sufficient width to meet this requirement, the driveway shall be located adjacent to the property line farthest from the intersecting street, and no authorization for larger driveway width shall be granted.

Compliance with Standards: Driveways of all proposed lots can and will comply with the standards.

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10.710 Detached Single-Family Dwellings

The following standards apply to the development of detached single-family dwellings within the various residential districts.

DETACHED SINGLE-FAMILY DWELLINGS		
Standard	**SFR-6**	**Compliance**
MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	4.0 to 6.0 dwelling units per gross acre	Proposed density complies- 5 dwelling units per gross acre
MINIMUM LOT AREA (SQ. FEET)	4,500 to 12,500 SF	All lots comply
MAXIMUM COVERAGE FACTOR	45%. Can exceed 45% when the building footprint is not more than 2,000 sq. ft.	All lots can and will comply
MINIMUM INTERIOR LOT WIDTH	50 feet	All lots comply
MINIMUM CORNER LOT WIDTH	60 feet	All lots comply. Some lots are of varying width, but average at least 60 feet in width.
MINIMUM LOT DEPTH	90 feet Can count only half of an adjoin alley toward the lot depth	All lots comply
MINIMUM LOT FRONTAGE	30 feet, EXCEPT Flag Lots which shall be 20 feet	All lots comply
MINIMUM FRONT YARD BUILDING SETBACK	15 feet, EXCEPT the garage shall be a minimum of 20 feet. If the garage door is perpendicular to the street then the minimum setback to the side wall of the garage is 15 feet.	All lots comply
MINIMUM STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports	All lots can and will comply
MINIMUM SIDE BUILDING SET BACK	4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27– 30 feet building height 12 feet for 31 feet or taller building height	All lots can and will comply
MINIMUM REAR YARD BUILDING SET BACK	The rear yard is equal to the greater of the side yard setbacks calculated in §10.705(C), and not less than 4 feet. EXCEPTION: If the rear property line abuts a collector or arterial street, or the parcel is a through lot, then the setback is a minimum of 10 feet.	All lots can and will comply
MAXIMUM BUILDING HEIGHT	35 feet	All lots can and will comply
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit	All lots can and will comply

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Compliance with Standards: Two lots, Lots 071 and 100, exceed the maximum lot size, however they are not residential lots as they will contain storm drain detention ponds and therefore, are not subject to the SFR-6 minimum lot size. All residential lots comply with all standards.

* * * * * * * * * * * *

10.732 Fencing of Lots

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

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

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

(b) In other required yards, it shall be the total effective height above the finished grade measured on the side nearest the abutting property.

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

Compliance with Standards: No fencing is proposed at this time. Hayden Homes expects to install perimeter fencing and fencing along Owen Drive, but interior fencing will depend on the desire of the future homebuyers. Standard fencing for Hayden Homes is 6 foot cedar fencing. Fences for this subdivision can and will comply.

* * * * * * * * * * * *

10.735 Clear View of Intersecting Streets

(1) In order to provide a clear view of intersecting streets, there shall be a triangular area of clear vision formed where a street intersects with another street, driveway, or alley.

(2) The size of the triangular area is a function of traffic control, volume and speed. See Table 10.735-1 below for posted speeds and site distances.

(3) On any portion of a lot that lies within the triangular area described and illustrated in Figures 10.735-1 & 2, below, 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 ten (10) feet above the height of the top of the curb. Where there is no curb, the height shall be measured from the street center lines.

(4) The triangular area of clear vision shall be determined based upon the type of stop control used at the subject intersection.

(a) The clear vision triangular area for an intersection of a street <u>without</u> stop control is shown in Figure 10.735-1. See Table 10.735-2 below for determining all other curb line distances

Compliance with Standards: All proposed intersections comply with the standards. *See,* Exhibit 11b.

* * * * * * * * * * * *

10.743 Off-Street Parking Standards

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

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

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

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

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

(b) Parking Categories.

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

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

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

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards		
Land Use Category	Minimum Number of Required Parking Spaces	Maximum Permitted Parking Spaces
Residential, Single Family	2 spaces per dwelling unit	n/a

Compliance with Standards: All dwelling units are planned to have a minimum of a two-car garage, plus the driveway that will provide space for 2 cars to park between the garage and the sidewalk. All lots can and will comply with the standard.

* * * * * * * * * * * * *

10.790 Bufferyards

C. **Determination of Bufferyard Requirements.**

(1) To determine the type of bufferyard required between two adjacent lots, the following procedure shall be followed:

(a) Identify the zoning district within which the subject lot with its proposed use is located.

(b) Identify the zoning district(s) or, absent city zoning, the GLUP designation(s) within which the abutting lot(s) are located.

(c) Determine the bufferyard required along each boundary, or segment thereof, of the subject lot by referring to Subsection D, Tables of Bufferyard Standards, which specify the bufferyard types required between zones or GLUP designations.

Table 10.790-1. **Bufferyard Standards-Zone to Zone**

Table 10.790-1. Bufferyard Standards-Zone to Zone	
	Zoning on Abutting Land
Subject Site Zoning	SFR
SFR	-

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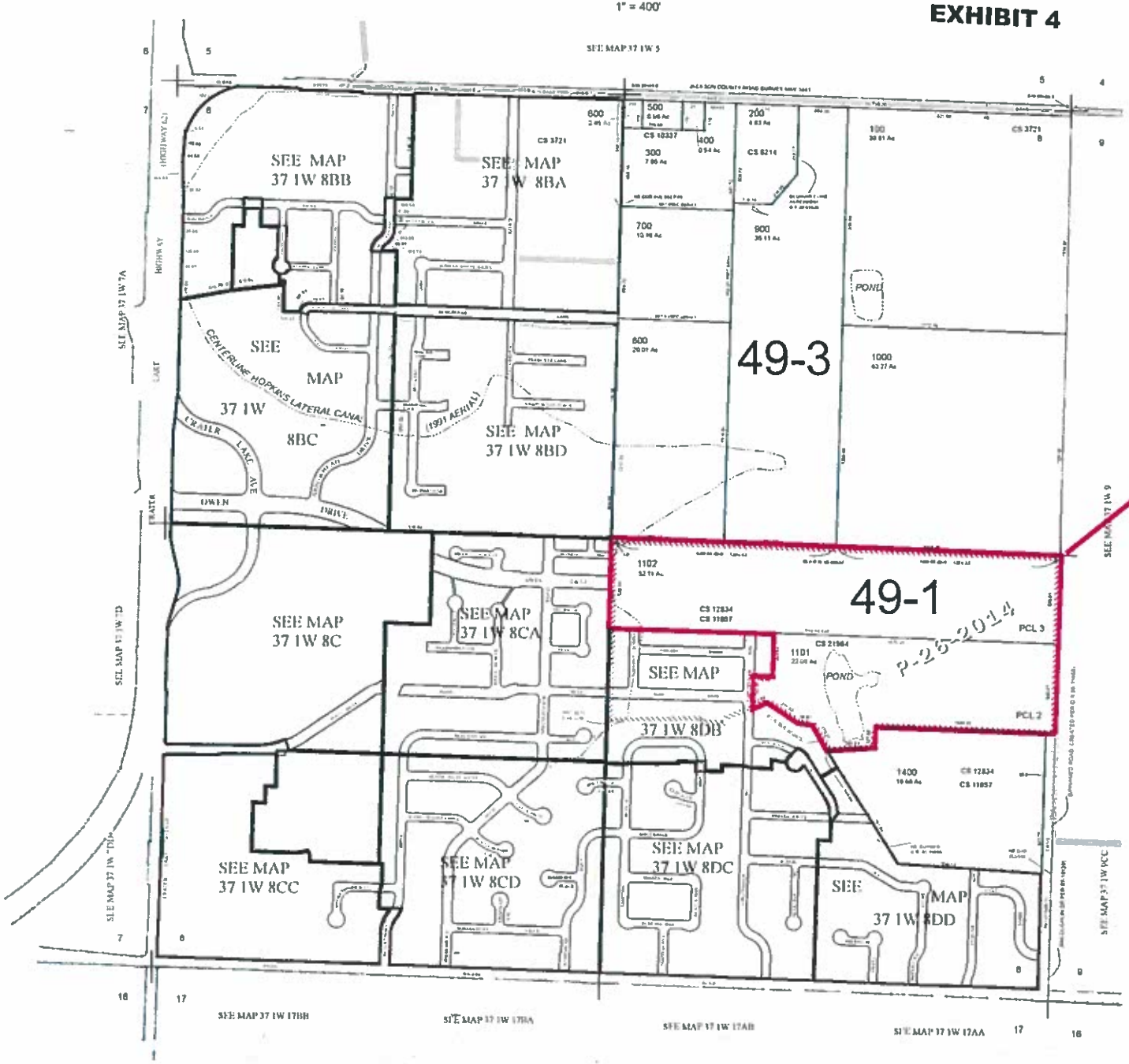
Compliance with Standards: The project is in the SFR zone and as the surrounding lands to the west and south are also SFR, no bufferyards are required. Therefore, the project complies. Lands to the north and west are outside of the urban growth boundary and as such are addressed under section

FOR ASSESSMENT AND TAXATION ONLY

SECTION 8, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 400'

EXHIBIT 4

37 1W 08
MEDFORD



P-26-2014

37 1W 08
MEDFORD

NEW MAP NOVEMBER 04, 1992
REV FEBRUARY 05, 2016

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July 22, 2016
PLANNING DEPARTMENT

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CITY OF MEDFORD
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File # ZC-16-089/LDS-16-090/E-16-091

EXHIBIT 5
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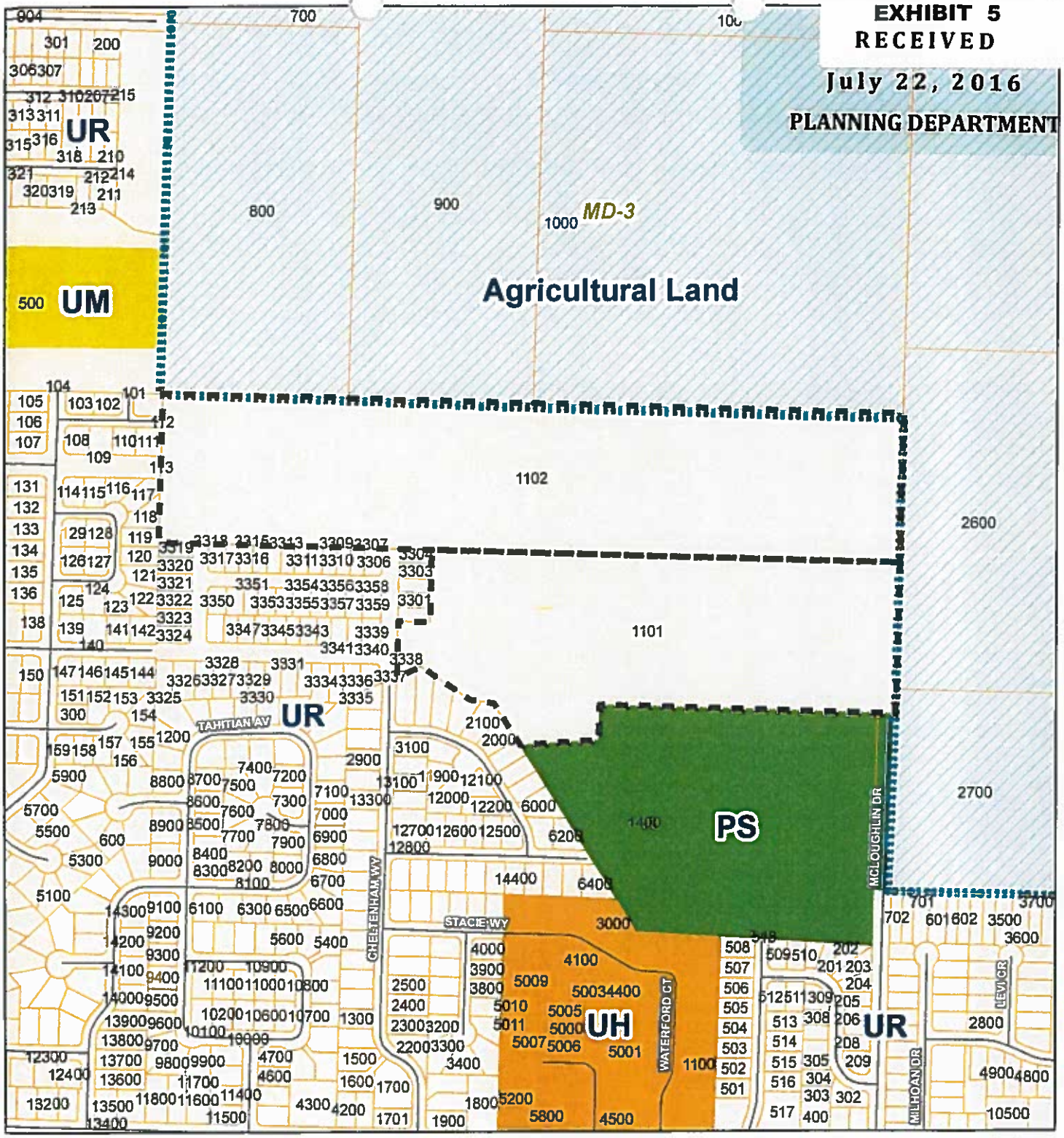

Subject Lots
Tax Lots
Urban Growth Boundary
Urban Reserves

GLUP
PS UM
UH UR

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General Land Use Plan (GLUP) Map

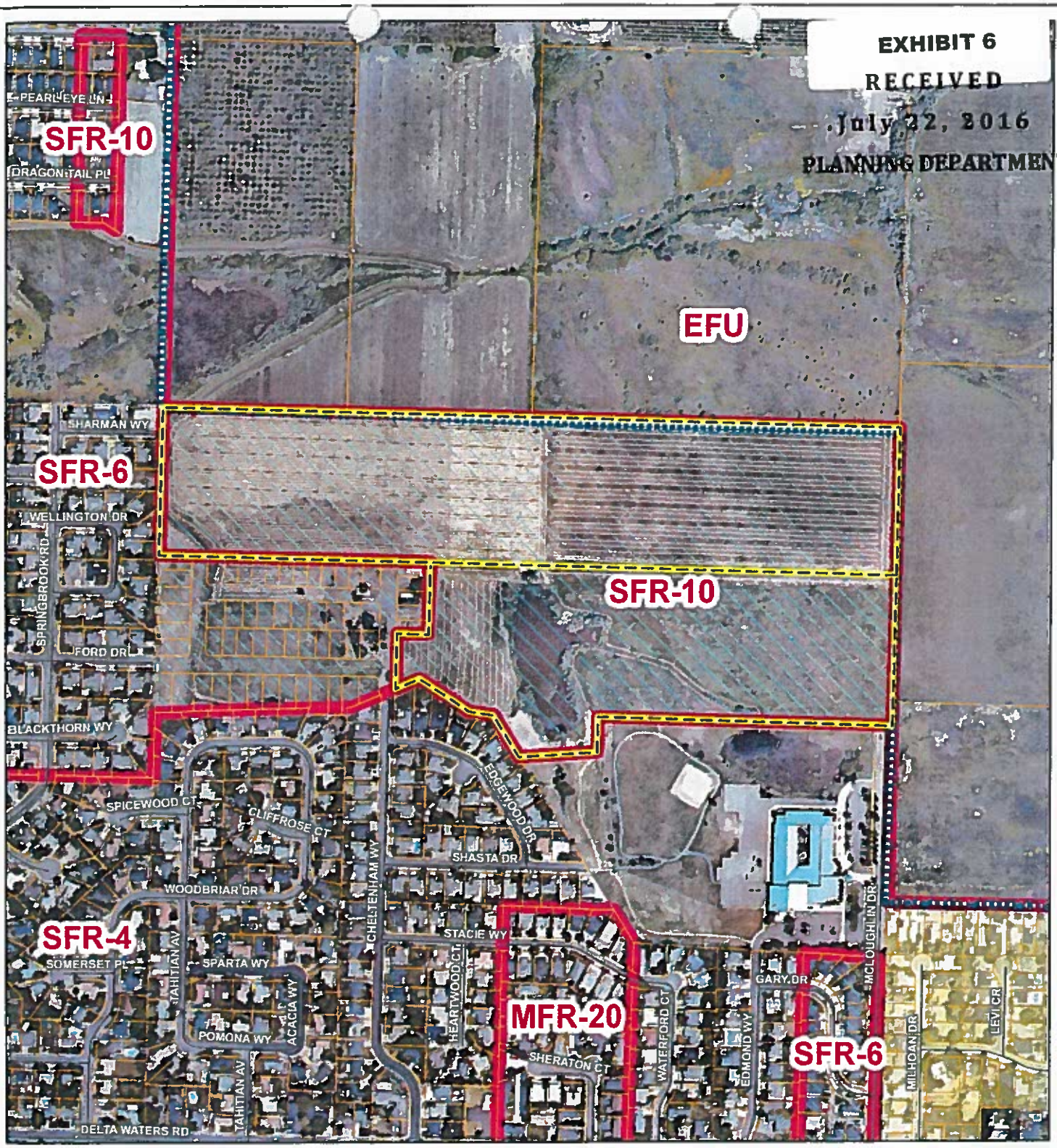
Applicant: Hayden Homes LLC
Delta Estates Subdivision Ph 2-5
37-1W-08 Tax Lots 1101 & 1102

CSA Planning LTD

500 250 0 500 Feet

7-19-2016 Source: City of Medford & Jackson County GIS

CITY OF MEDFORD
EXHIBIT #
File # [illegible]



Subject Lots
Urban Growth Boundary
Tax Lots
Medford Zoning
Restricted Zoning (Admin Mapping)
Planned Development (Admin Mapping)

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Zoning Map

2012 Aerial

Applicant: Hayden Homes LLC
Delta Estates Subdivision Ph 2-5
37-1W-08 Tax Lots 1101 & 1102

CSA Planning LTD

500 250 0 500 Feet

7-19-2016 Source: City of Medford

CITY OF MEDFORD
EXHIBIT #
File # 2016-089 / DR-16-091

EXHIBIT 7
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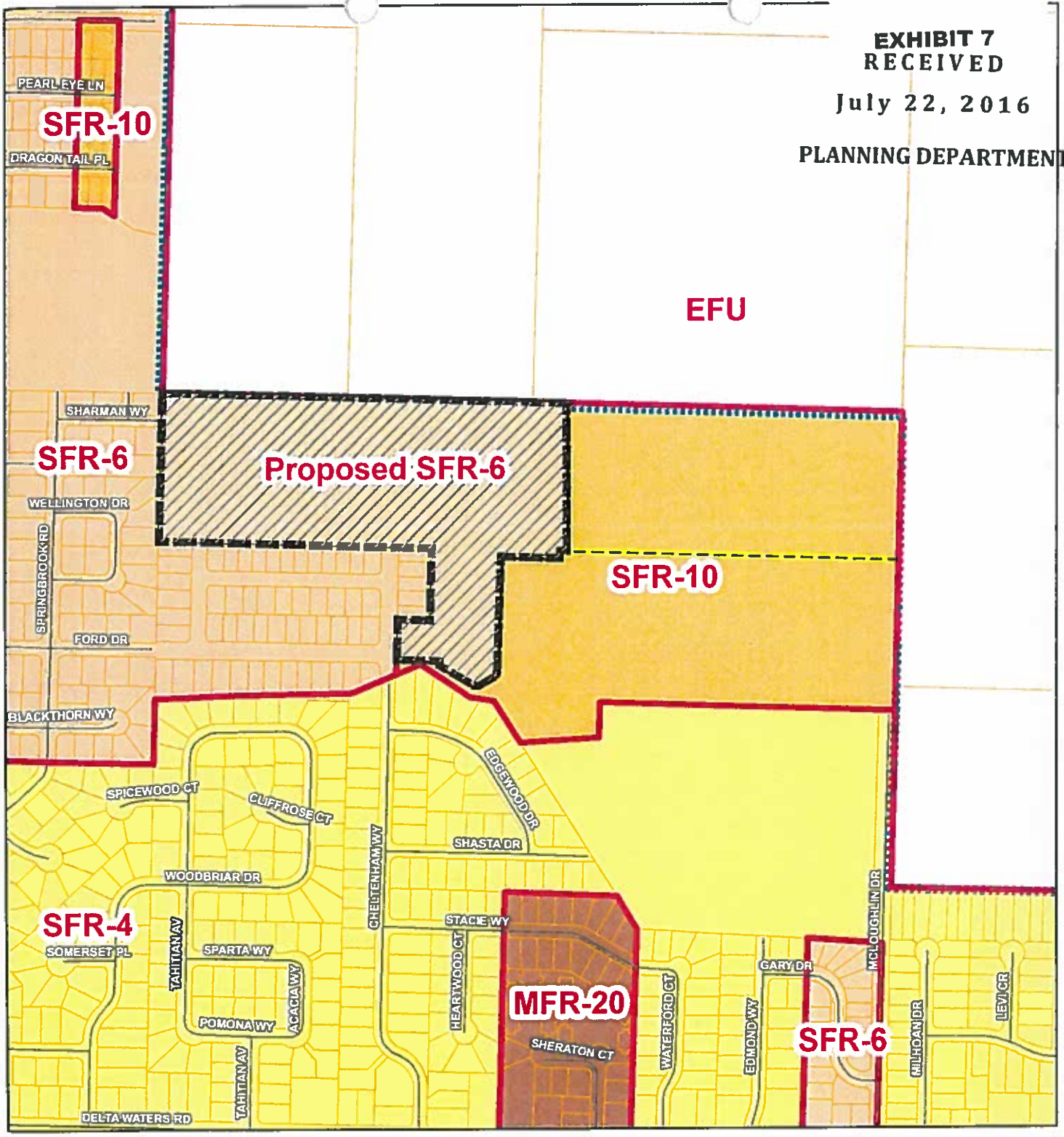
July 22, 2016
PLANNING DEPARTMENT



Proposed SFR-6
Medford Proposed Zoning
Subject Lots
Urban Growth Boundary
Tax Lots
MFR-20
SFR-10
SFR-4
SFR-6

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Proposed Zoning Map

Applicant: Hayden Homes LLC
Delta Estates Subdivision Ph 2-5
37-1W-08 Tax Lots 1101 & 1102

CSA Planning LTD

500 250 0 500 Feet

7-19-2016 Source: City of Medford GIS, Jackson County GIS

CITY OF MEDFORD
EXHIBIT #
FILE # ZC-16-085/LDS-16-090/E-16-091

EXHIBIT 8

RECEIVED
JUL 22 2016
PLANNING DEPARTMENT

Technical Memorandum

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

To: Medford Planning Commission

Date: July 19, 2016

Subject: Administrative Zoning Map Error

In the process of preparing the current and proposed zoning maps for Delta Estates Subdivision, Phases 2 through 5, an administrative mapping error was identified. The City's published zoning map online depicts the zoning line running straight north-south along Cheltanham Way. The published map is in error. We reviewed the legal description for Planning File No. ZC-15-017 and it included all of Parcel 1 from Planning File No. LDS-13-086. This area jogs east of Cheltanham Way and includes the 5 westernmost lots from the first phase of Delta Estates subdivision.

This is an administrative error that we wanted to point out through this application so that no confusion arises. The City's published map could be corrected if the proposed zone change is approved and the zoning map lines are then changed.

CSA Planning, Ltd.

Elysia S. Harland

Elysia Harland
Assistant Planner

cc. File

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CITY OF MEDFORD
EXHIBIT #_____
File # ZC-16-089/LDS-16-090/E-16-091

CITY OF MEDFORD
PLANNING DEPARTMENT

Date of Notice: March 19, 2015

File No.: LDS-15-015/E-15-016/ZC-15-017
Contact: Desmond McGeough

NOTICE OF PUBLIC HEARING - PLANNING COMMISSION

Hearing Date: Thursday – April 9, 2015
Hearing Time: 5:30 pm
Hearing Location: Medford City Council Chambers
City Hall, 411 W. 8th Street

This notice is to inform you of an upcoming opportunity to participate in a public hearing before the Medford Planning Commission.

What is being considered? Consideration of a request for a consolidated application consisting of a Zone Change from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to SFR- 6 (Single Family Residential- 6 dwelling units per acre) on one parcel totaling 11.36 acres, a tentative plat for a 57 lot residential subdivision and an associated Exception request seeking relief to side yard setbacks on particular lots within the subdivision. The subject site is located east of the terminus of Ford Drive and north of the terminus of Cheltenham Way within corporate limits of the City of Medford.

How do I obtain additional information? You may visit the Planning Department on the second floor of the Lausmann Annex, 200 S. Ivy Street between the hours of 8 a.m. and 5 p.m. weekdays, to review the application, all documents and evidence submitted, and the criteria relating to this proposal. The agenda and the staff report for this project will be available seven (7) days prior to the public hearing, and can also be viewed on the City web site (www.ci.medford.or.us). Copies may be obtained at the Planning Department at minimal cost.

Who do I contact? Questions can be directed to the planner listed above at 541-774-2380, or by visiting the Planning Department in person.

What happens at a Public Hearing? At the public hearing, the Chair will open the hearing and invite all interested parties to direct their testimony and evidence toward the regulations found in the *Medford Land Development Code*, specifically the criteria that apply to this project. The applicable criteria are included with this notice. You are invited to speak at the hearing stating why you favor or oppose this proposal. You may also write a letter to the Commission prior to the hearing that can be submitted as a part of the public record. You must testify in either manner to have standing; standing gives you the legal ability to appeal a decision that is made by the Commission on this project. Oregon Revised Statutes state that failure to raise an issue in a hearing, either in person or by letter, or failure to provide statements or evidence sufficient to afford the Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Please be aware that communications made through Email and Messaging systems shall in no way be deemed to constitute legal notice to the City of Medford or any of its agencies, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents, or representatives, where notice to the City is required by any federal, state or local laws, rules, or regulations.

James E. Huber
James E. Huber, AICP
Planning Director
tlr/Attachments (maps and criteria)

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"Working with the Community to Shape a Vibrant and Exceptional City"

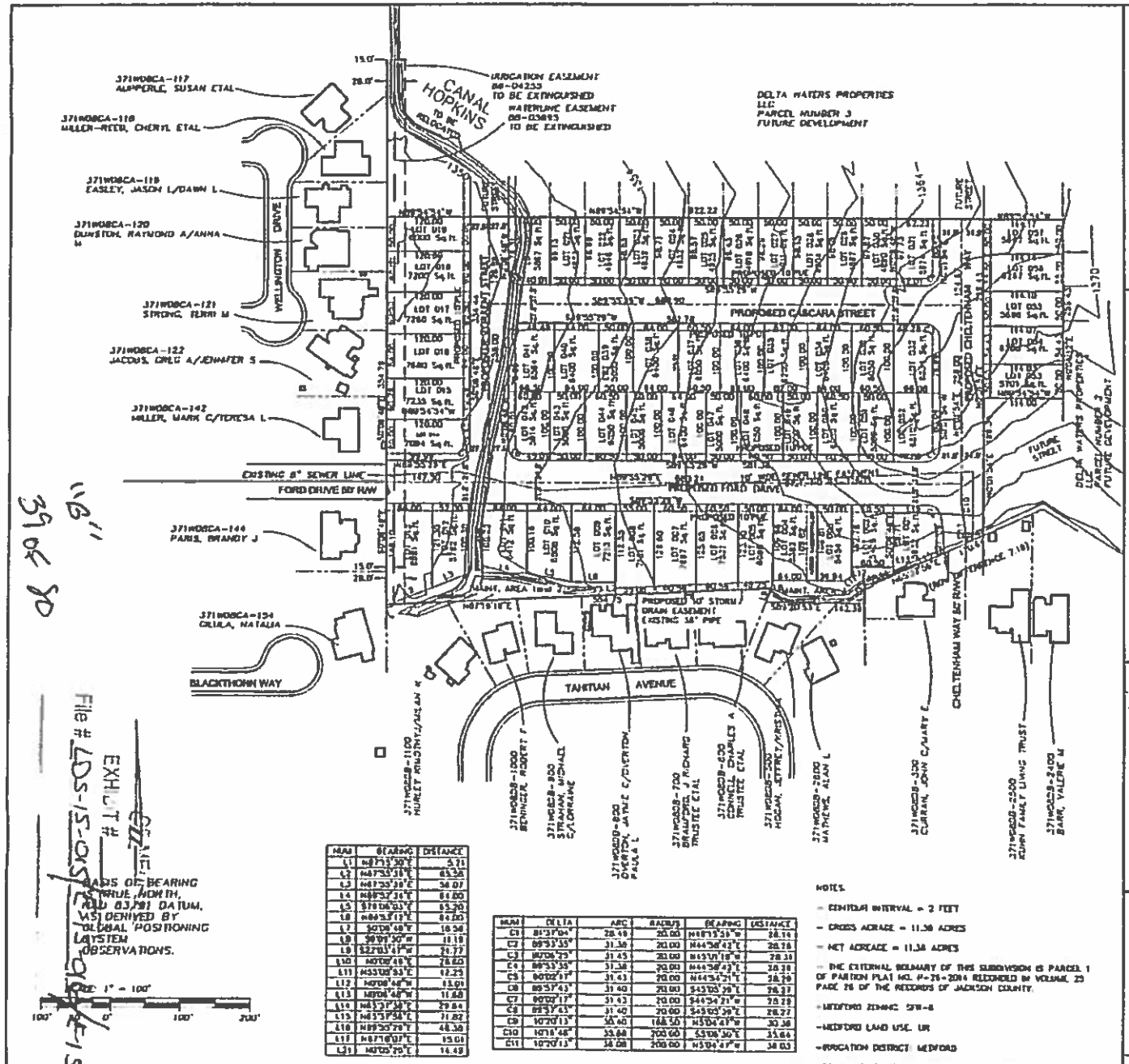
Lausmann Annex • 200 South Ivy Street • Medford OR 97501
Phone (541)774-2380 • fax (541)618-1708
www.ci.medford.or.us

TENATIVE SUBDIVISION PLAN
DELTA ESTATES PHASE 1

located in the
SOUTHEAST QUARTER OF SECTION 08,
TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN
CITY OF MEDFORD, JACKSON COUNTY, OREGON
for

HAYDEN HOMES INC

PO BOX 430
MEDFORD, OREGON 97501



LINE	BEARING	DISTANCE
L1	N87°11'30"E	5.71
L2	N87°33'11"E	65.36
L3	N87°35'39"E	54.07
L4	N89°37'31"E	61.80
L5	S71°06'01"E	65.70
L6	N46°37'11"E	64.80
L7	S0°06'48"E	10.54
L8	S0°01'30"W	11.19
L9	S27°01'11"W	21.77
L10	N0°06'48"E	28.60
L11	N33°03'33"E	12.25
L12	N0°06'48"W	13.01
L13	N0°06'48"W	11.60
L14	N43°37'48"E	29.84
L15	N67°37'54"E	31.82
L16	N89°50'29"E	48.38
L17	N87°10'07"E	15.01
L31	N0°06'29"E	14.49

LINE	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	81°37'04"	28.49	20.00	N48°13'51"W	26.14
C2	89°53'35"	31.36	20.00	N44°56'43"E	28.26
C3	90°06'25"	31.45	20.00	N45°03'16"W	28.30
C4	89°53'35"	31.36	20.00	N44°56'43"E	28.26
C5	90°02'17"	31.43	20.00	N44°54'21"E	28.29
C6	89°57'43"	31.40	20.00	S45°05'39"E	28.27
C7	90°02'17"	31.43	20.00	S44°54'21"W	28.29
C8	89°57'43"	31.40	20.00	S45°05'39"E	28.27
C9	10°20'13"	30.40	168.00	N53°04'47"W	30.36
C10	10°18'48"	33.84	200.00	S53°05'30"E	33.84
C11	10°20'13"	36.08	200.00	N53°04'47"W	36.03

NOTES:

- CONTOUR INTERVAL = 2 FEET
- GROSS ACREAGE = 11.38 ACRES
- NET ACREAGE = 11.38 ACRES
- THE EXTERNAL BOUNDARY OF THIS SUBDIVISION IS PARCEL 1 OF PARTITION PLAT NO. P-26-2014 RECORDED IN VOLUME 23 PAGE 26 OF THE RECORDS OF JACKSON COUNTY.
- MEDFORD ZONING: SFR-6
- MEDFORD LAND USE: UR
- IRRIGATION DISTRICT: MEDFORD
- SCHOOL DISTRICT: JACKSON COUNTY SCHOOL DISTRICT 549-C
- FIRE DISTRICT: MEDFORD

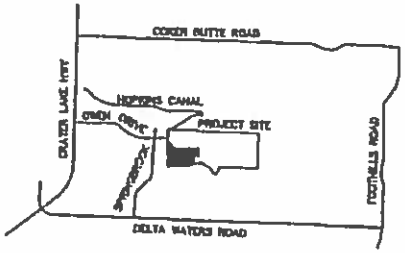
BASIS OF BEARING IS TRUE NORTH, NAD 83/91 DATUM, AS DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS.

SCALE: 1" = 100'

ASSESSOR'S MAP NO. 37 01W 08 B, 1100

Sheet 1 of 1

VICINITY MAP NO SCALE



RECEIVED
JAN 30 2015
PLANNING DEPT.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 28, 1989
HERBERT L. FARBER
2189
RENEWAL DATE 12-31-15

Surveyed by
FARBER & SONS, INC. dba
FARBER
PO BOX 5288
431 OAK STREET
CENTRAL POINT, OREGON 97502
(541) 664-5599

DATE: JANUARY 28, 2015
JOB NO. 2091-14
DRAWING FILE: JOBS\C:\\Medford_HC\Delta Waters\Hayden Home Delta Waters\MicroSurvey\tentative phsl plat.DWG

DRAWN BY: HWJ CHKD. DATE: 01/28/2015 REVISED BY: DATE:

EXHIBIT # 15
File # LDS-15-005
Date 2/5/15

11B''
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BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF	)	
	)	**ORDER**
DELTA ESTATES SUBDIVISON [LDS-15-015]	)	

ORDER granting approval of a request for tentative plat approval of Delta Estates Subdivision.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and

2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval for a 57 lot residential subdivision and an associated Exception request seeking relief to side yard setbacks on particular lots within the subdivision. The subject site is located east of the terminus of Ford Drive and north of the terminus of Cheltenham Way within corporate limits of the City of Medford and a Zone Change from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to SFR- 6 (Single Family Residential- 6 dwelling units per acre) on one parcel totaling 11.36 acres, with the public hearing a matter of record of the Planning Commission on April 9, 2015.

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

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

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Delta Estates Subdivision stands approved per Staff Report dated April 2, 2015, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Staff Report dated April 2, 2015.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

"B"
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Accepted and approved this 23rd day of April, 2015.

CITY OF MEDFORD PLANNING COMMISSION

_____

Planning Commission Chair

ATTEST:

_____

Planning Department Representative

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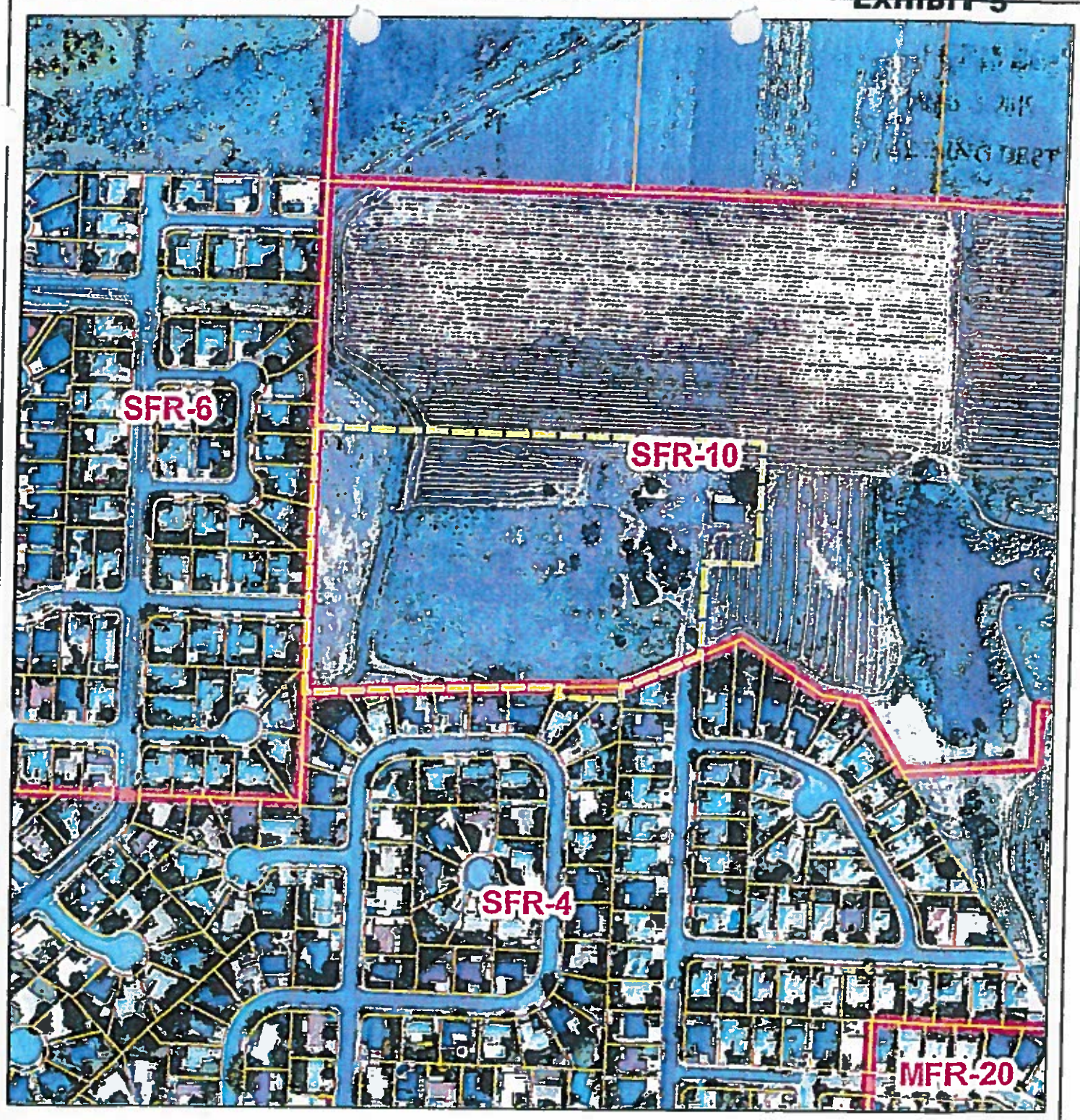
EXHIBIT 5



Legend

- Subject *
- Tax Lots
- Medford Zoning

* Parcel 1 of P-26-2014 (Survey 21564)
Part of 37-1W-08-1100

Zoning Map

Delta Waters Subdivision
Hayden Homes, LLC

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Aerial

CSA Planning, Ltd.

300 150 0 300 Feet

1-21-2015 Source: CSA Planning, Ltd. City of Medford GIS

13

Conditions of Approval
January 20, 2011

ZC-10-078
Delta Waters Properties, LLC

EXHIBIT 9

RECEIVED

July 22, 2016

PLANNING DEPARTMENT

1. The property owner shall comply with the report from the Public Works Department received December 8, 2010 (Exhibit M).

2. The property owner shall comply with the report from the Oregon Department of Transportation (ODOT) received January 19, 2011 (Exhibit P).

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CITY OF MEDFORD
EXHIBIT #_____
File # ZC-16-089/LDS-16-090/E-16-091

EXHIBIT 10

RECEIVED
July 22, 2016
PLANNING DEPARTMENT

January 28, 2016

Mr. Jay Harland, Principal
CSA Planning, Ltd.
4497 Brownridge Terrace, Suite 101
Medford OR 97504

RE: Removal of Conditions of Approval – Public Works Conditions 2 and 3
File ZC-10-078

Dear Mr. Harland:

This correspondence is sent in response to your correspondence dated October 21, 2015, in which you request the removal of two conditions of approval placed on the above referenced zone change. The subject property is located east of the terminus of Ford Drive and north of the terminus of Cheltenham Way.

On February 10, 2011, the Planning Commission adopted the Final Order conditionally approving the referenced zone change. There were a number of conditions of approval placed by the Planning Commission in order to ensure compliance with the approval criteria, including the two that are the subject of your request. The remaining conditions are not affected by your request or this decision.

Your traffic engineer, Lancaster Engineering, has been working with our Public Works Department on the update to the Traffic Impact Analysis that was prepared for the original Planning Commission decision. On January 8, 2016, the City received a revised Technical Memorandum; on January 22, 2016, Peter Mackprang from the City's Public Works Department prepared the attached Memorandum concluding that the two conditions can be removed. The conditions were identified in Exhibit M to the Planning Commission Report dated January 27, 2011, and read as follows:

2. Prior to the vertical construction of more than 69 SFR units or the generation of 661 daily trips, improvements shall be made to the intersection of Delta Waters & Springbrook to include realignment of the north and southbound approaches and construction of a traffic signal.

3. Prior to the vertical construction of more than 76 SFR units or the generation of 728 daily trips, improvements shall be made to the intersection of Crater Lake Ave & Delta Waters Rd to include east and westbound left turn lanes and an eastbound right turn lane.

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CITY OF MEDFORD
EXHIBIT #_____
File # ZC-16-089/LDS-16-090/E-16-091

Medford Land Development Code Section 10.228(1) states:

> *If an improvement is made to any facility that was lacking adequacy, or if a level of service standard is changed so that the facility is now determined to be adequate, the property owner(s) may submit a letter to the Planning Department requesting that development conditions be removed. If the department director agrees that the facility is adequate and the condition(s) is no longer necessary, the special development condition can be removed. The letter, with the approval signature of the department director, shall be appended to the original approval resolution or ordinance. In making the determination of facility adequacy, the department director may ask the property owner(s) for information to demonstrate facility adequacy.*

Based on the information in the Public Works Department Memorandum, Condition 2 can be released because the required improvements to Delta Waters Road and Springbrook Road were completed in 2013. Condition 3 can be released as a result of a change in the Code and the analysis of current and future conditions.

I hereby release Conditions 2 and 3 in Exhibit M to the Planning Commission Report dated January 27, 2011. This decision will be appended to the original Planning Commission decision as required in MLDC 10.228(1).

As a side note, the precautionary ZC-15-149 will not be needed. The fees will be refunded as per the department policy.

If you have any questions regarding this matter, please contact Kelly Akin, Principal Planner via e-mail at Kelly.akin@cityofmedford.org or at 541-774-2380.

Sincerely,

James E. Huber

James E. Huber, AICP
Planning Director

:ka

c: File

Enclosures: Letter requesting release received October 27, 2015
Public Works Memorandum dated January 22, 2016 with attachment

RECEIVED

OCT 27 2015

Planning Dept.

CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Jay@CSAplanning.net

October 21, 2015

James Huber, Planning Director
City of Medford Planning Department
Lausman Annex, Room 240
200 South Ivy Street
Medford, Oregon 97501

RE: ***Conditions of Approval #2 and #3 - Planning File No. ZC-10-078***

Dear Mr. Huber:

Our firm represents the owners of property identified in the records of the Jackson County Assessor as Tax Lots 1100, 1101 and 1102 in Township 37 South Range 1 West in Section 08. The property consists of a three parcels that have approximately 65.27 combined acres. Tax Lot 1100 has an approved tentative subdivision plat (Delta Estates) and is owned by our client HH Medford One LLC (Hayden Homes). Tax Lots 1101 and 1102 are owned by our client Delta Waters Properties LLC (James Root Managing Member).

MLDC 10.228(1) provides that conditions of approval for zone changes can be removed by the Planning Director in one of two circumstances:

1. The identified improvements have been completed.

2. A change to the Level of Service is sufficient to determine the facility now operates consistent with the adopted level of service standards.

In the case of the subject property and Planning File No. ZC-10-078, conditions #2 and #3 have the requisite circumstances, respectively, to be removed under MLDC 10.228(1). Specifically the following circumstances are present:

1. Condition #2 of the zone change required that the northbound and southbound approaches be realigned and a traffic signal installed at the intersection of Springbrook Road and Delta Waters Road. The required improvements are now complete.

2. Condition #3 of ZC-10-078 required improvements to Crater Lake Avenue and Delta Waters Road. Following the zone change, the City has changed its peak hour factor to 1.0 for intersection analysis purposes which is effectively a Level of Service standard change. This LOS standard change, combined with lower traffic volumes than were originally projected, result in a condition wherein the intersection is now projected to operate acceptably. Attached to this letter is a TIA addendum prepared by Lancaster Engineering showing that the intersection is now projected to operate consistent with the LOS D standard.

For the above reasons, the owners of the subject property request that ZC-10-078 conditions of approval #2 and #3 be removed pursuant to MLDC 10.228(1).

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MLDC 10.228(2) provides an alternate method for removal of special development conditions imposed through a zone change whereby the Planning Commission reexamines the conditions of approval based upon new information and the zone change criteria relevant to the conditions of approval at issue. This is a time sensitive matter to both owners as they seek to execute additional transactions between the parties. For this reason, we have concurrently filed an application under MLDC 10.228(2) while this letter is pending review by the Planning Director. The filing of the zone change application is intended to avoid unnecessary delay should one or neither of the conditions be removed by the Planning Director pursuant to this letter and MLDC 10.228(1). If both conditions of approval are removed by the Planning Director pursuant to the request in this letter then the owners intend to withdraw the zone change condition amendment application.

Because of the time sensitive nature of this matter, our preference would be to have the Planning Director remove these conditions as soon as practicable.

Very Truly Yours,

CSA Planning, Ltd.

Joy Harland
Principal

cc. File

"B"

City of Medford

PUBLIC WORKS - ENGINEERING & DEVELOPMENT

MEMORANDUM

Date	January 22, 2016
To	Doug Burroughs
From	Peter Mackprang
Subject	Delta Waters Orchards Zone Change Modification ZC 10-078

Background

Public Works has received an addendum to the Traffic Impact Analysis (TIA) for Delta Waters Orchards ZC 10-078. The stated purpose of this addendum is to revise the original TIA and remove the following two out of a total of six conditions of approval:

- Condition # 2. Prior to the vertical construction of more than 69 SFR units or the generation of 661 daily trips, improvements shall be made to the intersection of Delta Waters & Springbrook to include realignment of the north and southbound approaches and construction of a traffic signal, and;
- Condition # 3. Prior to the vertical construction of more than 76 SFR units or the generation of 728 daily trips, improvements shall be made to the intersection of Crater Lake Ave & Delta Waters Rd to include east and westbound left turn lanes and an eastbound right turn lane.

Analysis

Condition # 2 was satisfied when the City realigned the roadway and constructed a traffic signal at the resulting intersection in 2013.

Condition # 3 is contingent upon the level of service (LOS) of the intersection. Following the zone change approval, the City of Medford changed its code to allow a peak hour factor of 1.0 for intersection analysis. Under this criteria and considering current traffic counts and pipeline trips, the intersection is shown by the TIA addendum to operate at LOS D during the P.M. peak hour under 2015 existing conditions, 2016 background conditions and 2016 background plus project conditions.

Conclusion

Based on the review of the analysis provided, conditions 2 and 3 can be removed.

The Conditions of approval that remain in force for this project are:

- Condition #1 – Prior to vertical construction of more than 50 SFR units or the generation of 479 daily trips, project impacts at the intersection of Crater Lake Ave & Owen Dr shall be mitigated to the satisfaction of the City of Medford. The mitigation recommended in the traffic impact study is signalization of the intersection. This intersection does not

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TECHNICAL MEMORANDUM

LANCASTER
ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone 503.248.0313
fax 503.248.9251
lancasterengineering.com

TO: Jay Harland, CSA Planning, Ltd.

FROM: Daniel Stumpf, EI
Todd E. Mobley, PE

DATE: January 7, 2016

SUBJECT: Delta Waters Orchards Zone Change
City of Medford Conditions of Approval Response

Introduction

This memorandum is written in response to comments made by staff with the City of Medford, released December 17, 2015, regarding conditions of approval. Specifically, comments #1 and #2 regarding the Traffic Impact Analysis (TIA) Addendum prepared by Lancaster Engineering, dated November 30, 2015, for the proposed Delta Waters Orchards Zone Change in Medford, Oregon.

Comment #1

According to the City of Medford, traffic volumes shown in the Synchro output sheets appeared transposed, where eastbound volumes and westbound volumes were switched, and northbound and southbound volumes were switch when compared to the traffic count data sheets. The volumes were in fact transposed and the Synchro traffic volumes were adjusted to reflect appropriate approach volumes as shown in the count data sheets.

Comment #2

According to the City of Medford, the summation of the two percent growth for one year, the in-process development trips, and the site trips did not match between the "2016 Background plus Site Conditions" Synchro output sheets and City of Medford calculations. Based on telephone correspondence with City of Medford staff, the summation of the two percent growth, in-process trips, and site trips as shown in the Synchro output sheets are acceptable.

Intersection Capacity and Level-of-Service Analysis

To determine the capacity and level-of-service (LOS) at the intersection of Delta Waters at Crater Lake Avenue, a capacity analysis, using revised volumes according to City of Medford comments as shown above, was conducted for year 2016 build-out conditions during the evening peak hour.

The analysis was conducted using the signalized intersection analysis methodology in the *HIGHWAY CAPACITY MANUAL* (HCM) published by the Transportation Research Board. The volume capacity (v/c) ratio is a measure that compares the traffic volume (demand) against the available capacity of an intersection. The LOS of an intersection is a measure of delay that can range from A, which indicates very little or no delay experienced by vehicles, to F, which indicates a high degree of congestion and delay. The City of Medford Code Section 10.462 requires a minimum LOS of D or better. In addition to minimum intersection performance requirements, code section 10.461 states analyses shall use a peak hour factor of 1.0 and an ideal saturation flow rate no greater than of 1800

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vehicles per hour per lane. Intersection signal timing plans provided by the City of Medford were utilized in the analysis and are included in the attached Technical Appendix.

The intersection of Delta Waters at Crater Lake Avenue currently operates at LOS D with a v/c ratio of 0.64 during the evening peak hour. Under 2016 background conditions the intersection is projected to operate at LOS D with a v/c ratio of 0.69 during the evening peak hour. Under year 2016 build-out conditions the intersection is projected to operate at LOS D with a v/c ratio of 0.75.

The v/c, delay, and LOS results of the capacity analysis are shown in the table below. Detailed calculations as well as tables showing the relationship between delay and LOS are included in the Technical Appendix to this report.

Capacity Analysis Summary

	Evening Peak Hour		
	LOS	Delay (s)	v/c
Delta Waters Rd at Crater Lake Ave			
2015 Existing Conditions	D	46	0.64
2016 Background Conditions	D	47	0.69
2016 Background plus Site Conditions	D	49	0.75

Based on the results of capacity and LOS analysis, the study intersection is projected to operate acceptably through year 2016 with or without the addition of site trips from the proposed development.

If you have any questions regarding this study, please don't hesitate to contact me directly.

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)		4.0			4.0		4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor		0.95			0.95		1.00	1.00	1.00	1.00	0.95	
Frpb, ped/bikes		1.00			1.00		1.00	1.00	0.99	1.00	1.00	
Flpb, ped/bikes		1.00			1.00		1.00	1.00	1.00	1.00	1.00	
Frt		0.95			0.99		1.00	1.00	0.85	1.00	0.97	
Flt Protected		1.00			0.99		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)		3157			3284		1676	1765	1480	1676	3249	
Flt Permitted		1.00			0.99		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (perm)		3157			3284		1676	1765	1480	1676	3249	
Volume (vph)	57	363	238	63	287	25	221	313	90	46	340	79
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj. Flow (vph)	57	363	238	63	287	25	221	313	90	46	340	79
RTOR Reduction (vph)	0	74	0	0	5	0	0	0	49	0	14	0
Lane Group Flow (vph)	0	584	0	0	370	0	221	313	41	46	405	0
Confl. Peds. (#/hr)	6					6	2		1	1		2
Turn Type	Split			Split			Prot		Perm	Prot		
Protected Phases	4	4		8	8		5	2		1	6	
Permitted Phases									2			
Actuated Green, G (s)		24.0			18.3		18.2	51.9	51.9	5.8	39.5	
Effective Green, g (s)		24.0			18.3		17.2	51.9	51.9	4.8	39.5	
Actuated g/C Ratio		0.21			0.16		0.15	0.45	0.45	0.04	0.34	
Clearance Time (s)		4.0			4.0		3.0	4.0	4.0	3.0	4.0	
Vehicle Extension (s)		1.5			4.0		1.5	4.0	4.0	1.5	4.0	
Lane Grp Cap (vph)		659			523		251	797	668	70	1116	
v/s Ratio Prot		c0.19			c0.11		c0.13	c0.18		0.03	0.12	
v/s Ratio Perm									0.03			
v/c Ratio		0.89			0.71		0.88	0.39	0.06	0.66	0.36	
Uniform Delay, d1		44.2			45.8		47.9	21.0	17.8	54.3	28.3	
Progression Factor		1.00			1.00		1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2		13.3			4.7		27.4	1.5	0.2	15.7	0.9	
Delay (s)		57.5			50.5		75.3	22.5	18.0	69.9	29.2	
Level of Service		E			D		E	C	B	E	C	
Approach Delay (s)		57.5			50.5			40.6			33.3	
Approach LOS		E			D			D			C	

Intersection Summary

HCM Average Control Delay	46.0	HCM Level of Service	D
HCM Volume to Capacity ratio	0.64		
Actuated Cycle Length (s)	115.0	Sum of lost time (s)	12.0
Intersection Capacity Utilization	79.0%	ICU Level of Service	D
Analysis Period (min)	15		

c Critical Lane Group

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)		4.0			4.0		4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor		0.95			0.95		1.00	1.00	1.00	1.00	0.95	
Frpb, ped/bikes		1.00			1.00		1.00	1.00	0.99	1.00	1.00	
Flpb, ped/bikes		1.00			1.00		1.00	1.00	1.00	1.00	1.00	
Frt		0.95			0.99		1.00	1.00	0.85	1.00	0.97	
Flt Protected		1.00			0.99		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)		3158			3268		1676	1765	1480	1676	3247	
Flt Permitted		1.00			0.99		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (perm)		3158			3268		1676	1765	1480	1676	3247	
Volume (vph)	66	381	248	64	298	38	230	344	92	66	385	92
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj. Flow (vph)	66	381	248	64	298	38	230	344	92	66	385	92
RTOR Reduction (vph)	0	69	0	0	7	0	0	0	53	0	16	0
Lane Group Flow (vph)	0	626	0	0	393	0	230	344	39	66	461	0
Confl. Peds. (#/hr)	6					6	2		1	1		2
Turn Type	Split			Split			Prot		Perm	Prot		
Protected Phases	4	4		8	8		5	2		1	6	
Permitted Phases									2			
Actuated Green, G (s)		25.4			18.9		18.7	48.5	48.5	7.2	37.0	
Effective Green, g (s)		25.4			18.9		17.7	48.5	48.5	6.2	37.0	
Actuated g/C Ratio		0.22			0.16		0.15	0.42	0.42	0.05	0.32	
Clearance Time (s)		4.0			4.0		3.0	4.0	4.0	3.0	4.0	
Vehicle Extension (s)		1.5			4.0		1.5	4.0	4.0	1.5	4.0	
Lane Grp Cap (vph)		698			537		258	744	624	90	1045	
v/s Ratio Prot		c0.20			c0.12		c0.14	c0.19		0.04	0.14	
v/s Ratio Perm									0.03			
v/c Ratio		0.90			0.73		0.89	0.46	0.06	0.73	0.44	
Uniform Delay, d1		43.5			45.6		47.7	23.9	19.7	53.6	30.8	
Progression Factor		1.00			1.00		1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2		13.8			5.5		28.9	2.1	0.2	23.1	1.4	
Delay (s)		57.3			51.1		76.6	25.9	19.9	76.7	32.2	
Level of Service		E			D		E	C	B	E	C	
Approach Delay (s)		57.3			51.1			42.6			37.6	
Approach LOS		E			D			D			D	

Intersection Summary

HCM Average Control Delay	47.3	HCM Level of Service	D
HCM Volume to Capacity ratio	0.69		
Actuated Cycle Length (s)	115.0	Sum of lost time (s)	12.0
Intersection Capacity Utilization	81.3%	ICU Level of Service	D
Analysis Period (min)	15		

c Critical Lane Group

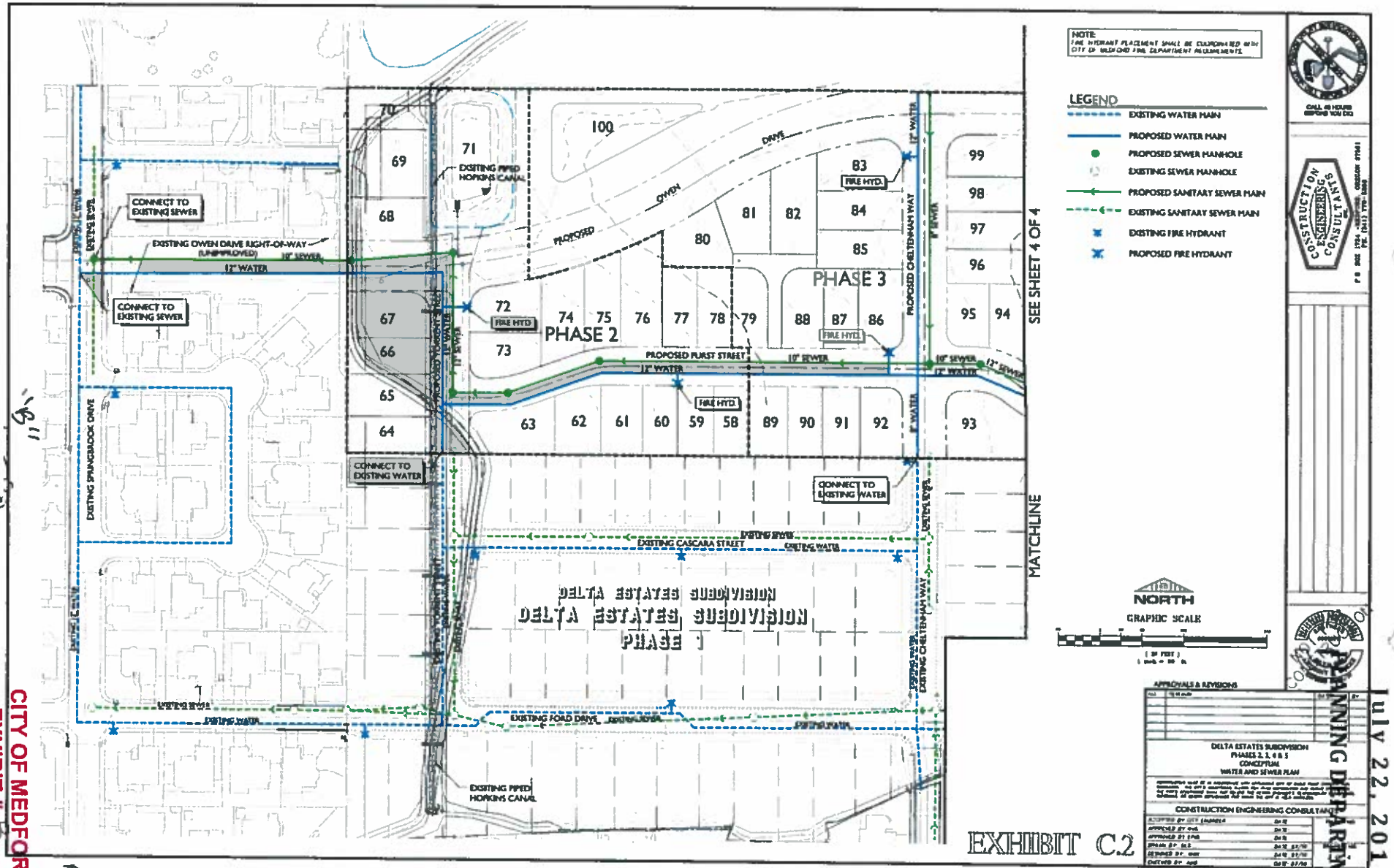
"B"
52 of 80

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Total Lost time (s)		4.0			4.0		4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor		0.95			0.95		1.00	1.00	1.00	1.00	0.95	
Frpb, ped/bikes		1.00			1.00		1.00	1.00	0.99	1.00	1.00	
Flpb, ped/bikes		1.00			1.00		1.00	1.00	1.00	1.00	1.00	
Frt		0.95			0.99		1.00	1.00	0.85	1.00	0.97	
Flt Protected		1.00			0.99		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (prot)		3177			3272		1676	1765	1480	1676	3249	
Flt Permitted		1.00			0.99		0.95	1.00	1.00	0.95	1.00	
Satd. Flow (perm)		3177			3272		1676	1765	1480	1676	3249	
Volume (vph)	66	455	248	88	343	38	230	361	131	66	395	92
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj. Flow (vph)	66	455	248	88	343	38	230	361	131	66	395	92
RTOR Reduction (vph)	0	51	0	0	6	0	0	0	81	0	16	0
Lane Group Flow (vph)	0	718	0	0	463	0	230	361	50	66	471	0
Confl. Peds. (#/hr)	6					6	2		1	1		2
Turn Type	Split			Split			Prot		Perm	Prot		
Protected Phases	4	4		8	8		5	2		1	6	
Permitted Phases									2			
Actuated Green, G (s)		28.5			20.3		18.6	44.0	44.0	7.2	32.6	
Effective Green, g (s)		28.5			20.3		17.6	44.0	44.0	6.2	32.6	
Actuated g/C Ratio		0.25			0.18		0.15	0.38	0.38	0.05	0.28	
Clearance Time (s)		4.0			4.0		3.0	4.0	4.0	3.0	4.0	
Vehicle Extension (s)		1.5			4.0		1.5	4.0	4.0	1.5	4.0	
Lane Grp Cap (vph)		787			578		257	675	566	90	921	
v/s Ratio Prot		c0.23			c0.14		c0.14	c0.20		0.04	0.14	
v/s Ratio Perm									0.03			
v/c Ratio		0.91			0.80		0.89	0.53	0.09	0.73	0.51	
Uniform Delay, d1		42.0			45.4		47.8	27.6	22.7	53.6	34.5	
Progression Factor		1.00			1.00		1.00	1.00	1.00	1.00	1.00	
Incremental Delay, d2		14.5			8.3		29.5	3.0	0.3	23.1	2.0	
Delay (s)		56.6			53.7		77.3	30.6	23.0	76.7	36.5	
Level of Service		E			D		E	C	C	E	D	
Approach Delay (s)		56.6			53.7			44.1			41.3	
Approach LOS		E			D			D			D	

Intersection Summary

HCM Average Control Delay	49.1	HCM Level of Service	D
HCM Volume to Capacity ratio	0.75		
Actuated Cycle Length (s)	115.0	Sum of lost time (s)	12.0
Intersection Capacity Utilization	85.1%	ICU Level of Service	E
Analysis Period (min)	15		

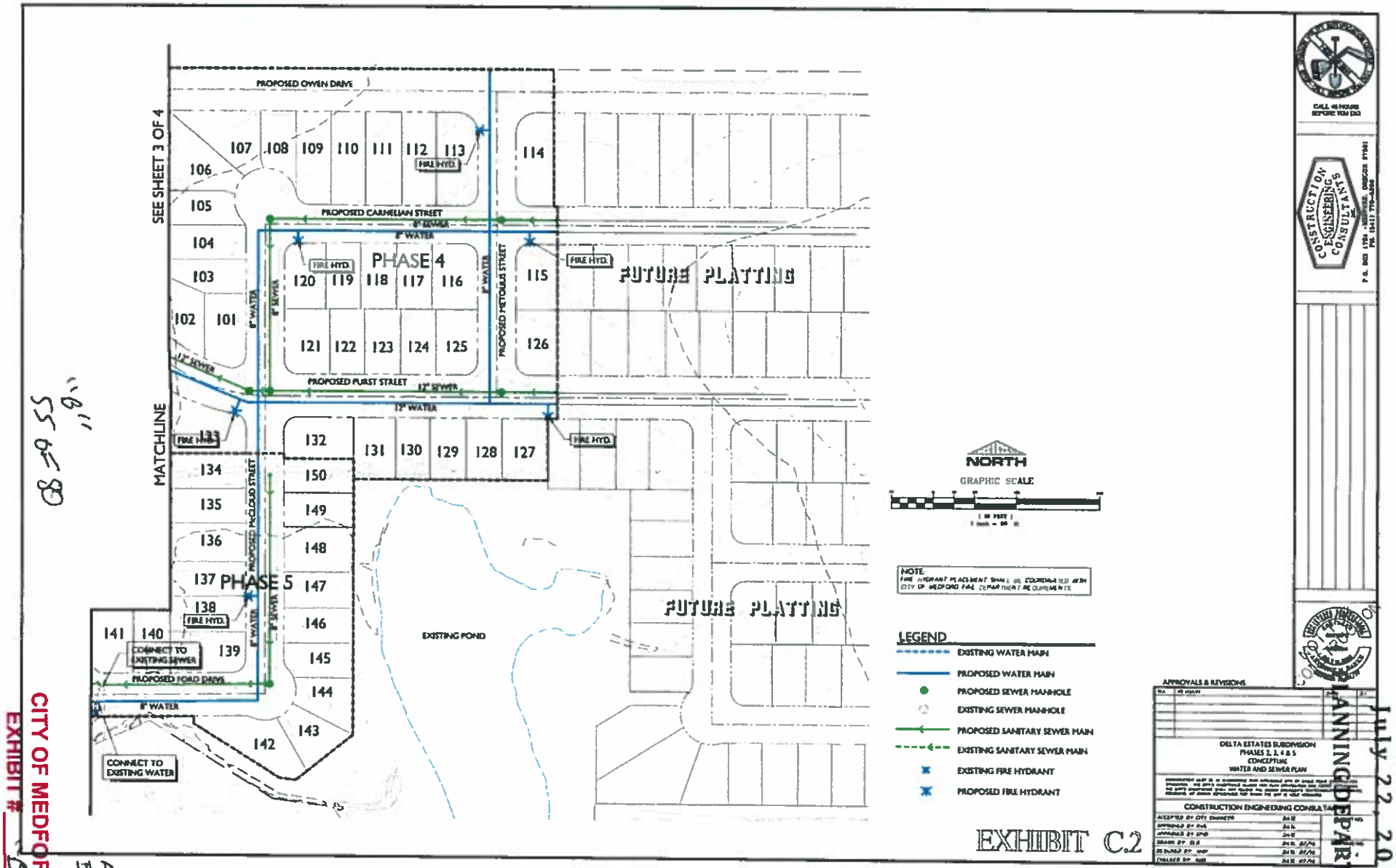
c Critical Lane Group



RECEIVED
July 22, 2016
PLANNING DEPARTMENT

CITY OF MEDFORD
EXHIBIT # B
File # ZC-16-089/LDS-16-090/E-16-091

APPLICANTS EXHIBIT 12



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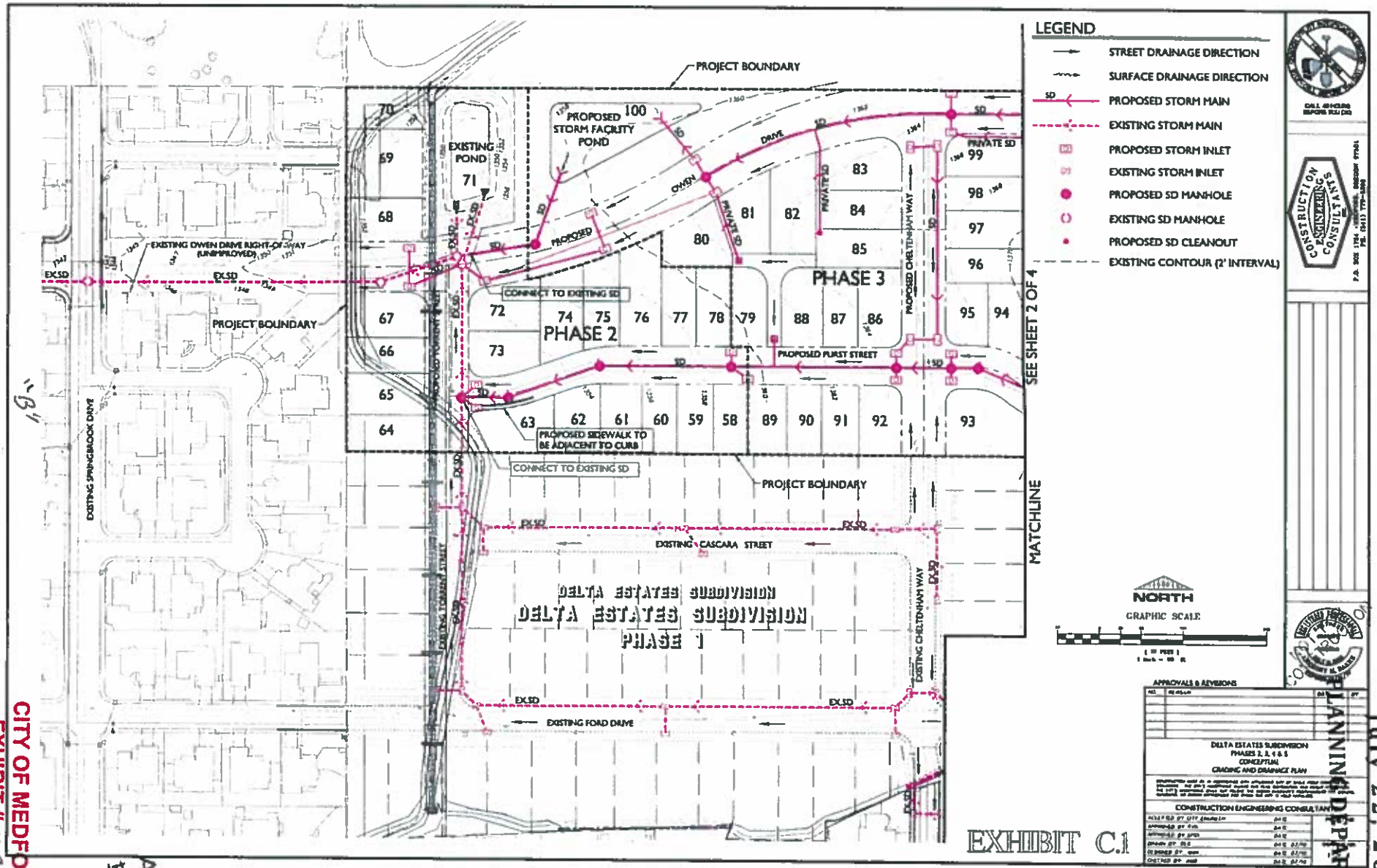
July 22, 2016
PLANNING DEPARTMENT

"B"
55 of 80

Applicant Exhibit 12

CITY OF MEDFORD
EXHIBIT # B
File # ZC-16-089/LDS-16-090/E-16-091



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"B"

Applicant's Exhibit 12

CITY OF MEDFORD
EXHIBIT # "B"
File # ZC-16-089/LDS-16-090/E-16-091

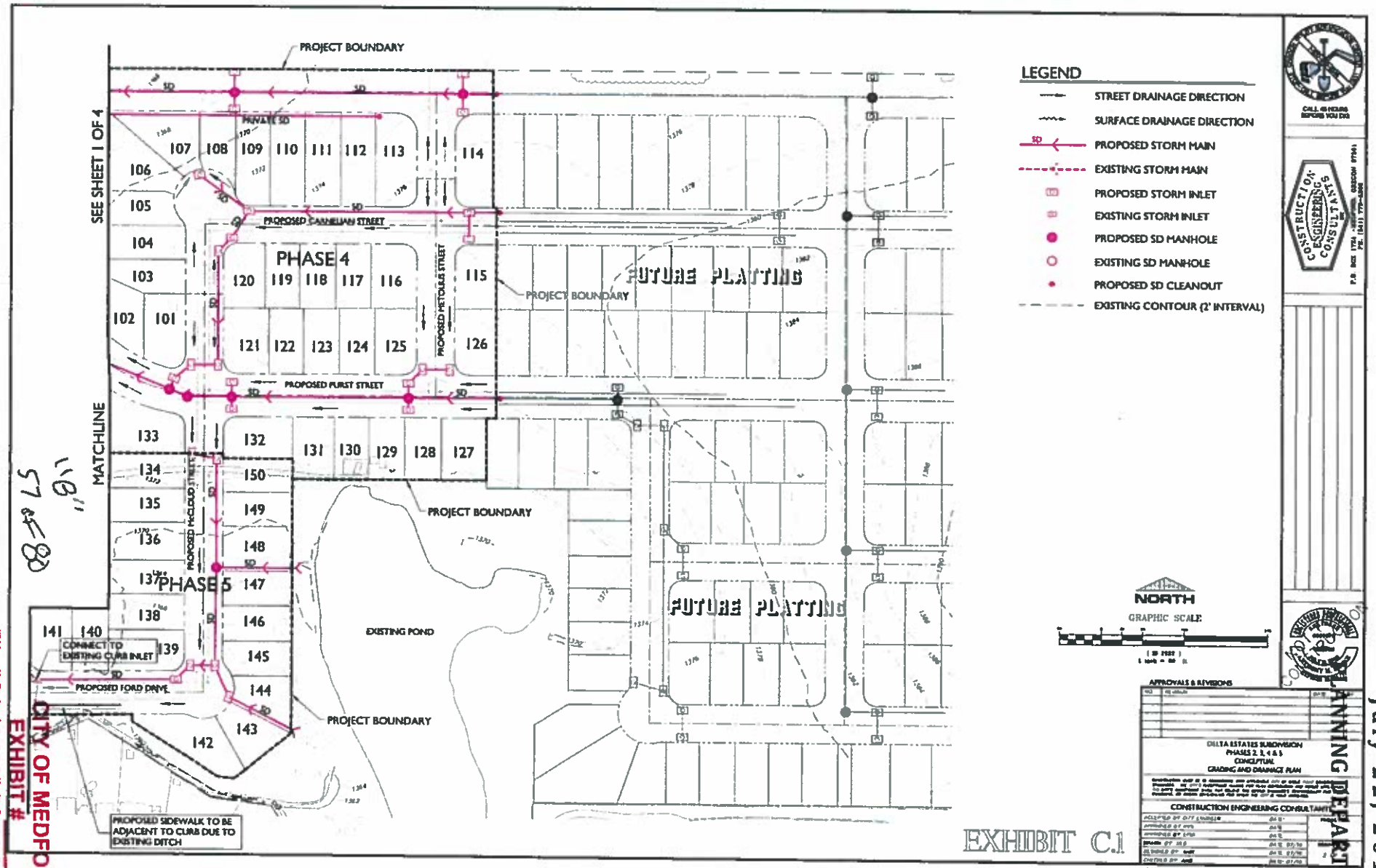

EXHIBIT C1

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July 22, 2016
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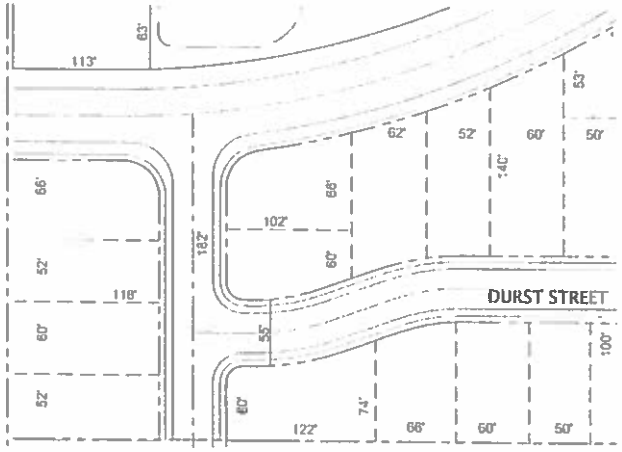
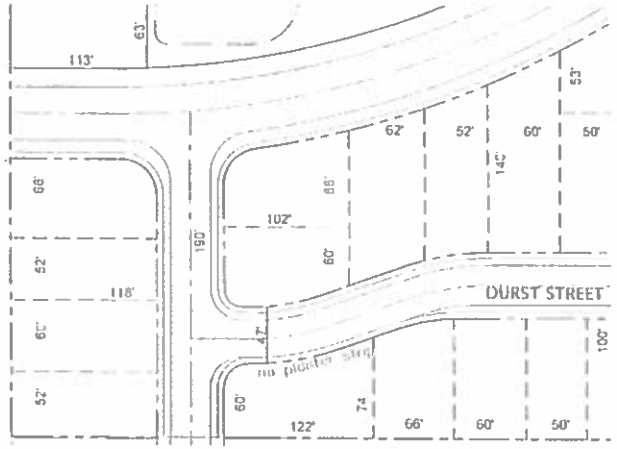
CITY OF MEDFORD
EXHIBIT #
File # ZC-16-089/LDS-16-090/E-16-091



2 WITH PLANTER STRIP

SCALE: 1:100

- STREET CURVES TO EXTEND DISTANCE BETWEEN INTERSECTIONS
- FULL STREET SECTION STANDARD MET
- DISTANCE BETWEEN INTERSECTIONS IS 18 FEET SHORT OF STANDARD



1 WITHOUT PLANTER STRIP

SCALE: 1:100

- STREET CURVES TO EXTEND DISTANCE BETWEEN INTERSECTIONS
- PLANTER STRIP ELIMINATED ALONG TWO PARCELS TO EXTEND DISTANCE BETWEEN INTERSECTIONS
- DISTANCE IS 10 FEET SHORT OF 200 FOOT STANDARD

EXHIBIT 13

HAYDEN HOMES

CSA Planning Ltd

PLANTER STRIP EXCEPTION

OWEN I

DATE: 7/15/16

DRAWN BY: BT

CHECKED BY: JH

1

21564

LDP-13-086

PARTITION PLAT No. P-26-2014

EXHIBIT 14

located in the

SOUTHEAST QUARTER OF SECTION 08,
TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, IN THE CITY OF MEDFORD,
JACKSON COUNTY, OREGON

for

DELTA WATERS PROPERTIES, LLC

PO BOX 430
MEDFORD, OREGON 97501

Surveyor's Certificate:

I, Herbert A. Farber, a duly registered Professional Land Surveyor of the State of Oregon, do hereby certify that I have correctly surveyed and marked with proper monuments, as provided by law, the tract of land hereon shown, this plat being a correct representation of the same, and the following is an accurate description of the boundary lines:

The Parcel described in Instrument No. 2009-018796 of the official records of Jackson County, Oregon, more particularly described as follows:

Beginning at the Northwest Corner of the Southeast Quarter of Section 8, Township 37 South, Range 1 West, of the Willamette Meridian, City of Medford, Jackson County, Oregon, Also being the Initial Point; thence Southerly along the quarter section line South 00°06'48" East, 1091.89 feet to the Southwest corner of Parcel No. 2 as described in Instrument No. 85-04903 of the Official Records of Jackson County, Oregon; thence along the North Boundary of COUNTRYWOOD SUBDIVISION-UNIT No. 3 recorded in Volume 14, Page 52 of the Plat Records of Jackson County, Oregon, North 87°19'19" East, 554.75 feet to the Northeast corner of Lot 70 in Block 6 of said Subdivision, marked by a 5/8 inch rebar; thence South 22°03'47" West, 21.77 feet to the Northwest corner of Lot 71 of said Block 6, marked by a 5/8 inch rebar; thence South 89°20'53" East, 142.39 feet to the Northwest corner of Lot 72 of said Block 6, being a point on the West Boundary of EDGEWOOD ESTATES SUBDIVISION recorded in Volume 18, Page 40, of said Plat Records, marked by a 5/8 inch rebar; thence Northerly along said Subdivision Boundary, North 00°08'49" East, 28.60 feet, to a point on the North line of said Subdivision; thence along the Northerly line of said Subdivision North 87°18'07" East, 15.01 feet to a 3/4 inch iron bolt; thence North 65°37'56" East, 170.64 feet to the Northwest corner of Lot 11 of said Subdivision, marked by a 5/8 inch iron pin; thence North 65°40'25" East, 76.81 feet, to the Northeast corner of said Lot 11; thence North 65°40'25" East, 16.78 feet to a 5/8 inch iron pin; thence South 57°50'33" East, 58.81 feet to the Northeast corner of Lot 12 of said Subdivision, marked by a 5/8 inch iron pin; thence South 57°50'33" East, 152.72 feet; thence South 82°19'01" East, 86.67 feet to a 1 inch diameter cam shaft with a 2 1/2 inch top; thence South 33°39'08" East, 175.31 feet; thence leaving said Subdivision Boundary, North 85°09'58" East, 280.60 feet to a 5/8 inch rebar; thence North 00°10'59" East, 127.88 feet to a 5/8 inch rebar; thence South 89°49'58" East, 1064.95 feet, to a point on the East line of said Section 8; thence Northerly along said Section line North 00°15'11" West, 1067.28 feet, to the Northeast Corner of said Quarter; thence North 89°55'06" West, 1324.22 feet to the East One Sixteenth Corner of said Section 8, marked by a 2 inch aluminum cap; thence North 89°54'42" West, 1324.43 feet the Point of Beginning.

Herbert A. Farber, PLS 2189

I, Herbert A. Farber, do hereby certify that this is an exact copy of the original.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 28, 1988 HERBERT A. FARBER 2189
RENEWAL DATE 12-31-15

RECEIVED
DATE 9/15/14 BY BP
This survey consists of:
2 sheet(s) Map
2 page(s) Narrative
JACKSON COUNTY SURVEYOR

Declaration:

KNOWN ALL MEN BY THESE PRESENTS, that Delta Waters Properties LLC are the owners of the lands hereon described, and that they have partitioned the same into parcels as shown hereon and the number and size of the parcels and the courses and lengths of the lines are plainly set forth and do hereby grant to the City of Medford, a Sanitary Sewer easement, as shown hereon, and do hereby grant a storm water drainage easement across the entirety of parcel 3 for discharge of storm water from parcels 1 and 2, at such time as specific easements and facilities for conveyance and continued maintenance of storm water from Parcels 1 and 2 across Parcel 3 are approved by the City of Medford and installed, this easement will automatically extinguish upon the recording of future plats or easements further delineating said easements, and that this plat is a correct representation of this Partition.

James M Root

State of Oregon)
SS
County of Jackson)

The foregoing instrument was acknowledged before me this 27 day of August, 2014, by James M Root as Managing Member of Delta Waters Properties LLC,

(Signature) Kathy H Bowman
(Printed Name) Kathy H Bowman
Notary Public - Oregon Commission NO. 450736
My commission expires 9-2-2014
Month, Day, Year September 2, 2014

Restrictive Covenant Recorded as Instrument No. 2014-24351

Restrictive Covenant Recorded as Instrument No. 2014-24352

Note: "Covenants as required by the City of Medford Planning Commission Final Order, dated July 24, 2014, File No LPD-13-086 and its conditions of approval in the Public Works Staff Report noted in Exhibit 'F' of said Final Order."

Approvals:

I certify that pursuant to authority granted in Ordinance No. 5785 this plat is hereby approved.

This 18th day of September, 2014.

James E Huber
Planning Director

Examined and approved this 4th day of Sept., 2014.

City Surveyor

All taxes, fees, assessments, or other charges as required by O.R.S. 92.095 have been paid as of 9/15/14

Tax Collector — Date 9/15/14

Assessor — Date 9/15/14

Recorder:

Filed for record this 15th day of September, 2014 at 3:10 o'clock P. M. and recorded as Partition Plat No. P-26-2014 of the Records of Jackson County, Oregon, Index Volume 25 Page 26.

Christine D. Walker — County Clerk
Sonya J Wilson — Deputy

County Surveyor's File No. 21564

ASSESSORS MAP NO. 371W08-1100 AND 371W08D8-400

Sheet 1 of 2

DRAWING FILE: JOBS\Medford_NE\Delta Waters\delta water prop #c\MicroSurvey\Final Plats Surveys\FINAL SIGN PAGE.DWG

12-1564

RECEIVED
July 22, 2016
PLANNING DEPARTMENT

CITY OF MEDFORD

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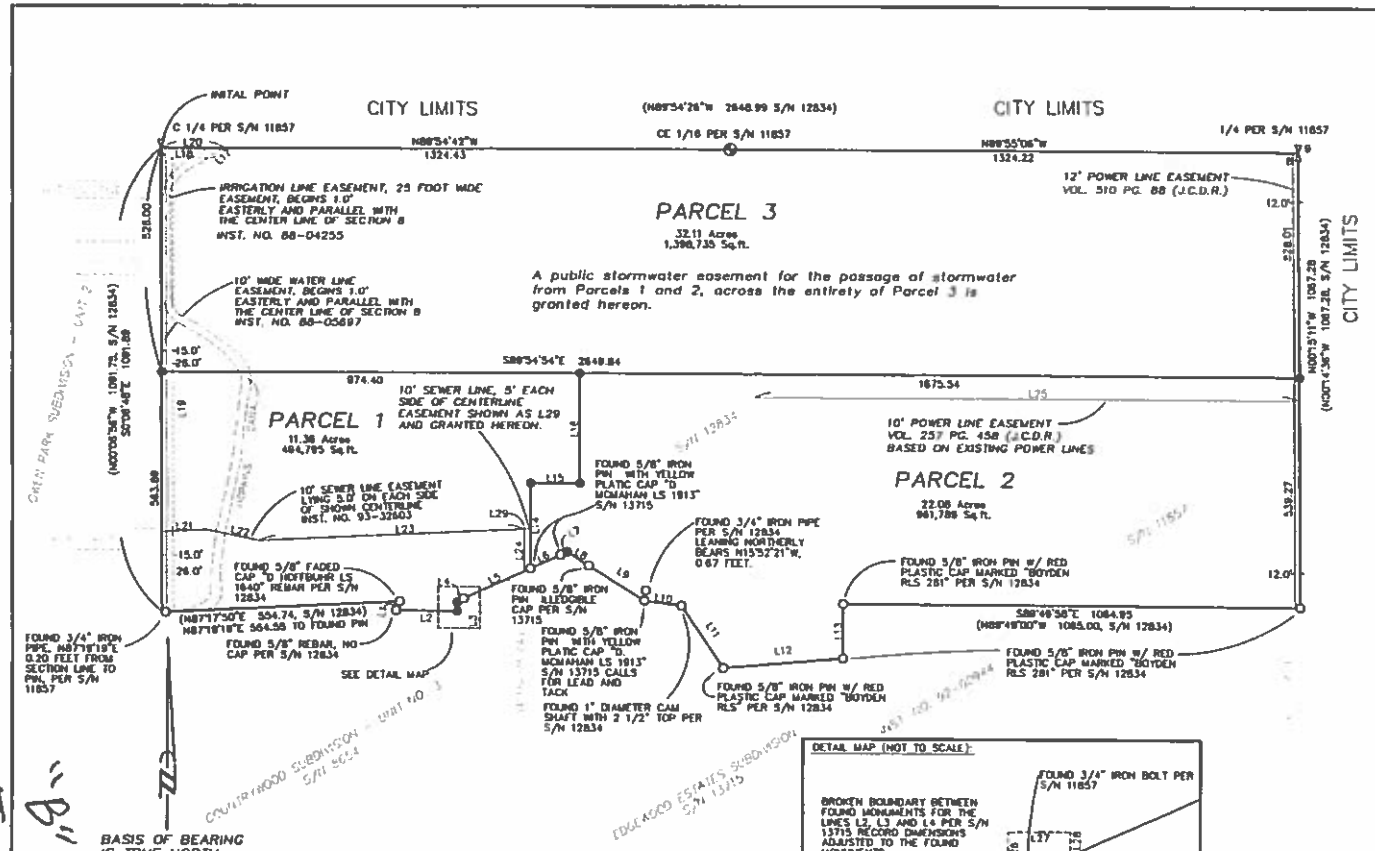
Page 95

EXHIBIT #
File # ZC-16-089/LDS-16-090/E-16-091



BASIS OF BEARING IS TRUE NORTH, NAD 83/91 DATUM, AS DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS.

SCALE: 1" = 200'

200' 100' 0' 200' 400'

LEGEND

- FOUND 2 1/2" BRASS CAPPED MONUMENT AS DESCRIBED
- FOUND 2 " ALUMINUM CAP-1/16 SECTION CORNER
- FOUND MONUMENT, AS DESCRIBED
- SET 5/8" x 24" IRON PIN w/ YELLOW PLASTIC CAP MARKED "FARBER PLS 2189"
- S/N = RECORD FILED SURVEY NUMBER
- W.M. = WITNESS MONUMENT
- (J.C.D.R.) = JACKSON COUNTY DEED RECORDS

- RECORD SURVEY DATA IS SHOWN IN PARENTHESIS ADJACENT TO MEASURED SURVEY DATA WHERE APPLICABLE.
- INST. NO. = INSTRUMENT NUMBER AS RECORDED IN THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.

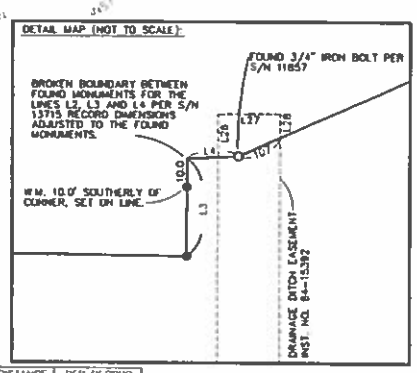
EASEMENT LINES SHOWN HEREON.

NUM	BEARING	DISTANCE
L17	S47°17'55"W	36.80
L18	N89°54'42"W	95.45
L19	S0°07'26"E	1066.76
L20	N89°54'43"W	148.55
L21	N87°17'50"E	105.00
L22	S77°50'11"E	125.00
L23	N87°15'30"E	618.00
L24	S0°08'20"W	98.78
L25	N89°56'28"W	1265.44
L26	N0°07'40"E	14.11
L27	N89°41'54"E	20.00
L28	N0°07'40"E	7.18
L29	N87°15'30"E	14.82

PARCEL BOUNDARY LINES SHOWN HEREON:

NUM	BEARING	DISTANCE	REC. BEARING	REC. DISTANCE	PER RECORD
L1	S22°03'47"W	21.77	(S21°40'45"W)	(22.06)	S/N 11857
L2	S89°20'53"E	142.39	(S89°18'04"E)	(142.37)	S/N 8654
L3	N0°08'49"E	28.60	(N0°00'20"E)	(28.58)	S/N 8654
L4	N47°18'07"E	15.01	(N87°20'54"E)	(15.01)	S/N 13715
L5	N45°37'56"E	170.64	(N45°36'00"E)	(170.52)	S/N 13715
L6	N85°40'25"E	78.81	(N85°36'00"E)	(78.95)	S/N 13715
L7	N85°40'25"E	18.78	(N85°36'00"E)	(18.87)	S/N 13715
L8	S57°50'33"E	58.81	(N57°48'00"E)	(58.81)	S/N 13715
L9	S57°50'33"E	152.72	(N57°48'00"E)	(152.74)	S/N 13715
L10	S82°18'01"E	88.67	(S82°11'00"E)	(88.88)	S/N 13715
L11	S33°39'08"E	175.31	(S33°38'00"E)	(175.58)	S/N 12834
L12	N85°09'58"E	280.60	(N85°0'00"E)	(280.97)	S/N 12834
L13	N0°10'59"E	127.88	(N0°00'00"E)	(128.07)	S/N 12834
L14	N0°01'54"E	199.34	NO RECORD	NO RECORD	
L15	S89°54'54"E	114.00	NO RECORD	NO RECORD	
L16	N0°04'12"E	259.43	NO RECORD	NO RECORD	

DETAIL MAP (NOT TO SCALE):



ASSESSORS MAP NO. 371W08-1100 AND 371W08B-400

Sheet 2 of 2

• • RECEIVED • •
DATE 9/15/14 BY RC
This survey consists of:
2 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON JULY 26, 1983 HUBERT A. FARBER 2189
RENEWAL DATE 12-31-15

I, Herbert A. Farber, do hereby certify that this is an exact copy of the original.

PARTITION PLAT No. P-26-2014

located in the

SOUTHEAST QUARTER OF SECTION 08, TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

for

DELTA WATERS PROPERTIES, LLC

PO BOX 430
MEDFORD, OREGON 97501

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

Purpose: This survey was conducted to fulfill the conditions of approval for this partition as outlined by the City of Medford in File No LDP-13-086 and the laws of the state.

Procedure: The monuments shown as found hereon were tied for this survey by this office with Trimble GPS and Robotic Instruments. The basis of bearing for this plat is True North derived from GPS observations. The dimensions between found monuments reflect the true north basis of bearing and the appropriate record is shown. The west boundary was established per record S/N 11875 a retracement survey of S/N 601, both performed by the same office. The areas where original monuments have been lost were re-established as follows. The boundary defined by courses L2, L3 and L4 was re-established by holding the positions of the found monuments on each end of the adjusted line and then using the broken boundary solution of doing a compass adjustment to the record bearings and distance between the two found monuments. The course L7 and L8 were intersected by a bearing-bearing intersection from the courses between found monuments on each side of the missing corner. The new boundaries were established per the approved tentative plan as shown hereon.

EASEMENT NOTES:

The easement recorded as Volume 252 Page 557 in favor of the The Medford Irrigation District for a right-of-way for irrigation does not fall within the boundaries of this plat.

The easement recorded as Volume 256 Page 551 in favor of the The Medford Irrigation District for a right-of-way for irrigation does not fall within the boundaries of this plat.

The easement recorded as Inst. No. 84-15393 of the Jackson County Deed Records, Oregon in favor of the City of Medford, Oregon for Sanitary Sewer Maintanence does not fall within the boundaries of this plat.

The boundary line agreement recorded as Inst. No. 88-05547 of the Jackson County Deed Records, Oregon is no longer applicable to this property due to the fact that the property is not used for orchard purposes.

Surveyed by:
FARBER & SONS, INC. dba
FARBER SURVEYING
PO BOX 5286
431 OAK STREET
CENTRAL POINT, OREGON 97502
(541) 664-5599

DATE: March 10, 2014
JOB NO.: 2031-13
DRAWING FILE: JOBS\Medford_NE\Delta Waters\delta water prop llc\MicroSurvey\Final Plats Survey\FINAL PLAT WITH MONS.DWG
DRAWN BY: LSH ORIG. DATE: 03/28/2013 REVISED BY: LSH DATE: 03-28-14

"B"

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Page 96

Metes and Bounds legal description of Parcel 2 and Parcel 3, Partition Plat P-26-2014, filed as survey number 21564, Jackson County Surveyors office.

(July 9, 2016 JRP)

Beginning at the southwest corner of Parcel 2, Partition Plat No. P-26-2014 and recorded as survey number 21564; thence North 00 degrees 3'59" East, along the westerly line of said Parcel 2, 199.44 feet to a point on the northwesterly corner thereof, said point also being at the southwesterly corner of Lot 53 Delta Estates, Phase I and filed as county survey no 21884; thence South 89 degrees 54'01" East, 113.95 feet to the southeast corner of said Lot 53; thence North 00 degrees 01'14" East, along the east line of said Lot 53 and the extension there of to the northeast corner of said Delta Estates Phase I; thence North 89 degrees 54'05" West along the north line of said Delta Estates, 974.56 feet to the northwest corner of said Delta Estates, Phase I, said point also being the southwest corner of Parcel 3 of said Partition Plat; thence North 00 degrees 06'57" West along west line of said Parcel 3, 527.79 feet to the center quarter corner of Section 8, Township 37 South, Range 1 West, Willamette Meridian, and the northwest corner of said Parcel 3; thence South 89 degrees 54'25" East, along the north line of said Parcel 3, 1324.72 feet to the East Sixteenth corner of said Section 8; thence South 89 degrees 54'58" East, along the north line of said Parcel 3, 1324.11 feet to the east quarter corner of said Section 8, said point also being the northeast corner of said Parcel 3; thence South 00 degrees 16'01" East, along the east line of said Parcel 3, 527.92 feet to the southeast corner of said Parcel 3, said point also being the northeast corner of said Parcel 2; thence South 00 degrees 14'03" East, along the east line of said Parcel 2, 539.26 feet to the southeast corner thereof; thence North 89 degrees 50'07" West, along the south line of said Parcel 2, 1064.99 feet; thence South 00 degrees09'47" West, 127.77 feet; thence South 85 degrees 09'58" West, 280.60 feet; thence North 33 degrees 41'30" West, 122.50 feet; thence North 33 degrees 34'17" West, 52.74 feet; thence North 81 degrees 54'39" West, 87.01 feet; thence North 57 degrees 55'47" West, 210.95 feet; thence South 65 degrees 40'32" West, 93.71 feet to the southwesterly corner of said Parcel 2 and the point of beginning.

"B"
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EXHIBIT 15

Jackson County Official Records 2015-020336
R-E
Cnt=1 SHINGLJS 06/25/2015 02:28:16 PM
$30.00 $10.00 $5.00 $8.00 $11.00 Total:$87.00
$20.00 $3.00

01673558201500203360060060

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

Christine Walker - County Clerk

RECEIVED
July 22, 2016
PLANNING DEPARTMENT

AFTER RECORDING RETURN TO:
Rogue River Valley Irrigation District
3139 Merriman Road
Medford, OR 97501

PIPING EASEMENT

PARTIES: HH Medford One, LLC, an Oregon Limited Liability Company, Grantors

ROGUE RIVER VALLEY IRRIGATION DISTRICT, A Municipal Corporation of the State of Oregon, Grantee.

GRANT OF EASEMENT: Grantor, Its successors and assigns, do hereby grant unto Rogue River Valley Irrigation District, its successors and assigns, a water pipeline easement as described in the plans that are on file at the District office and incorporated as though wholly set forth herein.

STATEMENT OF PURPOSE: The easement described above shall be used for installing, constructing, utilizing, operating, maintaining, repairing or replacing and irrigation water pipeline for the Rogue River Valley Irrigation District's water system.

TYPE OF EASEMENT: The easement described above shall be exclusively for the benefit of the District or its assigns and shall perpetually encumber the affected property.

COVENANT NOT TO OVERLOAD AND NOT TO BUILD: Grantor and Grantee understand the danger to the buried pipeline. Grantor shall not overload the buried pipeline and shall not permit any vehicle or equipment to cross the buried pipeline except at engineered crossing locations approved by Grantee. Grantor may provide for driveway access over the pipeline approved by Grantee and provided such access shall be constructed in accordance with engineer's plans and specifications providing adequate protection for the pipe. Further, Grantor shall not build or allow any structure to be built over the buried pipeline. If, during repair or maintenance specified below, Grantee damages property or other structures located on any portion of the easement, Grantor will hold Grantee harmless for any damage or claim for damage or repairs.

"B"
Lot 0= 80

CITY OF MEDFORD
EXHIBIT # "B"
File # ZC-16-089/LDS-16-090/E-16-091

MAINTENANCE, REPAIR AND REPLACEMENT: Grantor shall be responsible for all maintenance, repair and replacement of the buried culvert pipe. In the event Grantor shall fail to properly maintain the buried culvert pipe and all the appurtenances, as determined by Grantee, Grantee may take all action necessary to properly maintain such culvert pipe including access to the easement granted herein over and across adjacent property owned by Grantor. In the event of an emergency as determined by Grantee's manager, Grantee may take all action necessary to properly maintain such culvert pipe including access to the easement granted herein over and across adjacent property owned by Grantor. All costs incurred by Grantee for maintenance, repair or replacement will be paid by Grantor and Grantee shall record all charges as a lien against Grantor's property described as: Parcel No 1 of Partition Plat No P-26-2014 as recorded in the Records of Jackson County, Oregon; Index Volume 25, Page 26; County Surveyor's File No 21564.

INDEMNITY: Grantor agrees to indemnify and hold Grantee harmless from any claims or damages arising out of the installation of the buried culvert pipe or arising out of the use of the real property located above or adjacent to the buried culvert pipe.

COVENEANTS RUNNING WITH LAND: The above non-overloading and no building provisions, maintenance provision and indemnify provision are covenants running with the land and shall be the responsibility of Grantor or any subsequent transferee.

REMEDIES: In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief or specific performance for the enforcement of the terms and conditions of this agreement.

BINDING EFFECT: The terms, conditions and provisions of this Agreement shall extend to and be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

ATTORNEY FEE: In case suit or action be instituted upon or in connection with this Agreement, the prevailing party shall be entitled to recover from the losing party such sums as the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

SPECIFICATIONS: Pipe shall be installed to meet current minimum general standards as set forth in the current American Public Works Association Standards, and the current City of Medford and City of Central Point Standards and Specifications, Jackson County Public Works Standards and Specifications, the plans that are on file at the District office, and the specifications set forth by the Rogue River Valley Irrigation District described in Exhibit "A" and further delineated in Exhibit "B".

THIS EASEMENT IS TEMPORARY AND IS EXTINGUISHED AND TERMINATED UPON THE RECORDING OF A LAND DIVISION, AS APPROVED BY THE CITY OF MEDFORD, IN THE RECORDS OF JACKSON COUNTY, OREGON, AT WHICH TIME A DEDICATED EASEMENT WILL BE STATED ON THE PLAT OR LIE WITHIN A PUBLIC RIGHT OF WAY.

"B"
62 of 80

Dated this 25 day of June, 2015.

GRANTEE:

ROGUE RIVER VALLEY
IRRIGATION DISTRICT

By: Brian Hampson
Its: MANAGER

GRANTOR:

David Woods

By: DAVID WOODS
Its: CONTROLLER

STATE OF OREGON)
) ss.
JACKSON COUNTY)

Personally appeared before me this 25 day of June, 2015, the above named Brian Hampson who is the Manager of ROGUE RIVER VALLEY IRRIGATION DISTRICT, and acknowledged the foregoing instrument to be his/her voluntary act and deed on behalf of ROGUE RIVER VALLEY IRRIGATION DISTRICT.

June Cordle
Notary Public of Oregon
My Commission expires: 5/4/19

STATE OF OREGON)
Deschutes) ss.
~~JACKSON~~ COUNTY)

Personally appeared before me this 28th day of April, 2015 the above named David Woods who is the Controller of HH Medford One LLC, and acknowledged the foregoing instrument to be his/her voluntary act and deed of behalf of HH Medford One LLC

OFFICIAL SEAL
KIMBERLY D GUTHRIE
NOTARY PUBLIC-OREGON
COMMISSION NO. 456862
MY COMMISSION EXPIRES JULY 18, 2015

Kimberly D. Guthrie
Notary Public of Oregon
My Commission expires: 7.18.2015

"B"
63 of 80

STATE OF OREGON)
) ss.
JACKSON COUNTY)

Personally appeared before me this _____ day of _____, 20__, the above named _____ who is the _____ of _____, and acknowledged the foregoing instrument to be his/her voluntary act and deed of behalf of _____.

_____
Notary Public of Oregon
My Commission expires: _____

"B"
64 of 80

EXHIBIT "A"

Easement Description
Delta Estates
Relocated Hopkins Canal

An easement for ingress and egress for the purpose of constructing and maintaining a canal to convey irrigation water and storm water more particularly described as follows:

Commencing at the northwest corner of Parcel 3 of Partition Plat No P-26-2014 as recorded in the Records of Jackson County, Oregon; Index Volume 25, Page 26; County Surveyor's File No 21564; thence South 89°54'42" East, along the north line of said plat, 112.60 feet to the POINT OF BEGINNING; thence South 0°08'09" East 1023.96 feet; thence South 34°48'16" West, 40.45 feet; thence South 67°55'39" West, 91.27 feet to a point on the south line of said plat, being North 87°19'19" East, 5.20 feet from the southwest corner of Parcel 1 of said Plat; thence North 87°19'19" East, along the south line of said Parcel 1 of said Plat, 137.96 feet; thence North 0°08'09" West, 1084.98 feet to the north line of said Parcel 3 of said Plat; thence North 89°54'42" West, along the north line of said Plat, 30.00 feet to the POINT OF BEGINNING.

Prepared by: Herbert A Farber
Farber & Sons, Inc.
d.b.a. Farber Surveying
431 Oak Street
Central Point, Oregon 97502

Date: March 23, 2015

REGISTERED
PROFESSIONAL
LAND SURVEYOR

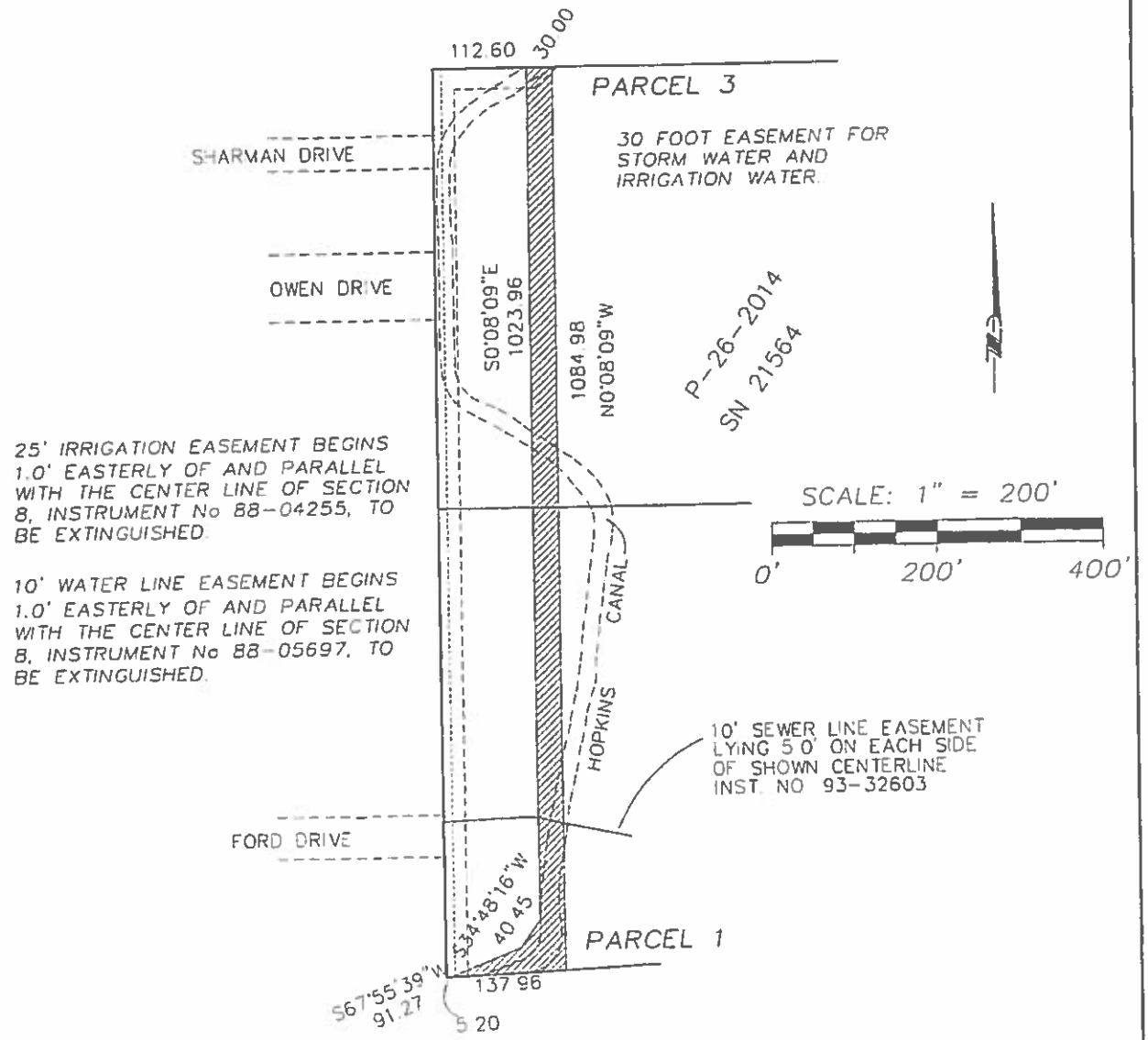
OREGON
JULY 26, 1985
HERBERT A. FARBER
2189

RENEWS: DEC. 31, 2015

"B"
65 of 80

EXHIBIT "B"

Relocated Hopkins Canal



Prepared by:
FARBER & SONS, INC.
dba FARBER SURVEYING
431 Oak Street
Central Point, Oregon 97502
(541) 664-5599

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 26, 1985
HERBERT A. FARBER
2189

RENEWAL DATE 12-31-15

DATE: March 23, 2015
JOB NO 2014-2051

mfrnw\delta waters\hayden homes\exhibits\hopkins relocate exhibit.dwg

"B"
66 of 80

Jackson County Official Records 2015-014606
R-E
Cnt= 1 OOTENL 05/15/2015 10:35:03 AM
$25.00 $10.00 $5.00 $8.00 $11.00 $20.00 $3.00 Total:$82.00
01667171201500146060050058
I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

EXHIBIT 16

RECEIVED
July 22, 2016
PLANNING DEPARTMENT

STORM DRAIN AND ACCESS EASEMENT

BW #7363

Delta Waters Properties, LLC., an Oregon Limited Liability Company and HH Medford One, LLC, an Oregon Limited Liability Company, Grantor, for sufficient consideration, does hereby grant unto the City of Medford, Oregon, a municipal corporation, a perpetual easement, for storm drain and access over the following described property:

See Exhibit A, which is incorporated by this reference and further delineated by Exhibit B.

For the purpose of constructing, maintaining and accessing therein, a storm sewer as part of the public storm sewer system of said City, including a right to go upon and through the premises hereinabove described with such workers and equipment as may be necessary to accomplish the purposes hereof, reserving to the Grantor herein the right to possess and make such use of the premises above described as shall not conflict with the said City in the exercise of this easement; and the said City by these presents covenants that it shall promptly fill to grade of adjoining property, and restore the surface over, any excavation it may make pursuant hereto. This easement touches and concerns the above described real property, binds the grantor and its successors, and runs with the land.

THIS EASEMENT IS TEMPORARY AND IS EXTINGUISHED AND TERMINATED UPON THE RECORDING OF A LAND DIVISION, AS APPROVED BY THE CITY OF MEDFORD, IN THE RECORDS OF JACKSON COUNTY, OREGON, AT WHICH TIME A DEDICATED EASEMENT WILL BE STATED ON THE PLAT.

SIGNED this 27th day of APRIL, 2015.

_____(owner's signature)

DAVID WOODS_____(owner's name printed)

_____(owner's signature)

_____(owner's name printed)

STATE OF OREGON)
) ss:
COUNTY OF ~~JACKSON~~ Deschutes)

The foregoing instrument was acknowledged before me this 28th day of

APRIL, 2015,

by David Woods Controller.

Kimberly D. Guthrie
Notary Public for Oregon

OFFICIAL SEAL
KIMBERLY D GUTHRIE
NOTARY PUBLIC-OREGON
COMMISSION NO. 458862
MY COMMISSION EXPIRES JULY 18, 2015

My Commission Expires: 7.18.2015

STATE OF OREGON)
) ss:
COUNTY OF JACKSON)

The foregoing instrument was acknowledged before me this _____ day of

_____, 2015,

by See attached certificate.

OFF
MONICA L
NOTARY
COMMISS
COMMISSION E

"B" 68 of 80

The City of Medford, a municipal corporation of the State of Oregon, hereby accepts such grant of easement with the express understanding that in so doing, the City of Medford does not agree to improve or maintain said property except as stated herein.

CITY OF MEDFORD:

By: _____

Title: City Engineer

Date: 5-8-15

STATE OF OREGON)
) ss:
COUNTY OF JACKSON)

The foregoing instrument was acknowledged before me this 8 day of May, 2015, by Alex Georgevitch.

M. Neimoyer
Notary Public for Oregon

OFFICIAL SEAL
MONICA LOUISE NEIMOYER
NOTARY PUBLIC-OREGON
COMMISSION NO. 459624
MY COMMISSION EXPIRES AUGUST 13, 2015

My Commission Expires: 8-13-15

ICIAL SEA
OUISE NEI
UBLIC-OF
ON NO. 4
PIRES AUGU

H:\Notary\Notary PUE Acceptance Certif Letter size.docx

"B" 69 of 80

Notary Public for Oregon

My Commission Expires: _____

See attached certificate

MOYER
EGON
59624
ST 13, 2015

EXHIBIT "A"

Easement Description
Delta Estates
Relocated Hopkins Canal

An easement for ingress and egress for the purpose of constructing and maintaining a canal to convey irrigation water and storm water more particularly described as follows:

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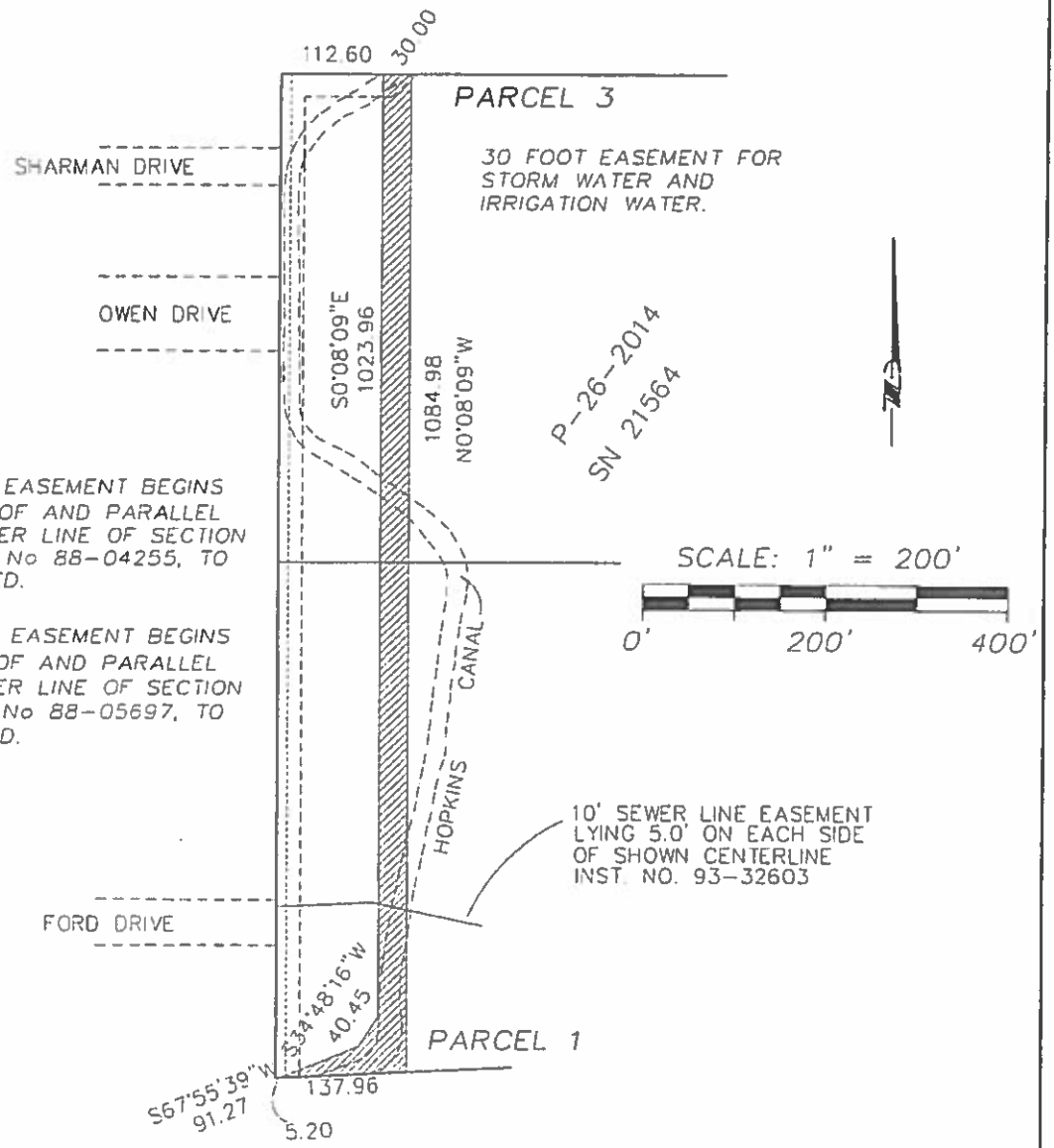
Prepared by: Herbert A Farber
Farber & Sons, Inc.
d.b.a. Farber Surveying
431 Oak Street
Central Point, Oregon 97502

Date: March 23, 2015

EXHIBIT "B"

Relocated Hopkins Canal



Prepared by:

FARBER & SONS, INC.
dba FARBER SURVEYING
431 Oak Street
Central Point, Oregon 97502
(541) 664-5599

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
HERBERT A. FARBER
2189

RENEWAL DATE 12-31-15

DATE: March 23, 2015
JOB NO. 2014-2051

"B"

41 of 80

RECEIVED
July 22, 2016
PLANNING DEPARTMENT

C. Information Required: Agricultural Impact Assessment Report.

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.

Tax Lots 800, 900 and 1000 to the north of the subject property proposed for development are zoned EFU.

(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.

An examination of Jackson County GIS groundwater rights data and historic aerial photographs indicate the properties do have irrigation rights. The northern portion of Tax Lot 800 appears to be planted with orchard stock, however the southern half of the Tax Lot 800, between the orchard and the subject property, half is taken up by the Garret Creek drainage and the other half appears not to be in use. The last year aerials showing row crops on lots 900 and 1000 was in 2000. Since that time there is evidence of mowing, but no irrigated crops. See attached map and historic aerials.

(b) Type of agricultural product produced.

The property does not appear to be producing any agricultural products in recent years.

(c) Method of frost protection. None known.

(d) Type of agricultural equipment customarily used on the property.

Based on vegetative patterns evident on recent aerial photographs, it appears that Tax Lot 800 is taken up by the Garret Creek drainage immediately north of the subject property with orchards beyond. Tax Lots 900 and 1000 appear to have occasional mowing. Whether the property is mowed for purposes of grass hay or simply fire danger is unknown. Regardless, the typical method for mowing pasture is to use a tractor with a rotary style pto driven pull-behind mover.

(3) Detailed information obtained from the Natural Resources Conservation Service (NCRS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.

Soils are primarily 33A Coker Clay, that has a Class IV nonirrigated rating. Irrigation is available, but at most improves the soil to a Class III/IV rating.

(4) Wind pattern information. Prevailing winds are from the west northwest.

(5) A description of the measures proposed to comply with the requirements of Subsections 10.801.A through E.

Proposed compliance measures include:

1. Installation of a 6 foot wood fence along the northern boundary of Lot 70 that abuts Tax Lot 900. Fence to be maintained by subject property owner.

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CITY OF MEDFORD
EXHIBIT #_____
File # ZC-16-089/LDS-16-090/E-16-091

26

2. Installation of 6 foot wood fences along the northern boundary of lots abutting Owen Drive which will be extended along the boundary between the subject property and the EFU lands. Fence to be maintained by subject property owners.
3. Existing wire fences will be maintained bordering the EFU lands along the detention ponds, Owen Drive extension and reserve parcels, as there is no direct conflict between these uses with the EFU land. Fences are to be maintained by subject property owner.
4. Filing of a deed declaration on all lots within 200 feet of the EFU land.
5. No irrigation is used on the EFU properties currently. As the properties are part of an urban reserve, it is anticipated that they will be urbanized in the future. Potential future storm and irrigation run-off until that time will separated from the residential properties by the extension of Owen Drive. Irrigation water will continue to drain as it does now into the Garrett Creek drainage.

(6) The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report. Beverly Thruston, CSA Planning.

(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. None needed.

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.

Based on our analysis of the adjacent EFU zoned lands, the property appears to be used primarily for passive agriculture. It is possible that the property is used for the pasturing of livestock and/or seasonal non-irrigated grass hay and is therefore considered passive agriculture under this provision.

(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:

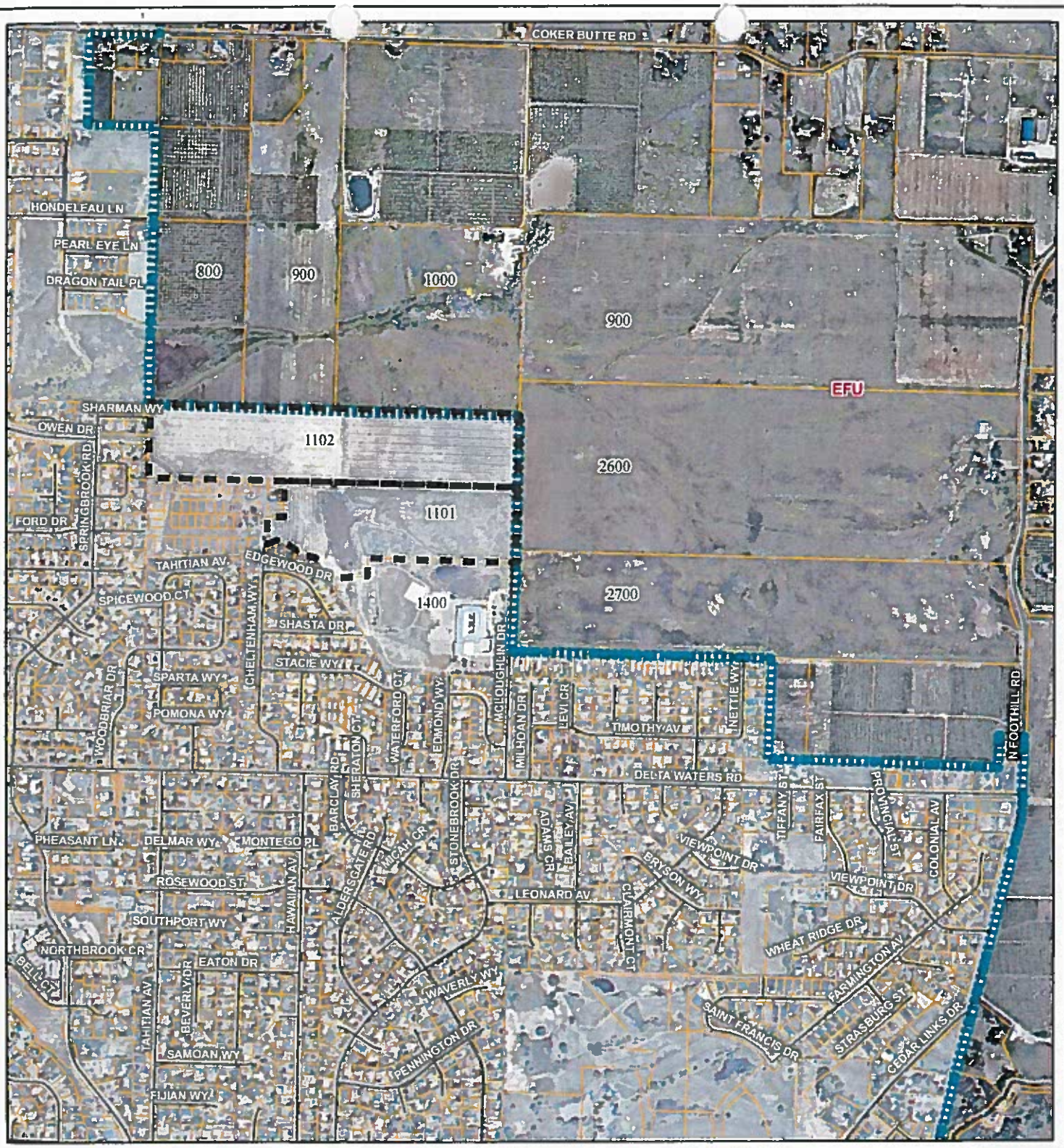
(a) Fencing. A wood fence, chain link fence, or masonry wall, not less then six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard 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.

See, Item 5 herein above.

"B"
73 of 80



Subject Lots

Tax Lots

Urban Growth Boundary

"B"
74 of 80

AERIAL PHOTO MAP

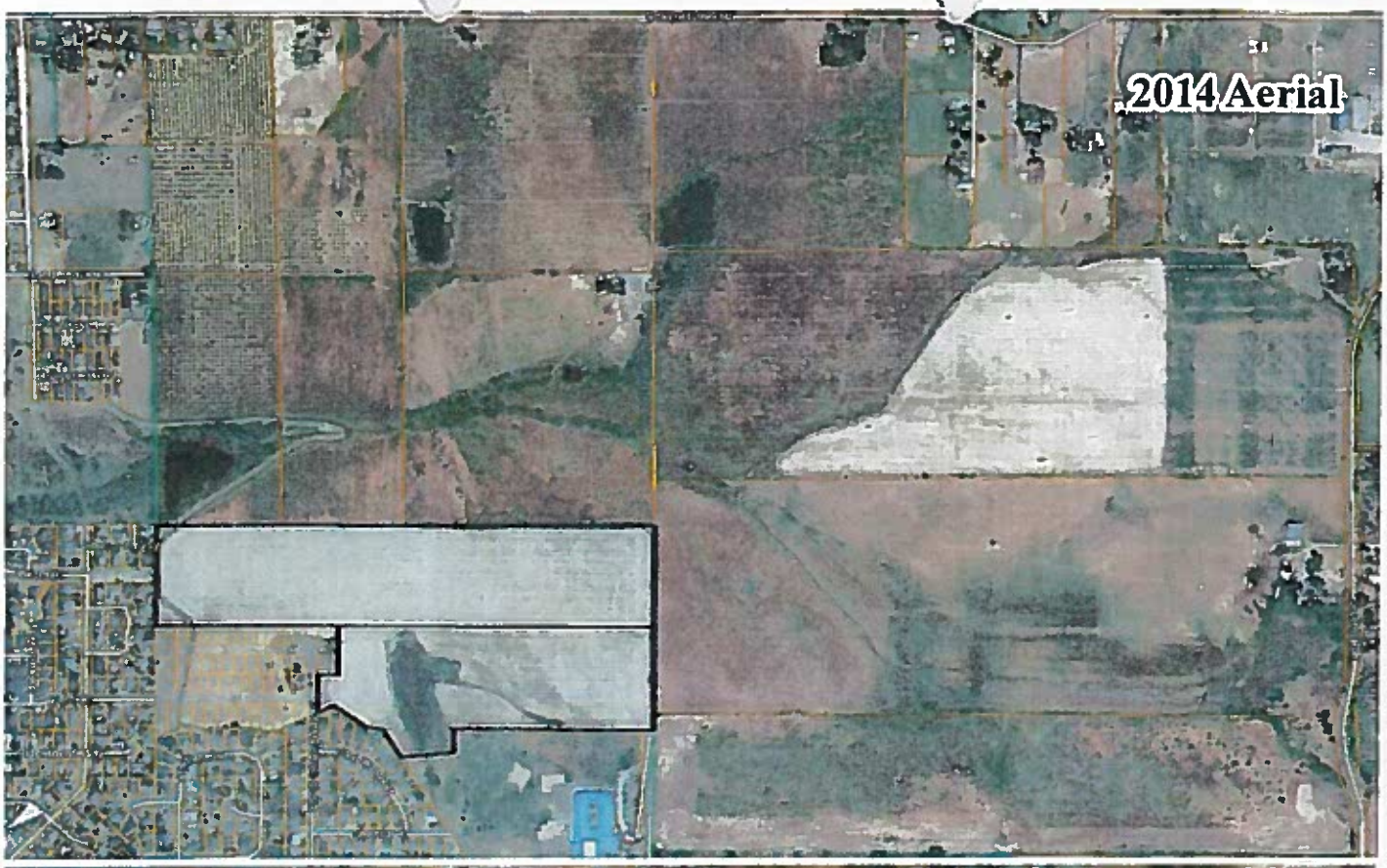
2012 Aerial

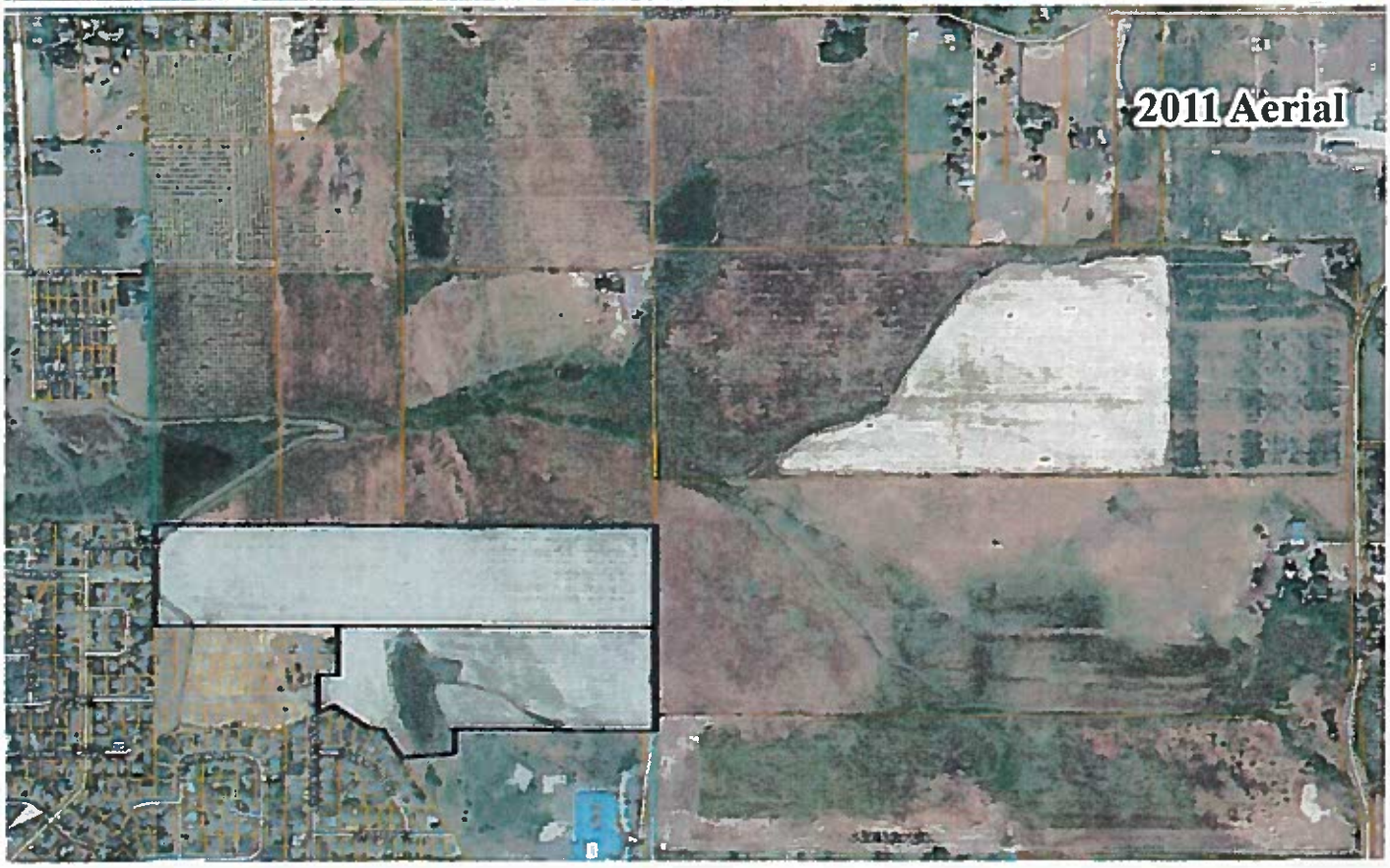
Hayden Homes, LLC
Delta Estates Subdivision
37-1W-08 tax lots 1101 & 1102

CSA Planning LTD

1,000 500 0 1,000 Feet

-21-2016 Source: City of Medford GIS; Jackson County GIS





2011 & 2014
AERIAL PHOTO MAP

Tax Lots
Subject Lots

"B" 75 of 80

Modified Scales

CSA Planning LTD

07-21-2016 Source: Google Earth

RECEIVED

SEP 27 2016

PLANNING DEPT.

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

Transmittal

To: Desmond McGeough, Planning Department
Doug Burroughs, Public Works
City of Medford

Date: September 27, 2016

Subject: Revisions related to issues raised at the LD meeting
Delta Waters Orchard Subdivision- Phases 2 to 5
ZC-16-089/ LDS-16-090/ E-16-091

In response to requests for clarification, we have made some minor revisions to Applicant's exhibits 11a and b, as well as adding two new exhibits. Please see attached.

Exhibit No.	Description	Revisions
11a & b	Tentative Partition Plat	Revisions to the tentative plat: 1. Section of Ford Drive east of Cheltenham Way is reduced to a Minor Residential Street w/ ROW of 55 feet to avoid conflict with the drainage easement. 2. Width of dedication along section of Owen Drive east of Cheltenham Way revised to 63 feet to allow for 44 foot road width plus planter strip and sidewalk on the southern portion of the roadway.
18 (new)	Drainage Easement Partial Plan	Enlarged Plan illustrating area along Ford Drive where drainage easement is adjacent.
19 (new)	Owen Drive Cross Section	Cross section illustrating width of dedication and relationship to proposed lanes, planter strip and sidewalk to meet standards for Major Collector Roads.

Please call or email Jay Harland or myself if you have questions regarding any of the above items.

Regards~

CSA Planning, Ltd.

Beverly Thruston, AIA
Associate

CSA/bt T-Plat Revisions-092716.docx

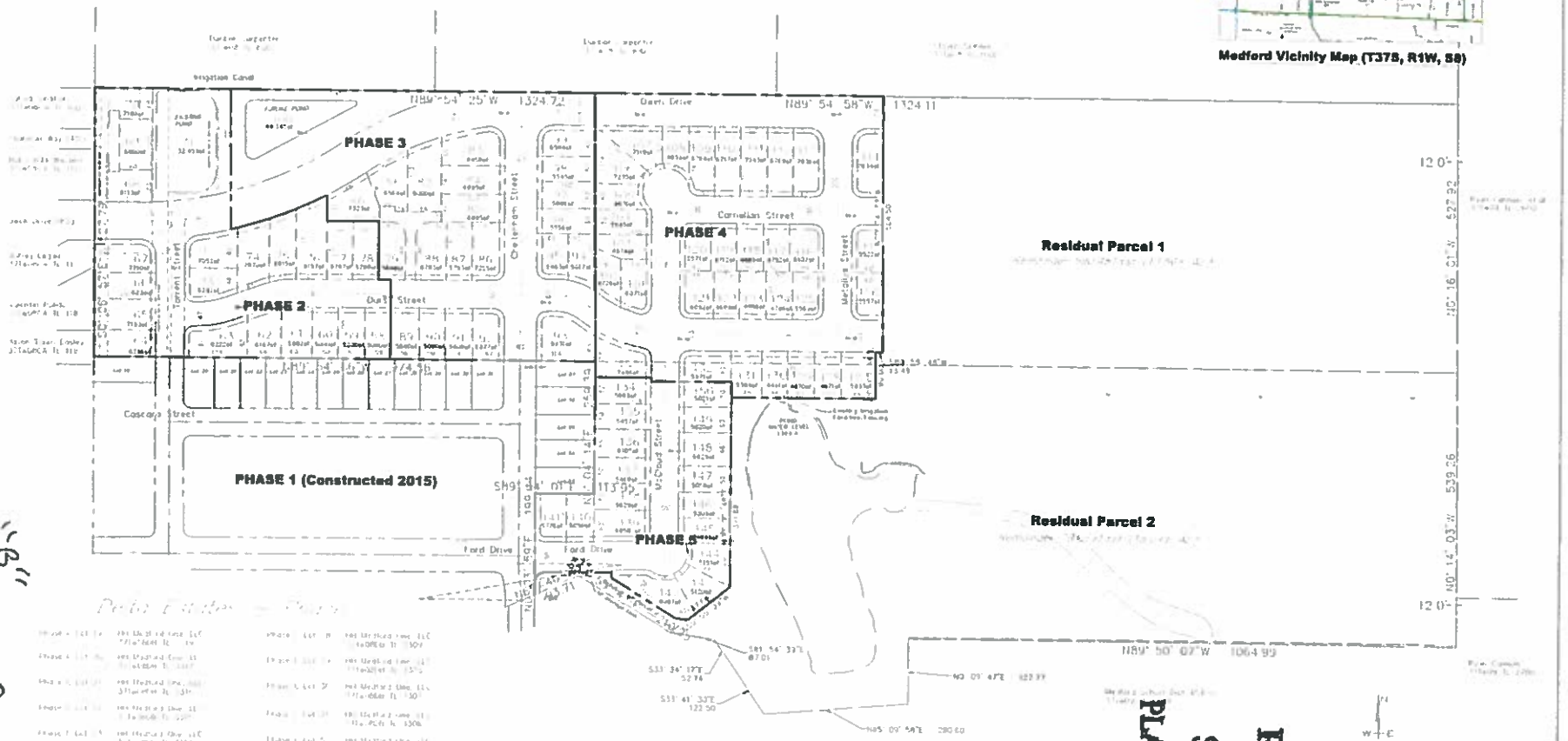
cc. Hayden Homes, File

"B" M6 of 80

TENTATIVE PLAT - OVERALL SITE

Delta Estates – Phases 1, 2, 3, 4 & 5

SE1/4 Section 8, T37S, R1W, W.M.
City of Medford, Jackson County, OR



Medford Vicinity Map (T37S, R1W, S8)

HAYDEN HOMES

EXHIBIT 11a

Delta Estates – Overall Site Plan

Pariani Land Surveying
10558 Crater Lake Hwy, Suite B-1
Eagle Point, Oregon
541-890-1131

Digital Copy

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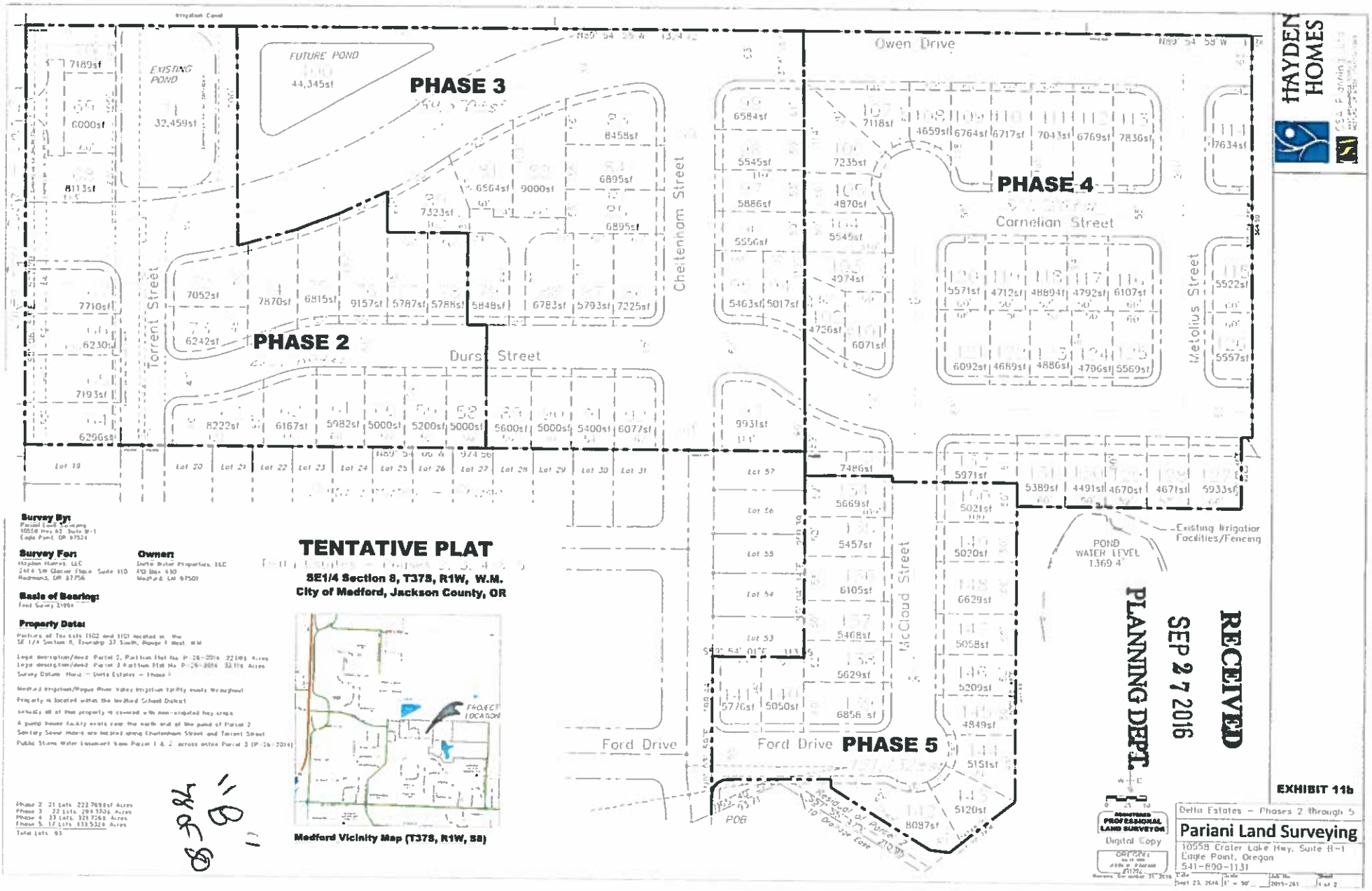
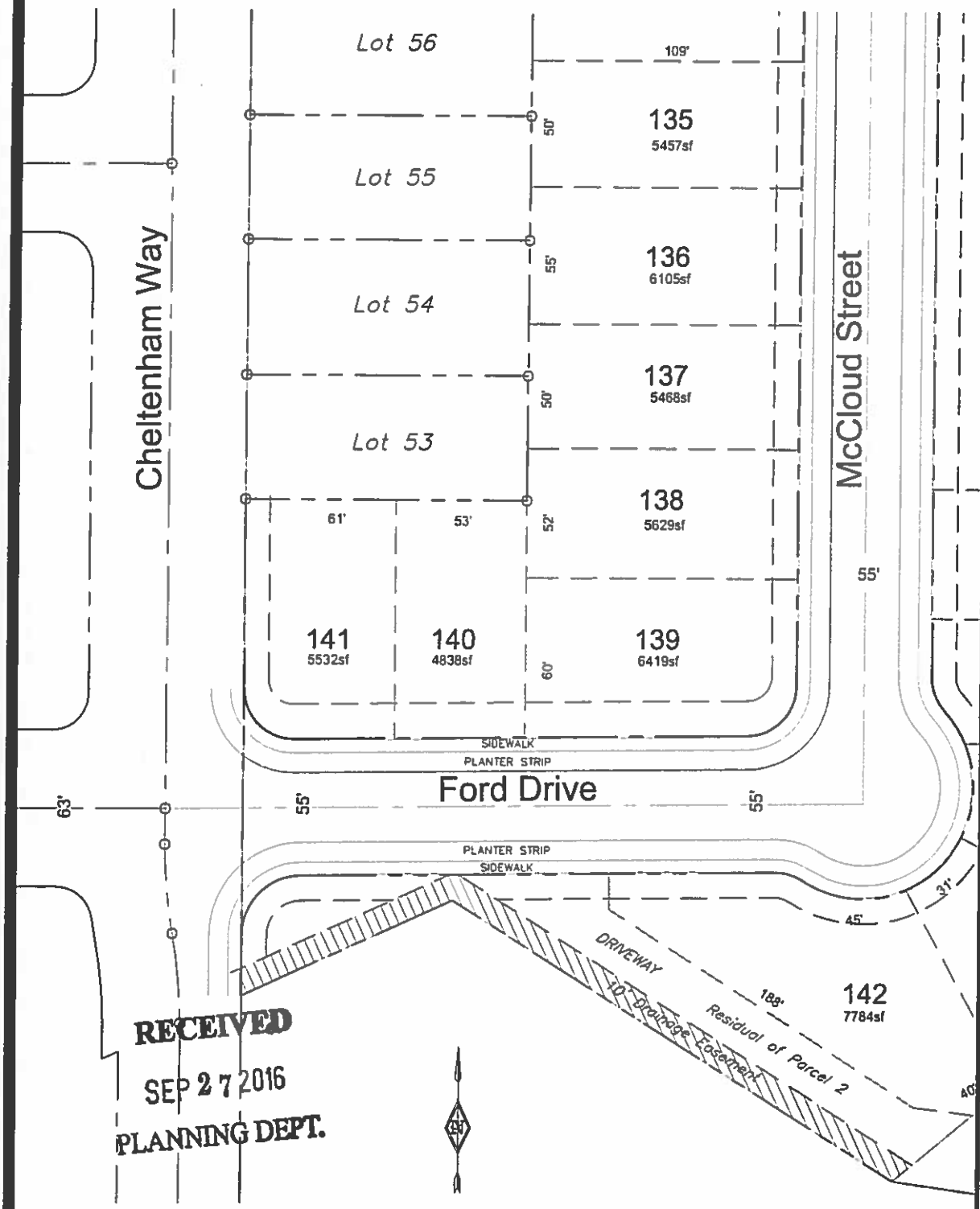
SEP 27 2016
PLANNING DEPT.

"B"
47 of 80



HAYDEN HOMES
PHASE 3
PHASE 2
PHASE 4
PHASE 5
FUTURE POND
44,345sf
EXISTING POND
32,459sf
Owen Drive
Cheltenham Street
Torrent Street
Durst Street
Carnelian Street
Metolius Street
McCloud Street
Ford Drive
Existing Irrigation Facilities/Fencing
POND WATER LEVEL 1369.4'
Lot 19
Lot 20
Lot 21
Lot 22
Lot 23
Lot 24
Lot 25
Lot 26
Lot 27
Lot 28
Lot 29
Lot 30
Lot 31
Lot 57
Lot 56
Lot 55
Lot 54
Lot 53
POB
Residual of Parcel 2
Survey By:
Survey For:
Owner:
Basis of Bearing:
Property Data:
TENTATIVE PLAT
SE1/4 Section 8, T37S, R1W, W.M.
City of Medford, Jackson County, OR
PROJECT LOCATION
Medford Vicinity Map (T37S, R1W, S8)
RECEIVED
SEP 27 2016
PLANNING DEPT.
EXHIBIT 11b
Delta Estates – Phases 2 through 5
Pariani Land Surveying
10558 Crater Lake Hwy, Suite B-1
Eagle Point, Oregon
541-890-1131
Digital Copy



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SEP 27 2016
PLANNING DEPT.

HAYDEN HOMES

CSA Planning, Ltd
4497 BROWNRIDGE TERRACE
MEDFORD, OR 97504 (541)779-0569

DRAINAGE EASEMENT PARTIAL PLAN

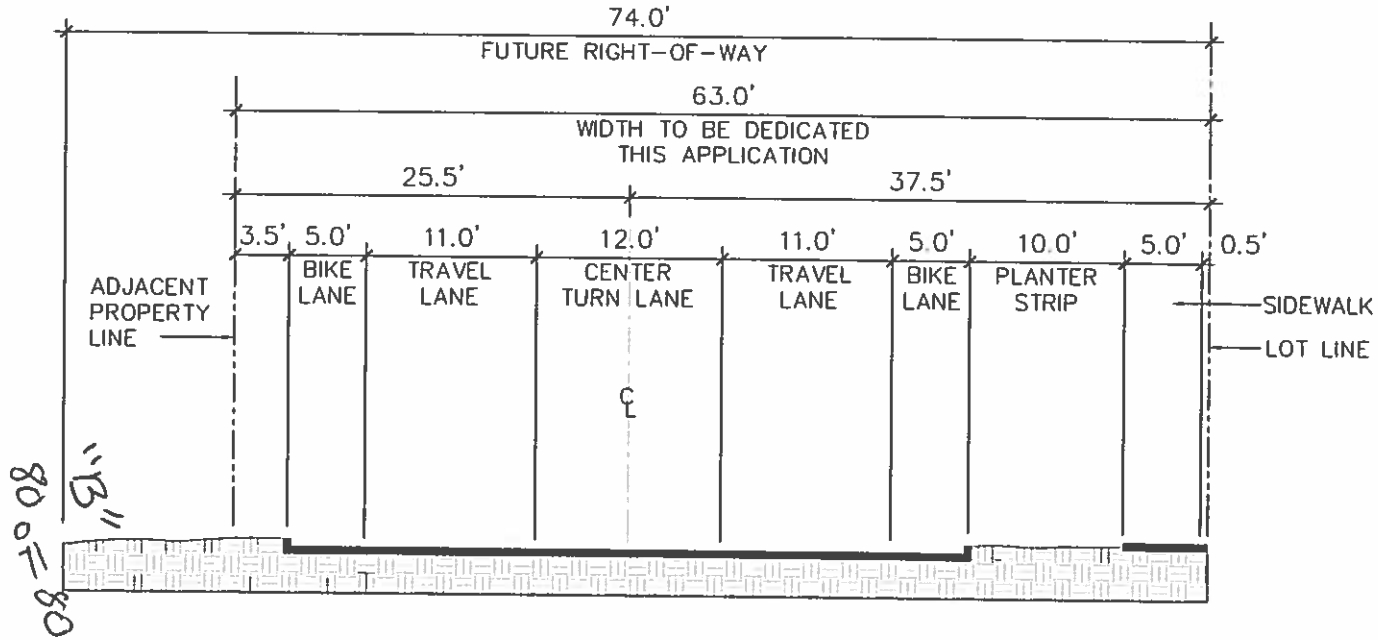
PHASES 2 - 5 -DELTA WATERS ORCHARD
OWEN DRIVE, MEDFORD, OR

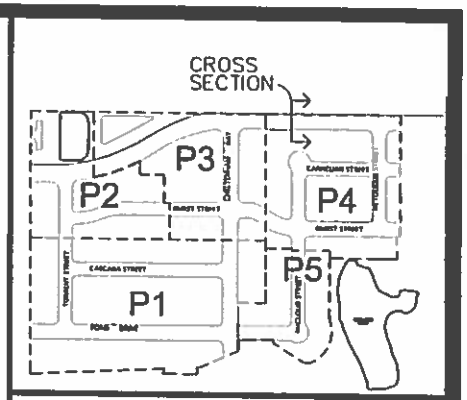
DATE: 9/15/16

DRAWN BY: BT
CHECKED BY: JH
EXHIBIT:
18

1 **DRAINAGE EASEMENT**
SCALE: 1:50

"B"
79 of 80





KEY PLAN

RECEIVED
SEP 27 2016
PLANNING DEPT.

PROPOSED OWEN DRIVE CROSS SECTION

PHASES 2 - 5 -DELTA WATERS ORCHARD

OWEN DRIVE, MEDFORD, OR

HAYDEN HOMES

CSA Planning, Ltd
4497 BROWNRIDGE TERRACE
MEDFORD, OR 97504 (541)779-0569

DATE: 9/23/16
SCALE: NTS
DRAWN BY: BT
CHECKED BY: JH
EXHIBIT: 19

Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 9/14/2016
File Number: ZC-16-089
(Reference: ZC-10-078)

PUBLIC WORKS DEPARTMENT STAFF REPORT
Delta Estates Subdivision Phase 2 – 5

Project: **Consideration of a request for a consolidated application, consisting of a Zone Change from LDS-16-090/SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family E-16-091 Residential, 6 dwelling units per gross acre) on 22.34 acres.**

Location: **The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford.**

Applicant: **Hayden Homes LLC., Applicant (CSA Planning Ltd., Agent). Desmond McGeough, Planner.**

Applicability: **The Medford Public Works Department's conditions of Approval for Delta Waters Properties, LLC Zone Change were adopted by Order of the Medford Planning Commission (ZC-10-078) on February 10th, 2011. The adopted conditions of this action shall remain in full force as originally adopted except as amended or added to below.**

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.

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I. Sanitary Sewer Facilities

This site lies within the City of Medford Sewer Service area. There is an existing 8-inch sanitary sewer line in Owen Drive and also in Torrent Street. There are existing down gradient capacity constraints within the City's sanitary sewer collection system that resulted in conditions being

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placed on this property for a previous zone change (ZC-10-078), these conditions are still in effect.

II. Storm Drainage Facilities

The subject property currently drains to the west; the City of Medford has existing storm drain facilities to the west and south of the property. This site would be able to connect to these facilities at the time of development. This site will be required to provide stormwater quality and detention at time of development.

The City is responsible for operational maintenance of the detention facility, irrigation and maintenance of landscape components shall be the responsibility of the developer or a 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 health plants with a density that prevents soil erosion.".

III. Transportation System

No Traffic Impact Analysis (TIA) will be required for this Zone Change as long as the Owen Drive connection west of the site is built, since it will not generate more than 250 net daily trips per MMC 10.461(3). Since the TIA for the original Zone Change showed approximately 50% of site traffic using the Owen Drive, a new TIA will be required if that connection is not built.

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

Prepared by: Doug Burroughs

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

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Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 9/14/2016
File Numbers: LDS-16-090/E-16-091
Reference: ZC-16-089

PUBLIC WORKS DEPARTMENT STAFF REPORT
Delta Estates Subdivision Phase 2 – 5

Project: **Consideration of a request for a consolidated application, consisting of a tentative plat for a 93 lot residential subdivision, and an associated Exception requests seeking relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development.**

Location: **The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford**

Applicant: **Hayden Homes LLC., Applicant (CSA Planning Ltd., Agent). Desmond McGeough, Planner.**

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

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

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EXHIBIT # "D"
File # ZC-16-089/LDS-16-090/E-16-091

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A. STREETS

1. Dedications

Owen Drive *(from the west edge of Phase 2, to approximately the future intersection with Cheltenham Street)* is classified as a Major Collector street within the MLDC, Section 10.428(3). The developer shall dedicate for public right-of-way, sufficient width of land along this portion of Owen Drive to comply with the full width of right-of-way for a Major Collector Street, which is 74-feet.

Owen Drive *(from Cheltenham Street to eastern edge of Phase 4)* is classified as a Major Collector street within the MLDC, Section 10.428(3). The developer shall dedicate for public right-of-way, sufficient width of land along this portion of Owen Drive to comply with the width needed to construct the full improvements except the planter strip and sidewalk to the north side. This area shall include any additional width necessary to accommodate any cut or fill slopes. **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 **Owen Drive**, 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.**

Cheltenham Street and Ford Drive are proposed as Standard Residential streets within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the respective frontages to comply with the full width of right-of-way, which is 63-feet.

Durst Street *(from Cheltenham Street, to the east edge of Phase 4)* 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 to comply with the full width of right-of-way, which is 63-feet.

Durst Street *(from Cheltenham Street, west to Torrent Street)* is proposed as a Minor Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 55-feet.

Two interrelated **exception requests** have been submitted for the Planning Commissions consideration. One is for a reduction of a portion of the required right-of-way dedication of the westerly 250-feet of Durst Street from 55-feet to 47-feet. This will provide adequate right-of-way for all the components of a Minor Residential street with the exception of the 8-foot wide planter strip along the south side. Per the applicant, this will maximize the centerline separation from Durst Street and Owen Drive, which is currently less than 200-feet as required by MLDC 10.426(D). The second exception is to allow the reduced intersection spacing between Owen Drive and Durst Street where they respectively intersect Torrent Street. If the exception requests

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are denied the Developer shall dedicate 55-feet of right-of-way per MLDC 10.430 and shall adhere to the standards specified in MLDC 10.426(D).

Carnelian Street, McCloud Street, Metolius Street, and Torrent 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. The Developer shall dedicate for public right-of-way, sufficient width of land along the respective frontages to comply with the full width of right-of-way, which is 55-feet.

The **Minimum Access Drives** shall be private and constructed in accordance with MLDC Section 10.430A(1) and have a minimum width of 20-feet.

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

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

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

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

2. **Public Improvements**

   a. **Public Streets**

Owen Drive *(from the west edge of Phase 2, to approximately the future intersection with Cheltenham Street)* shall be improved to Major Collector street standards, along the frontage of this development, in accordance with MLDC 10.428.

Owen Drive *(from Cheltenham Street to eastern edge of Phase 4)* shall be improved to Major Collector street standards, along the frontage of this development, in accordance with MLDC 10.428. The developer shall improve the south half plus the north 22-feet including the curb. This shall provide the full paved section curb to curb and the south planter and sidewalk.

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Owen Drive *(offsite, east of Springbrook Road)* shall be improved to Major Collector street standards, from Springbrook Road to the west boundary of this development, in accordance with MLDC 10.428.

The developer shall receive Street System Development Charge credits for the public improvements on Owen Drive per the value established by the Medford Municipal Code, Section 3.815.

Cheltenham Street and Ford Drive shall be improved to Standard Residential street standards, along the respective frontages of this development, in accordance with MLDC 10.430.

Durst Street *(from Cheltenham Street, heading east to the east edge of Phase 4)* shall be improved to Standard Residential street standards, along the frontage of this development, in accordance with MLDC 10.430.

Durst Street *(from Cheltenham Street, heading west to the intersection with Torrent Street)* shall be improved to Minor Residential street standards, along the frontage of this development, in accordance with MLDC 10.430. See exception request comments under Section A.1.

Carnelian Street, McCloud Street, Metolius Street, and Torrent Street shall be improved to Minor Residential street standards, along the respective frontages of this development, in accordance with MLDC 10.430.

Minimum Access Drives (Private) shall be built consistent with MLDC 10.430A(1) and improved to a minimum width of 20 feet with AC pavement. The minimum TI for the structural section shall be 3.5, the minimum AC section shall be 3" thick, and the base aggregate shall extend one foot beyond the edge of pavement. The minimum access drives shall be designed by a civil engineer licensed in the State of Oregon and plans submitted to the Public Works-Engineering Division for approval. A drainage system shall be incorporated into the paved access design to capture stormwater and direct it to the storm drain system.

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:

<u>Street Lighting & Signage - Developer Provided & Installed</u>

A. 12 – 250W Collector Streetlights on Owen Drive.
B. 1 – Base Mounted Cabinet (BMC) for Owen Drive lights. The existing BMC at the intersection of Springbrook Road and Owen Drive may be used if there sufficient capacity.
C. 21 – 100W Residential Streetlights
D. 3 – Dead End Type 3 barricades
E. 6 – Stop Signs

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F. 2 – Speed Limit Signs
G. 10 – Street Name Signs

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

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

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

c. Pavement Moratoriums

There is a pavement cutting moratorium currently in effect along Cheltenham Street which terminates at the south boundary of the development, which is set to expire October 29th, 2018. There is also a pavement cutting moratorium currently in effect along Torrent Street which terminates at the south boundary of the development, which is set to expire October 28th, 2016. No other moratoriums are in effect along the frontage of this development.

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

d. Soils Report

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

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e. Access to Public Street System

Driveway access and street circulation to and through the proposed development shall comply with MLDC 10.550 and 10.426.

Owen Drive is a classified as a Major Collector Street; therefore all lots along this frontage may not take direct vehicular access from Owen Drive, per MLDC Section 10.383.

In accordance with MLDC 10.450 and 10.430A(1), lots 68, 69 and 70, and lots 80, 81 and 82 shall take access via a 20-foot wide minimum access easement. The Developer shall record a shared access maintenance agreement for the mutual benefit and responsibility of all the respective parcels, including the maintenance of stormwater run-off from the asphalt.

3. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

Nexus to a legitimate government purpose

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

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

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

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

Owen Drive is classified as a Major Collector street per the adopted Circulation Plan. It is the primary connector between Springbrook Road and future McLoughlin Drive. As a Major Collector, Owen Drive 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's 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.

Cheltenham Street, Ford Drive, Durst Street, Carnelian Street, McCloud Street, Metolius Street and Torrent 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 91 dwelling units and will improve approximately 3,825 lineal feet of roadway which equates to 42 lineal feet per dwelling unit. Also the development will dedicate approximately 221,455 square feet of right-of-way which equates to approximately 2,434 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Orchard Court Subdivision just west of this development between Diamond St. and Orchard Home Court and consisted of 7 dwelling units. The previous development improved approximately 430 lineal feet of roadway and dedicated approximately 10,800 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 61 lineal feet of road per dwelling unit and approximately 1,543 square feet of right-of-way per dwelling unit.

a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 91 Lots within the City of Medford and increase vehicular traffic by approximately 866 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 "D"

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standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.

d. Dedication of connecting streets will decrease emergency response times and provide emergency vehicles alternate choices in getting to an incident and reducing miles traveled.

e. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

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

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

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one service lateral to each platted lot prior to approval of the Final Plat. A 12-foot wide paved access shall be provided to any public sanitary sewer manholes which are not constructed within the street section.

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

C. STORM DRAINAGE

1. Hydrology

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

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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.

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

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.

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

5. Erosion Control

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to the final "walk-through" inspection of the public improvements by City staff.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (http://www.ci.medford.or.us/Page.asp?NavID=3103). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit

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mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. Phasing

The Tentative Plat shows that this subdivision will be developed in phases. Any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

4. Draft of Final Plat

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

5. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

6. System Development Charges (SDC)

Buildings in this development are subject to sewer treatment, collection and street SDCs. These SDC fees shall be paid at the time individual building permits are taken out.

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

7. Construction and Inspection

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings, that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit to perform "D"

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from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

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

Prepared by: Doug Burroughs

"D"

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

SUMMARY CONDITIONS OF APPROVAL

Delta Estates Subdivision Phase 2 – 5
LDS-16-090/E-16-091

A. Streets

1. Street Dedications to the Public:

- Dedicate right-of-way on **Owen Drive.**
- Dedicate right-of-way on **Cheltenham Street.**
- Dedicate right-of-way on **Ford Drive.**
- Dedicate right-of-way on **Durst Street.**
- Dedicate right-of-way on **Carnelian Street.**
- Dedicate right-of-way on **McCloud Street.**
- Dedicate right-of-way on **Metolius Street.**
- Dedicate right-of-way on **Torrent Street.**
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- Improve **Owen Drive** to Major Collector street standards.
- Improve **Cheltenham Street** to Standard Residential street standards.
- Improve **Ford Drive** to Standard Residential street standards.
- Improve **Durst Street** to Standard Residential Street standards east of Cheltenham Street, and Minor Residential street standards west of Cheltenham Street.
- Improve **Carnelian Street** to Minor Residential street standards.
- Improve **McCloud Street** to Minor Residential street standards.
- Improve **Metolius Street** to Minor Residential street standards.
- Improve **Torrent Avenue** 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.

Other

- Provide pavement moratorium letters.
- Provide soils report.
- No direct access to Lots 68, 69 and 70, or Lots 80, 81 and 82 from Owen Drive.

B. Sanitary Sewer:

- Provide a private lateral to each lot.

C. Storm Drainage:

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

"D"

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FAX (541) 774-2552

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

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

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

"D"

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FAX (541) 774-2552

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-16-089 & LDS-06-090, and E-16-091

PARCEL ID: 371W30AC TL 2500

PROJECT: Consideration of a request for a consolidated application, consisting of a Zone Change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on 22.34 acres, a tentative plat for a 93 lot residential subdivision, and an associated Exception requests seeking relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development. The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford; Hayden Homes LLC., Applicant (CSA Planning Ltd., Agent). Desmond McGeough, Planner.

DATE: September 14, 2016

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

CONDITIONS

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

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. Phase 2 Water Line Improvements:

    a. Installation of a 12-inch water line is required in the Owen Drive right-of-way between Springbrook Drive and Torrent Street. The 12-inch water line at Torrent shall be stubbed for future extension to the east.

    b. Installation of a 12-inch water line is required in Torrent Street between Owen Drive and Purst Street.

    c. Installation of a 12-inch water line is required in Purst Street between Torrent Street and the east boundary of Phase 1.

    d. Installation of an 8-inch water line is required in Torrent Street between the existing northerly terminus of an 8-inch water as part of Delta Estates Phase 1 and the proposed 12-inch water line Purst Street.

CITY OF MEDFORD
EXHIBIT # "E"
File # ZC-16-089/LDS-16-090/E-16-091
1 of 4

Continued to next page

Continued from previous page

4. Phase 3 Water Line Improvements:

    a. Installation of a 12-inch water line is required in Purst Street between the west and east boundaries.

    b. Installation of an 8-inch water line is required in Cheltenham Street between the northerly terminus of Phase 1 and Purst Street.

    c. Installation of a 12-inch water line is required in Cheltenham Street between Purst Street and the northerly boundary of Phase 3.

5. Phase 4 Water Line Improvements:

    a. Installation of a 12-inch water line is required in Purst Street between the west boundary of Phase 4 to the intersection of Purst Street and McCloud Street.

    b. Installation of an 8-inch water line is required in Purst Street between McCloud Street and the east boundary of Phase 4.

    c. Installation of a 12-inch water line is required in Metolius Street between Purst Street and the northerly boundary of Phase 4.

    d. Installation of an 8-inch water line is required in McCloud Street between Carnelian Street and the south boundary of Phase 4.

6. Phase 5 Water Line Improvements:

    a. Installation of an 8-inch water line is required in Ford Drive with connection to the existing 8-inch water line stubbed to the west boundary of Phase 5

    b. Installation of an 8-inch water line is required in McCloud Street between Ford Drive and Purst Street.

7. Static water pressure is expected range between 90-105 psi for this proposed development. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

8. Applicant civil engineer shall coordinate with Medford Fire Department for approved fire hydrant locations.

COMMENTS

1. The MWC system does have adequate capacity to serve this property.

2. Off-site water line installation is not required.

Continued to next page

"E"
2 of 4

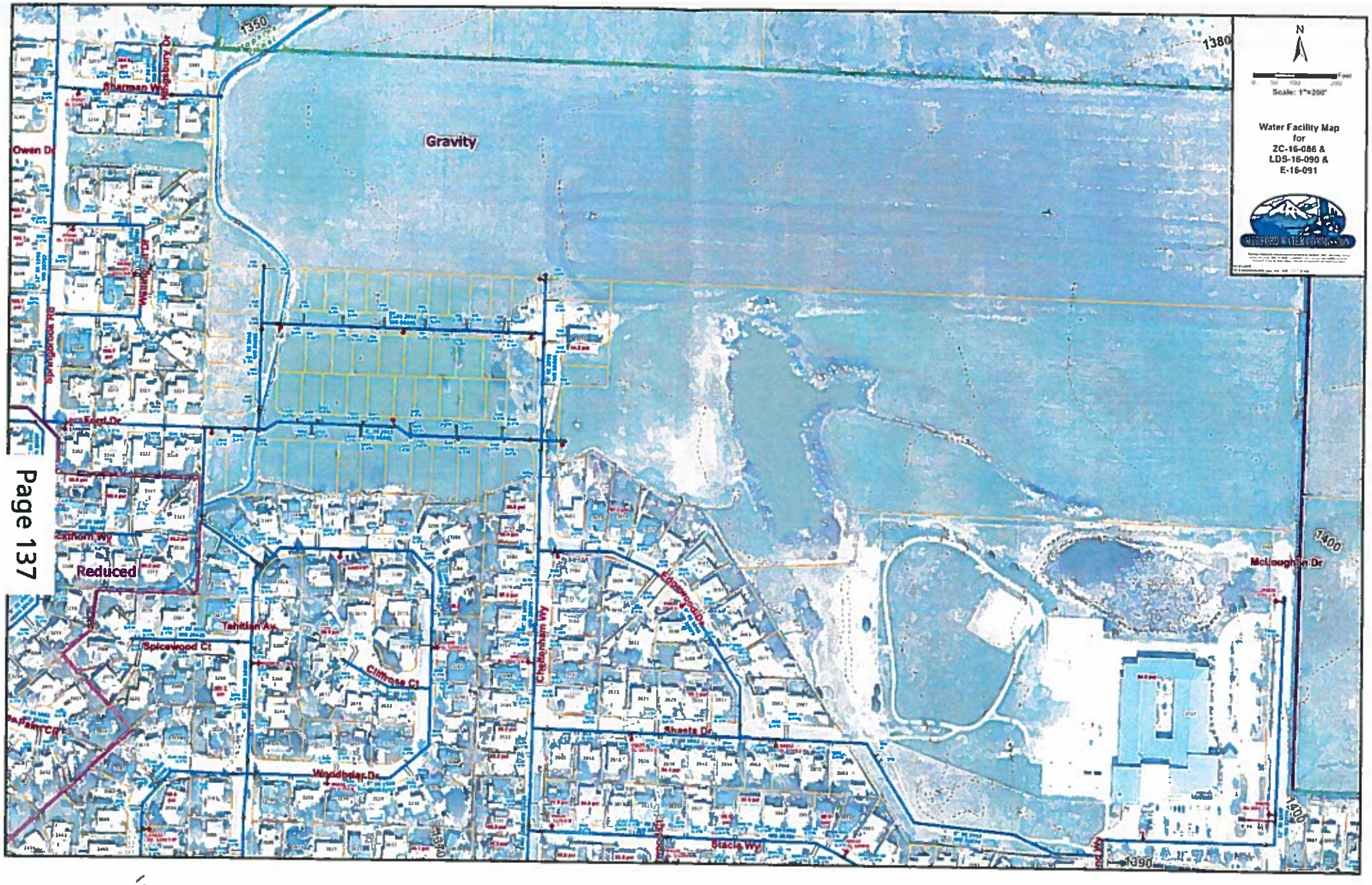
Continued from previous page

3. On-site water facility construction is required. (See Condition 3-6 above)

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

5. Access to MWC water lines is available. There is an existing 12-inch water line Springbrook Drive, and existing 8-inch water lines stubbed to the north for extension in Torrent Street, Cheltenham Street.

"E" 3of4



Water Facility Map
for
ZC-16-086 &
LDS-16-090 &
E-16-091
Scale: 1"=200'
N
Gravity
Reduced
Sharman Wy
Owen Dr
Springbrook Rd
Ford Dr
Tahitian Av
Spicewood Ct
Cliffrose Ct
Woodbear Dr
Cheltenham Wy
Edgewood Dr
Shasta Dr
Stacia Wy
McLoughlin Dr
1350
1380
1400
1390

Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 09/14/2016

From: Greg Kleinberg

Report Prepared: 09/13/2016

Applicant: Hayden Homes LLC., Applicant (CSA Planning Ltd., Agent

File #: LDS - 16 - 90

Associated File #'s: ZC - 16 - 89
E - 16 - 91

Site Name/Description:

Consideration of a request for a consolidated application, consisting of a Zone Change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-6 (Single Family Residential, 6 dwelling units per gross acre) on 22.34 acres, a tentative plat for a 93 lot residential subdivision, and an associated Exception requests seeking relief to planter strip requirement fronting particular lots within the subdivision and relief to street spacing standard for an intersection within the development. The subject site is located east of the terminus of Owen Drive and north of the terminus of Cheltenham Way, within corporate limits of the City of Medford; Hayden Homes LLC., Applicant (CSA Planning Ltd., Agent). Desmond McGeough, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE	
Requirement MINIMUM ACCESS ADDRESS SIGN	**OFC**	**505**

Required on lots #68-70 and lots #80-82.

The developer must provide a minimum access address sign. A pre-approved address sign can also be utilized. A brochure is available on our website or you can pick up one at our headquarters.

Requirement FIRE HYDRANTS	**OFC**	**508.5**

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows: The fire hydrant locations are accepted as submitted with the following exceptions:

1. Fire hydrants maximum spacing of 500' is exceeded on Owen Drive. Reconfigure fire hydrant locations to meet within maximum spacing requirements.
2. A fire hydrant is required at the end of Sharman Way for lots #68-78.

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

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

CITY OF MEDFORD
EXHIBIT # "F"
File # ZC-16-089/LDS-16-090/E-16-091

Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 09/14/2016

From: Greg Kleinberg

Report Prepared: 09/13/2016

Applicant: Hayden Homes LLC., Applicant (CSA Planning Ltd., Agent

File #: LDS - 16 - 90

Associated File #'s: ZC - 16 - 89
E - 16 - 91

Site Name/Description:

Requirement MEDFORD CODE STREET DESIGN OPTIONS — MEDFORD 10.430

Section 10.430 of the Medford Code states the following:

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

(a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

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

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

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

"F"

Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 09/14/2016

From: Greg Kleinberg

Report Prepared: 09/13/2016

Applicant: Hayden Homes LLC., Applicant (CSA Planning Ltd., Agent

File #: LDS - 16 - 90

Associated File #'s: ZC - 16 - 89
E - 16 - 91

Site Name/Description:

Requirement "NO PARKING" SIGNS REQUIRED **OFC 503.3**

Parking shall be posted as prohibited on both sides of the minimum access driveways.

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

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

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

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

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

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

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

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

"F"

Memo

To: Desmond McGeough, Planning Department

From: Mary Montague, Building Department

CC: Hayden Homes

Date: September 13, 2016

Re: LDS-16-090

Building Department:

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

1. Applicable Building Codes are 2014 ORSC with additional Oregon amendments to the 2011 ORSC; 2014 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.

3. Site Excavation permit required to develop, install utilities.

4. Demo Permit is required for any buildings being demolished.

5. Minimum access signs for lots per addressing and fire department.

6. There is an active code case #16-2609 for a weed complaint.

CITY OF MEDFORD
EXHIBIT # "G"
File # ZC-16-089/LDS-16-090/E-16-091

1 of 1

Desmond M. McGeough

From: CAINES Jeff <Jeff.CAINES@aviation.state.or.us>
Sent: Thursday, September 08, 2016 3:12 PM
To: Desmond M. McGeough
Subject: ZC-16-089/LDS-16-090/E-16-091 - ODA Comments

Desmond:

Thank you for allowing ODA to comment on the proposed zone change and development of a residential development. ODA has reviewed the application and have the following comments:

The site is approximately 1.15 miles west from the Rouge Valley Int'l airport. Due to the existing development between the site and the airport ODA finds that the development will not pose a hazard to air navigation. Therefore, no FAA form 7460-1 will be required.

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

Jeff

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

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

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

CITY OF MEDFORD
EXHIBIT # 4H
File # ZC-16-089/LDS-16-090/E-16-091

1 of 1

RECEIVED

OCT 13 2016

Planning Dept.

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

Memorandum

To: City of Medford Planning Commission

Cc: Eric Peterson, Hayden Homes

Date: October 13, 2016

Subject: Offsite Owen Drive Extension, LDS-16-090

At the time the application was filed, the Applicant stipulated to extending Owen Drive offsite from the western boundary of the project to Springbrook Road subject to the City providing the Applicant a dollar-for-dollar SDC credit for the construction costs.

The Applicant's rationale for this was that they have alternative access to the west via Ford Drive and the off-site improvements should properly have been extended to the property line already. Thus, the Owen Drive extension is strictly a benefit to the City. All construction design costs, project management, and the upfront expenditure (to later be reimbursed) would be borne by Hayden Homes.

Public Works responded that they have no authority to allow such an arrangement and that because the TIA distributed traffic out to Owen Drive and not Ford Drive the extension needed to be paid for by the developer and subject to standard SDC reimbursements.

Accordingly, the Applicant engaged Lancaster Engineering to reanalyze the zone change TIA as if the westbound project trips had been distributed via Ford Drive to Springbrook to Owen. That analysis is attached and demonstrates that the only higher order intersection impacted by such a re-routing will meet LOS D and will, moreover, reduce delay at the intersection of Owen Drive and Springbrook by reducing the number of conflicting turning movements.

The Applicant is willing to stand by their original offer to the City to construct the off-site Owen Drive extension with dollar-for-dollar SDC credits. Otherwise, the evidence shows that such a street connection is not needed to serve the development and all applicable street standards can be met without the Owen Drive extension. To this end, we request the Planning Commission approve the development without the requirement to extend Owen Drive and the Applicant will commit to making a request that the Council review the SDC reimbursement issue. If the Council determines that a dollar-for-dollar SDC reimbursement is in the best interest of the City then the Applicant will follow-through on their original stipulation.

CSA Planning, Ltd.

Jay Harland
Principal

cc. File

CITY OF MEDFORD
EXHIBIT # "I"
File # ZC-16-089, LDS-16-090, E-16-091
1 of 1

presented at 10-13-16 PC meeting

TECHNICAL MEMORANDUM

LANCASTER
ENGINEERING
321 SW 4th Ave. Suite 400
Portland, OR 97204
phone 503.248.0313
fax 503.248.9251
lancasterengineering.com

RECEIVED
OCT 13 2016
Planning Dept.

TO: Jay Harland, CSA Planning

FROM: Brian Davis
Todd Mobley, PE

DATE: October 13, 2016

SUBJECT: Delta Waters Orchards Subdivision
Alternative Scenario without Owen Drive Extension

This memorandum discusses the implications of not extending Owen Drive east of Springbrook Road in Medford, Oregon following full build-out of Delta Waters Orchards subdivision. This scenario would maintain the existing configuration of the intersection of Owen Drive at Springbrook Road.

Prior Study

In a transportation impact study prepared by Group Mackenzie and dated September 24, 2016 for the subject development, the intersection of Owen Drive at Springbrook Road was analyzed for future conditions under the assumption that, following full build-out of the planned residential development east of the intersection, a fourth leg of Owen Drive would be constructed providing connectivity between the existing street grid and the planned new streets. This intersection is currently controlled with a stop sign along Owen Drive; the future configuration recommended in the Group Mackenzie analysis would implement all-way stop control. The Group Mackenzie analysis found that the intersection currently operates at level-of-service (LOS) B, and following full build-out of the residential development and other in-process development, the new, four-legged intersection would operate at LOS C.

CITY OF MEDFORD
EXHIBIT # "J"
File # ZC-16-089, LDS-16-090, E-16-091
1 of 3

Without Owen Drive Extension

In this analysis, the operation of the intersection of Owen Drive at Springbrook Road is examined assuming that it maintains its existing three-legged configuration and the existing stop control on only the Owen Drive approach. Other routes to and from the site such as McLoughlin Drive, Cheltenham Way will still be in place and the overall trip distribution considered in the Group Mackenzie analysis will not change. The only material difference will be that trips to and from the west on Owen Drive will now use Ford Drive and Springbrook Road.

In this scenario without the Owen Drive connection, the intersection of Owen Drive at Springbrook Road would operate at LOS C, with an average control delay of 16 seconds for vehicles along the critical approach along Owen Drive.

entered at 10-13-16 PC meeting

It is noted that this is *lower* than the average delay of 21 seconds reported by Group Mackenzie for the proposed four-legged Owen/Springbrook configuration. This owes to the fact that eastbound right turns and northbound left turns—the two heaviest-volume movements under the existing configuration—do not conflict, and the latter is a free-flowing movement. By contrast, under the four-legged configuration the all-way stop control forces all traffic entering the intersection to stop, increasing average delays to all drivers. The detailed results of the capacity analysis in this scenario are included in the appendix to this memo.

Summary & Conclusion

Construction of the fourth leg of the intersection of Owen Drive at Springbrook Road is not necessary to accommodate the trips from the Delta Waters Orchards subdivision at build out.

REGISTERED PROFESSIONAL ENGINEER
54853PE
OREGON
JULY 9, 2001
TODD E. MOBLEY

RENEWS: 12/31/2016

CITY OF MEDFORD
EXHIBIT # "J"
File # Z
2 of 3

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	7	554	292	5	3	3
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	8	602	317	5	3	3
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	645	5	7			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	645	5	7			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	98	44	80			
cM capacity (veh/h)	351	1078	1614			

Direction, Lane #	EB 1	EB 2	NB 1	NB 2	SB 1
Volume Total	8	602	317	5	7
Volume Left	8	0	317	0	0
Volume Right	0	602	0	0	3
cSH	351	1078	1614	1700	1700
Volume to Capacity	0.02	0.56	0.20	0.00	0.00
Queue Length 95th (ft)	2	89	18	0	0
Control Delay (s)	15.5	12.5	7.8	0.0	0.0
Lane LOS	C	B	A		
Approach Delay (s)	12.5		7.6		0.0
Approach LOS	B				

Intersection Summary			
Average Delay	10.8		
Intersection Capacity Utilization	44.3%	ICU Level of Service	A
Analysis Period (min)	15		

CITY OF MEDFORD
EXHIBIT # "5"
File # 3 of 3

Continuous Improvement Customer Service
CITY OF MEDFORD
PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 SOUTH IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

RECEIVED
OCT 20 2016
PLANNING DEPT.

October 20, 2016

Lancaster Engineering
321 SW 4th Ave; Suite 400
Portland, OR. 97204

We have received your letter report titled: "Delta Waters Orchards Subdivision Alternative Scenario without Owen Drive Extension" dated October 13, 2016.

The City has safety concerns regarding the amount of traffic proposed to use Ford Dr. and Springbrook Rd. to access Owen Dr. The intersection of Ford Dr. and Springbrook Rd. is currently a two-way stop controlled intersection with no center turn lane on Springbrook Rd. In order to adequately analyze these concerns, we need the following:

1. Submit figures showing how the trips generated by the development are being redistributed to the remaining access points at the intersections of Ford Dr and Springbrook.

2. Analyze the operation of the intersection of Ford Dr and Springbrook Rd for level of service and safety.

Analysis shall include current year, build-out year and horizon year per the original zone change TIA.

If you have questions, please contact me at (541) 774-2121.

Sincerely,

Peter Mackprang
Associate Traffic Engineer

CITY OF MEDFORD
EXHIBIT # "K"
FILE # ZC-16-089, LDS-16-090, E-16-091
1 of 1

50.4

TO: MEDFORD PLANNING COMMISSION

FROM: OWEN PARK RESIDENTS

DATE: OCTOBER 9, 2016

RE: DELTA WATERS ESTATES PHASE 2

As neighbors impacted by the extension of Owen Drive, we have serious concerns regarding the construction of Owen Drive east of Springbrook Road. We believe the existing block wall west of Springbrook Road needs to be continued east of Springbrook Road when Owen Drive is continued east. Some of our houses are very close to the right-of-way. The block wall will not only provide a much needed sound barrier, but a safety barrier as well from a roadway that will become very busy in the future. Some of our patios and outdoor living spaces are just feet from the right-of-way and we have serious concerns of a car leaving the roadway and coming through a wooden fence.

The signatures below are from neighbors who will be directly impacted by the continuation of Owen Drive and support the continuation of the block wall.

Thank you,

Name:	Address:
1.	3384 Wellington, Medford
2.	3324 Sharman, med
3.	3324 Sharman, Med.
4. Mary Tucker	3384 Wellington, Medford
5. Robert + Linda Williams	3340 Sharman way medford
6.	3314 Sharman Way Medford 97504
7. Ashley Longan	3378 Wellington Dr, Medford, OR 97504
8. Chris + Gloria Kim	3392 WELLINGTON DR. MEDFORD OR. 97504
9.	3390 Wellington Dr Medford, OR 97504
10. Andrew Bulnir	3332 Sharman way Medford OR. 97504
11.	
12.	
13.	
14.	
15.	
16.	

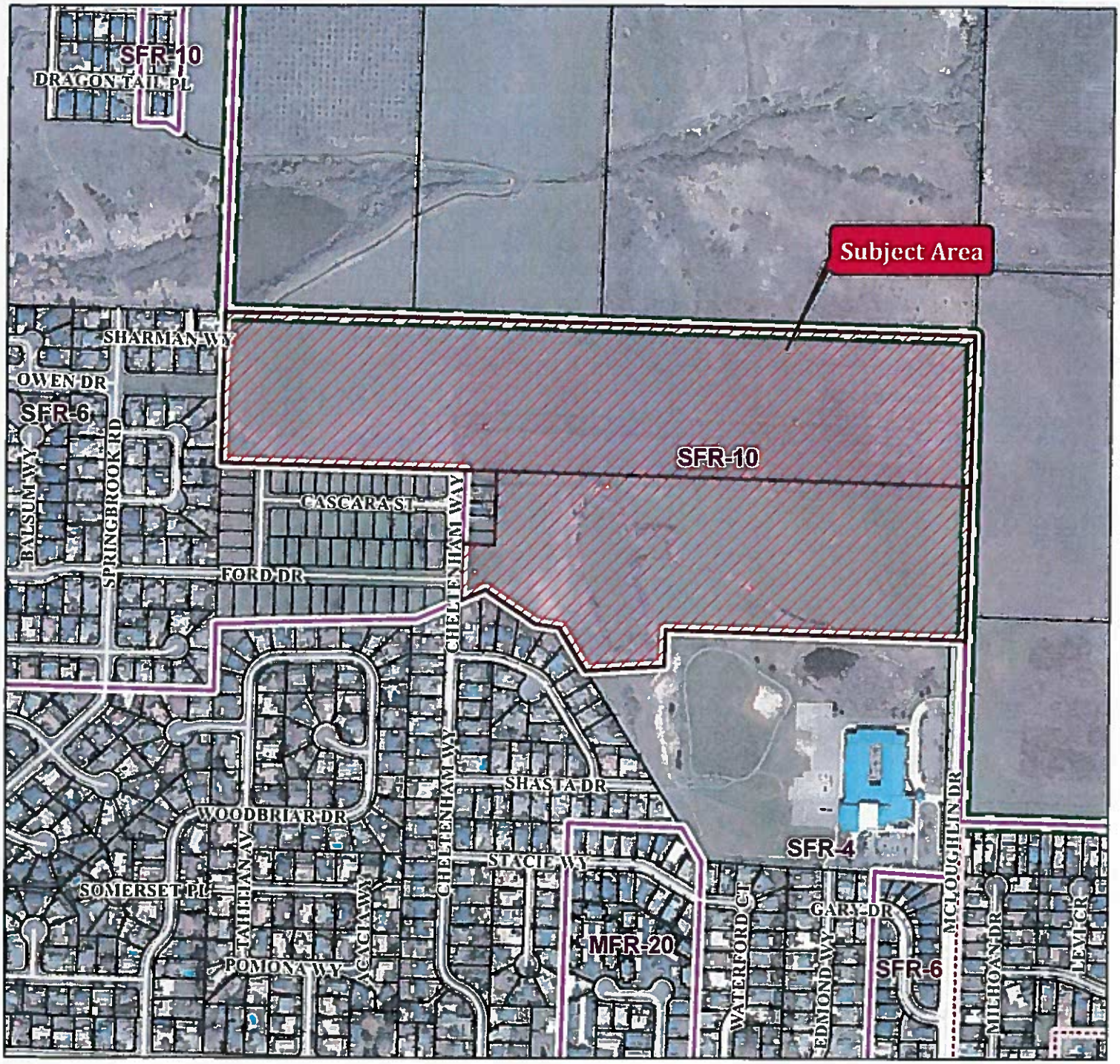
CITY OF MEDFORD
EXHIBIT # L
File # ZC-16-089 / LDS-16-090 / E-16-091

City of Medford

Planning Department

Vicinity Map

File Number: ZC-16-089 LDS-16-090 E-16-091



Project Name:

Delta Estates Phase 2-5

Map/Taxlot:

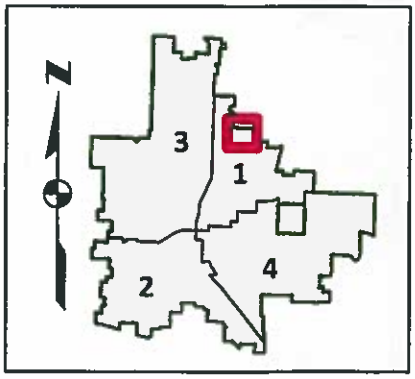
371W08 TL 1101 & 1102

0 450 900 Feet

07/20/2016

Legend

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



STAFF REPORT

for a Class-A legislative decision: **Development Code Amendment**

Project	Craft Alcohol Production	
File no.	DCA-16-028	
To	Planning Commission	*for 11/10/2016 hearing*
From	Kyle Kearns, Planner II	
Reviewer	Kelly Akins, Interim Planning Director	
Date	November 3, 2016	

BACKGROUND

Proposal

A code amendment within Chapter 10 to allow brewery–public houses, microdistilleries, and small wineries in commercial zoning districts under the umbrella term craft alcohol production (see Exhibit A).

History

Staff was approached by an individual wanting to open a microdistillery (also known as "craft distillery") in a commercial zoning district, with on-premises sales by the drink. However, Chapter 10 does not permit spirit (liquor) production in commercial zones. On February 23, 2016, aforementioned individual submitted a request for initiation of a code amendment following the policy procedure for private-party code amendment requests. Staff evaluated the request and held a study session with the Planning Commission on March 14, 2016. At the time of the March 14th study session, staff felt as though initiating a code amendment would strain the capacity of the department.

On March 24, 2016, the Planning Commission voted to have staff start drafting a code amendment with the understanding that it would not take priority. Staff priorities have shifted recently, enabling the drafting of a code amendment. Staff toured a local distillery in order to gain firsthand experience of the industry on October 19, 2016.

Planning Commission held another study session with the first draft viewing of code amendment on October 24, 2016. Discussion focused mostly on the methods of restricting the size of the craft alcohol producers through building size limitations and/or the number of gallons produced yearly. The Commission directed staff to reduce the

size limitations from 10,000 square feet for production, to 5,000 square feet Members of the Commission directed to have this restriction apply to all zones, not just the Central Business Overlay. Lastly, the Commission favored that any signage on the grain silo work within the current language used to restrict signage within Medford.

Other concerns of the Commission included:

- Can you still sell by the bottle if you have a full on-premises sales license?
- What restrictions does the Fire Department have on the percent of alcohol and are there volume limitations for production with craft alcohol production?

Changes made for Draft 04:

- Simplified the microdistillery definition to mirror that of brewery–public house
- Reduced the size limitations in CB overlay from 10,000 to 5,000 square feet
- Reduced the full on-premises sales license to only the CB Overlay
- Required that grain silo signage adhere to Chapter 10's sign code

Authority

This proposed plan authorization is a Class-A 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 §§10.102–122, 10.164, and 10.184.

ANALYSIS

Craft alcohol production is a growing industry that has spurred development in cities nationwide. In 2015, the economic impact of the beer industry alone accounted for $4.49 billion in Oregon[1]. In the Medford region one can see the benefits from the wine industry with countless vineyards surrounding the Rogue Valley. Given the large success of both the beer and wine industry in Oregon, the distilling of spirits presents another economic opportunity within the City of Medford.

The three industries of beer, spirit, and wine production have similarities in terms of use and infrastructure needs. Chapter 10 currently addresses alcohol production in two ways; the first being the large scale producers and the second being the small scale, or craft producers. Large scale alcohol producers, which are best represented by national chains (i.e. Jack Daniels, Anheuser-Busch, etc.), are addressed in Section 10.337 D. Manufacturing Division under the Standard Industrial Classification (SIC) code 208 Beverages. SIC code 208 allows for production of alcoholic beverages in all of the industrial zones, but none of the commercial zones. Amending SIC code 208 to allow for beverage

[1] (http://oregoncraftbeer.org/facts/)

manufacturing in commercial zones could be detrimental to other commercial uses and the infrastructure needs may not adequately be met.

Within the commercial zoning districts, Chapter 10 currently permits craft alcohol production of beer and wine with the uses of brewery–public house and small winery. However, microdistilleries currently aren't addressed in Chapter 10. Staff first addressed the new addition to the code as its own use category with special use regulations. This proved unfavorable as creating standards for just microdistilleries and not brewery–public houses and small wineries was inconsistent. Given the similarities in the three industries, staff worked toward drafting an umbrella code that addressed the different uses equally, thus SIC 5819 Craft Alcohol Production was created.

Rather than create inconsistencies in Chapter 10 the three uses could now be grouped together and allow for special use regulations to apply across the similar industries. The intent of the regulations are to:

- Limit the size of the facilities within the Central Business District
- Require full on-premises sales licensing in accordance with ORS 471.175
- Restrict outdoor storage to grain silos only
- Encourage thoughtful design of grain silos, when used

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). 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:

10.184 (2) (a). Explanation of the public benefit of the amendment.

Findings

Currently the City of Medford permits brewery–public houses and small wineries within commercial zones; not only are these uses permitted but there are several breweries, wineries and bars scattered throughout the City's commercial districts (some examples include: BricktownE Brewery, Pallet Wine Co., Portal Brewing Co.). Microdistilleries function much like a brewery–public house and would mirror the operations of a commercial enterprise, not an industrial enterprise. By creating craft alcohol production as its own use, the City is able to differentiate between industrial and commercial producers, thus preserving the integrity of the commercial zoning district. This preservation is achieved by using special use regulations for craft alcohol production to regulate the scale of production.

Conclusions

The addition of craft alcohol production to Chapter 10 increases economic opportunities in Medford with the addition of microdistilleries and creates unified standards for the three industries of beer, spirit and wine production.

10.184 (2) (b). The justification for the amendment with respect to the following factors:

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

Findings

The following goals, policies, and implementation measures are from 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, governmental and business hub of Southern Oregon and shall build on its comparative advantages in the local and regional marketplace.

> *Implementation 1-1(c): Provide incentives for businesses that produce value-added products to expand or locate in the community.*
>
> *Implementation 1-1(f): Provide incentives for entrepreneurial small businesses to start up and/or expand in the City.*

Conclusions

Craft alcohol production is a young industry and its success can be best viewed in looking at the craft beer industry. Expanding this use to include spirits fits within the City's goals of expanding economic growth.

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

Findings

Fire Department – Deputy Chief Greg Kleinberg spoke to a buffering area of 5 feet being required for grain silos. He felt that it was not needed in the code as the Oregon Structural Specialty Code already requires fire separation for grain silos and restaurants that would dictate any sort of needed separation.

Conclusions

Since the Oregon Structural Specialty Code requires fire separation for grain silos, staff felt as though no update to Chapter 10 was needed to address this concern.

3. *Public comments.*

Findings

See Exhibit C, Industry Questionnaire – Immortal Spirits (Enrico Carini)

Conclusions

The public comments received came directly from a local representative in the craft alcohol production industry. From this, staff was able to conclude that there are little impacts to the infrastructure system and that the typical size of a craft producer, specifically distilling, can be relatively small (2,400 square feet of gross floor area and about 1,500 – 2,000 gallons of alcoholic spirits produced a year).

4. *Applicable governmental agreements.*

Findings

Staff could find no agreement that is related to how the City elects to regulate businesses within its jurisdiction.

Conclusions

This criterion does not apply.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or not applicable, initiate the amendment, and forward a favorable recommendation for adoption of DCA-16-028 to the City Council per the staff report dated November 03, 2016, including Exhibits A through C.

EXHIBITS

A Proposed amendment
B Planning Commission study session minutes October 24, 2016
C Industry Questionnaire – Immortal Spirits (Enrico Carini)

PLANNING COMMISSION AGENDA: NOVEMBER 10, 2016

Exhibit A

Proposed amendment

Deleted text is ~~struck through~~; added text is underlined; moved text is green

[Part 1. Definitions]

10.012 Definitions, Specific

* * *

Craft Alcohol Production Terms. The following definitions apply to the craft alcohol industry, which includes the uses of brewery–public house, microdistillery and small winery.

Alcoholic spirits. An alcoholic beverage, which is produced through the distillation of a mixture, that is produced from alcoholic fermentation. Some common examples include: brandy, gin, rum, tequila, vodka, or whiskey.

Brewery — Public House. An establishment where beer is brewed and served on site. The use requires a brewery–public house license issued by the State of Oregon (ORS 471.200).

Craft Alcohol Production. This shall include the uses as defined by the definitions: brewery–public house, microdistillery and small winery.

Microdistillery. An establishment where the primary business functions are the on–site sales of alcoholic spirits produced on site. The microdistillery land use requires a license issued by the State of Oregon (ORS 471.230 Distillery license).

Small Winery. A facility that produces wine, with a maximum annual production of 50,000 gallons, including but not limited to areas used for production, shipping and distribution, wholesale and retail sales, tasting, crushing, fermenting, blending, aging, storage, bottling, administrative functions and warehousing.

* * *

[Part 2. Use Categorization]

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

A. The uses allowed within each commercial and industrial zoning district are based on the Standard Industrial Classification (SIC) Manual, 1987 Edition. This chapter classifies uses by Industry Group Number (3 digits) of the SIC Manual. When necessary to resolve any ambiguity in defining a use classification as per this chapter the Industry Number (4 digit) classification contained in the SIC Manual shall be used as the acceptable reference source.

B. There are four classifications in the following tables that do not appear in the SIC Manual; "Business Offices," (001): Parks, Recreation, and Leisure Facilities" (002); "Marijuana-related businesses" (003); and "Dwelling Units" (881). "Dwelling Units" is

in the Services group, but this is not intended to suggest any relationship to the SIC classification scheme. In this context the use classification "Dwelling Units", includes housing types that are allowed in the MFR-30 zoning district.
C. All uses have been identified by zoning district as either permitted, permitted subject to special use standards, conditional, or not permitted.
"P" = Permitted Uses.
"Ps" = Special Use (see Special Use Regulations).
"C" = Conditional uses - permitted subject to approval of a Conditional Use Permit.
"Cs" = Conditional uses permitted subject to approval of a Conditional Use Permit and the applicable Special Use Regulations.
"X" = Uses specifically prohibited.
"*" = Permitted when within an EA overlay district.
nec = not elsewhere classified

* * *

58 EATING AND DRINKING PLACES. This major group includes establishments selling prepared foods and drinks for consumption on the premises; and also lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as a subordinate service facility by other establishments are not included in this group unless they are operated as leased departments by outside operators. Thus, restaurants and lunch counters operated by hotels are classified in Services, Major Group 70; those operated by department stores in Major Group 53. Bars and restaurants owned by and operated for members of civic, social, and fraternal associations only are classified in Industry 8641.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
5812	Eating and Drinking Places								
5814	- with entertainment	X	X	P	P	P	X	X	X
5815	- without entertainment	P	P	P	P	P	Ps	Ps	Ps
5816	- with outdoor eating	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
5817	Temporary Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X
5818	Small Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X
5819	Craft Alcohol Production	X	X	Ps	Ps	Ps	X	X	X
	~~Brewery—Public House~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~

The special use section references for:

Establishments in the industrial zones: 10.822.
Establishments with outdoor eating areas: 10.833.
Classification 5817 (Temporary Food Vendors): Section 10.840.
Classification 5818 (Small Food Vendors): Section 10.823.
Classification 5819 (Craft Alcohol Production): Section 10.834.
~~Establishments in the industrial zones: 10.822.~~
~~Establishments with outdoor eating areas: 10.833.~~
~~Temporary Food Vendors corresponds with Section 10.840 Temporary Uses and Structures.~~
~~Small Food Vendors: 10.823.~~

* * *

[Part 3. Use Regulations]

SPECIAL USE REGULATIONS. (10.811 - 10.838)

10.834 Craft Alcohol Production

The following provisions apply to all Craft Alcohol Production businesses.

(1)When located within the Central Business Overlay, such use shall not exceed 5,000 square feet of floor area devoted to the production of alcoholic beverages.

(2) Such uses, when within the Central Business Overlay, shall hold a full on-premises sales license in accordance with ORS 471.175 (Full on-premises sales license).

(3) All production activities within a Craft Alcohol Production business, including storage (except for grain silos), must be contained entirely inside the building walls of such uses.

(4) Grain silos are permitted outside of a Craft Alcohol Production facility and are not considered outside storage.

(5) A grain silo may have a sign, logo or other design feature that is permitted in accordance with Chapter 10.

(6) If a grain silo is a part of a craft alcohol production business, it shall not occupy any parking spaces, off-street loading berths, landscaping, or other required on–site improvements as required per Chapter 10.

Exhibit B

Planning Commission Study Session

[Meeting minutes 10-24-2016]

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

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

Staff Present
Kelly Akin, Interim Planning Director
Kevin McConnell, Deputy City Attorney
Carla Paladino, Interim Principal Planner
Kyle Kearns, Planner II

Commissioner Absent
Patrick Miranda, Chair, Excused Absence

Subjects:

1. **DCA-16-026 Craft Alcohol Production in Commercial Districts**

Kelly Akin, Interim Planning Director, reported that they had interviews for the Planning Director last week. They will make an announcement either this week or next week.

Ms. Akin introduced Kyle Kearns, Planner II, in the long range division.

Mr. Kearns reported that craft alcohol production falls under a previous code amendment request initiated by an individual wanting to open a micro-distillery (craft distillery) in a commercial zone. The Planning Commission and staff discussed the code amendment during the study session on March 24, 2016. Staff was directed to begin working on the code amendment for micro-distilleries, as capacity allowed. The shift to a broader code amendment that covers all "craft" or "boutique" alcohol producers has grown to include brewery-public houses (permitted), micro-distilleries, and small wineries (permitted) allowing for consistent land use regulations of similar industries.

In order to properly address the craft alcohol industry, new definitions needed to be added to the Medford Land Development Code. Staff decided to mirror the format used for marijuana-related businesses by creating an umbrella definition titled Craft Alcohol Production Terms that includes two existing definitions (brewery-public house and small winery) as well as three new definitions (alcoholic spirits, craft alcohol production, and micro-distillery).

The districts that are being proposed to be permitted in are Community Commercial, Regional Commercial and Heavy Commercial. Currently brewery–public houses are permitted in Light Industrial. Staff is proposing to take that designation out because breweries, distilleries and wineries are permitted in industrial districts with or without this designation.

Staff is proposing Special Use Regulations in order to create consistent standards for three similar industries. When located within the Central Business Overlay, such use shall not exceed 10,000 square feet of floor area devoted to the production of alcoholic beverages.

Commissioner Foley asked how staff arrived at that number. It seems like a large number. Mr. Kearns reported that staff looked at different micro-distilleries throughout Oregon, local examples and examples outside of Oregon. They ranged from 1,500 square feet to 30,000 square feet.

Such use shall hold a full on-premises sales license that requires a kitchen.

All production activities within a Craft Alcohol Production business, including storage (except for grain silos), must be contained entirely inside the building walls of such uses.

Grain silos are permitted outside of a Craft Alcohol Production facility and are not considered outside storage.

A grain silo may have a sign, logo, or other design feature that is permitted in addition to any signage meeting the standards of Article VI of Chapter 10. [Signage on grain silo does not count towards a parcels overall signage and shall not exceed X square feet]. **NOTE:** The line in brackets requires direction from the Planning Commission.

Some final thoughts were:

- Addition of micro-distilleries expands economic opportunities
- Allows for businesses with evening hours in commercial zones
- Distilling is similar to brewing (brewing is already permitted)
- Consolidation of craft alcohol producers creates consistency within land use regulations

Vice Chair McFadden inquired whether previously there was a size limit. Mr. Kearns stated that discussion took place at the March study session. Staff moved away from that discussion because the Oregon Licensing has its limits. One can only grow so big before they are required to get more licensing from Oregon that would put them in a different category.

Commissioner Foley asked what the limit is. Mr. Kearns replied that the distilling does not have a limit, but could potentially be added. Brewing is 50,000 gallons.

Commissioner Foley asked if there is only one distilling license or multiple. Mr. Kearns reported there is only one distillery license.

Commissioner Foley stated that on their tour there was discussion regarding fire hazard of raw alcohol coming into the facility. Should there be a limit of high proof alcohol being brought to start with?

Commissioner Culbertson reported that alcohol has reached 180 proofs after being distilled. If it is being brought in as a fermented product the alcohol content is considerably less.

Commissioner Foley stated that it depends on what is being brought in.

Commissioner Culbertson commented that is like triple distilled. They are bringing the alcohol in pre-condensed and then double or triple distill it.

Mr. Kearns reported that is common.

Commissioner D'Alessandro stated that these are reportable quantities to the fire department. Anything flammable or hazardous after a certain threshold has to be reported to the fire department. They would have a say in what can be stored in whatever zoning district. That may already exist.

Vice Chair McFadden has a concern with the separation between buildings.

Commissioner Pulver stated that a micro-distillery is required to have a license for a restaurant. BricktownE has a bar restaurant and brew beer in the back. That is what he envisions in a commercial zone. It makes sense if there is food and beverage. It is his opinion that if it is just making liquor it does not fit in commercial; maybe heavy commercial. It is more of an industrial use. There are enough light industrial spaces where that would work.

Mr. Kearns reported that if it is required for a full on premises sales then one has to serve a menu for at least three hours in the entire day. It is a requirement that at some point they would have to serve food with at least five items on the menu.

Commissioner Foley asked if these are conditional use. Mr. Kearns replied they are permitted with special regulations.

Commissioner Foley asked what does that mean. Mr. Kearns reported there are certain standards that are required for them to be permitted such as are under 10,000 square feet and full on premises license.

Kevin McConnell, Deputy City Attorney, reported that the City did the same thing with the marijuana licensing. They are permitted special use. They have specific requirements.

Commissioner Pulver stated that 10,000 square feet for just the operational part is pretty big. He is more comfortable with 5,000 and adjusting if needed.

Commissioner Culbertson asked what is the State standard for annual production of a small distillery. Mr. Kearns replied they do not have one for distilleries.

Commissioner Culbertson stated that craft brew facilities make sense. They are coupling with the brewery and eatery. He is curious about the distilled spirits. One can get "wasted" quickly without having the food component. It is not necessarily the square footage that is the concern it is the output. If the State does not have standards as far as production output of hard alcohol distilleries then that is where staff and the Commission need to focus.

Mr. McConnell asked under this code and given the permission could a micro-distillery sell other kinds of alcohol or would it only be hard liquor? Mr. Kearns stated that with a full on premises license it basically becomes a bar.

Ms. Akin reported that staff can check with the Fire Department of fire code restrictions that could help in determining the size particularly downtown. Also, limiting size is much easier from a staff perspective than output. There is no way for staff to know how much they are producing.

Commissioner McKechnie stated that his experience with the fire code is it is limitation on volume regardless of the zoning district.

Ms. Akin clarified that the 10,000 square foot limit is only in the Central Business Overlay (downtown).

Mr. Kearns stated that staff needs direction on signage on grain silos. Should there be a size limitation or should it go through the regular sign permit process?

Commissioner Foley is concerned that if original business goes out of business the silo remains it becomes an unrestricted monument sign. The sign variance only applies when in business.

Ms. Akin stated that the sign code in the commercial districts is 1 1/2 to 2 square feet for every linear foot of business frontage. One could measure the diameter of the silo and work it that way in order to be comparable.

Commissioner McKechnie suggested a special condition that an easement runs with the user instead of the land.

Commissioner Mansfield stated that is called easement engross as opposed to easement of pertinent.

Commissioner Pulver stated that he prefers a regular sign permit process.

It was the consensus of the Planning Commission to limit the square footage to 5,000 in all commercial zones.

Exhibit C

Industry Questionnaire

[Immortal Spirits – Enrico Carini September, 02 2016]

From: Enrico Francesco Carini [redacted]
Sent: Friday, September 02, 2016 3:45 PM
To: Kyle W. Kearns
Subject: Our Distillery
Hi Kyle, Enrico Carini here -
Thanks for taking an interest in our business, we're proud to be part of an ever blossoming Medford and look forward to what the future may have to offer.
Name of Business: Immortal Spirits & Distilling Company
Name of Contact/Interviewee: Enrico Carini Phone: [redacted]
Contact Email: [redacted]
General Information about Business
Production Output (Circle One - Gallons or Barrels): Approx 1500-2000 gallons/year
Square Footage of Distillery: Approx 2400sq/ft
Address of Distillery (if different than tasting room): 3582 S. Pacific Hwy Medford
Questions
1) Would you consider your "micro-distilling" operation a typical operation in terms of size, output and operations? If not, what makes your operation different?
Smaller than typical. This is very much a grassroots operation, we built most of the equipment ourselves and started this as a hobby. We have very little capital - working or otherwise and no distribution out of state, also with all of the current laws and taxes in place the margins for us small output distillerie are very low
2) Have you received complaints from neighboring businesses, residents or other uses surrounding a distillery?
Not at our current address. We were evicted from our first location (the business park behind WinCo on Barnett) because the neighbors did not like the smell of the cooking wort (liquid mash).
3) When starting your business, what was some of the red tape you had to overcome?
Compliance with the Health and Fire Departments besides the obvious licensing with the OLCC
4) How often do you receive deliveries? How large of deliveries are they (UPS truck, semi-truck, pick up own supplies, Etc...)
At times we do need enough room for very large deliveries i.e. Semi Truck

5) How is your waste from production handled? Waste would include things such as the mash, water, head & tail of distillation process.

Spent mash is collected by the cow farmer that provides us with the beef we use at the tasting room. Water is released down the drain. Heads and Tails are used again in a tertiary distillation and then used to clean equipment.

6) Are there things unique to the Medford area that should be considered when drafting legislation for permitting distilleries?

We are unique to Medford. We are Medford's first Distillery and the people of Medford love us as much as we love them. The Mythical Spirits Proposal earlier this year would've allowed investors from outside the area to setup only blocks from us with their distillery and tasting room as one whereas we didn't have that option.

7) Is there anything that you would like to add that was not addressed?

I think that about covers it, let me know if you'd like more information or clarification on anything and thanks again for taking interest in our business.

Cheers!

Enrico F Carini

Immortal Sprits - Co-Owner/Founder

STAFF REPORT

for a Class-A legislative decision: **Development Code Amendment**

Project	Portable Signs in the Central Business overlay	
File no.	DCA-16-121	
To	Planning Commission CAP	*for 11/10/2016 hearing*
From	Carla Angeli Paladino, Interim Principal Planner	
Reviewer	Kelly Akin, Interim Planning Director	
Date	November 3, 2016	

BACKGROUND

Proposal

A legislative amendment to modify the provisions of portable signs located within the Central Business overlay district. (see Exhibit A).

History

Signs located on the sidewalk in downtown were brought to the attention of Code Enforcement officers after a complaint was filed on a business owner this past summer. A review of the code prompted Code Enforcement to ask other business owners to remove their signs from City sidewalks. The sign provisions found in Chapter 10 of the Municipal Code regulate the size, location, and duration of time a portable sign can be displayed for a business. These types of signs are currently allowed in a majority of the commercial zoning districts but are prohibited from being displayed in the public right-of-way. The use of these types of signs can be problematic for business owners specifically in the Central Business overlay where buildings are built up to the sidewalk and there is little room outside of the right-of-way to place such a sign.

In August, the City Council initiated a text amendment regarding portable signs in the downtown. Language was drafted in late September seeking to allow the use of portable signs on sidewalks in the Central Business overlay. The proposal outlines the parameters in which portable signs can be permitted. Portable signs no larger than 12 square feet in area can be placed on the right-of-way (sidewalk) when the sidewalk directly adjacent to the business is a minimum of eight feet wide from face of curb to the building and a minimum of four feet of continuous, unobstructed clearance is maintained from the edge of the sign to allow for pedestrian access. The language also confirms that his-

toric review is not required when the business is located in the downtown historic overlay.

The Planning Commission reviewed the draft language on Monday, October 24, 2016, during a study session and provided comments.

The Landmarks and Historic Preservation Commission provided comments on Wednesday, October 26, 2016.

Authority

This proposed plan authorization is a Class-A 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 §§10.102–122, 10.164, and 10.184.

ANALYSIS

The use of portable signs in a downtown setting is common. Typically, buildings have a zero front yard setback. Business entrances are adjacent to wide sidewalks creating a friendly and usable pedestrian environment and opportunity for street furniture (items such as trees, benches, sidewalk cafes, and signs).

Business owners are using portable signs in the downtown. Questions were raised in late July about the placement and permitting of these types of signs through a citizen complaint. The compliant in turn resulted in Code Enforcement taking actions to advise business owners about the regulations with these signs and signs being removed from right-of-way.

The goal of the text amendment is to enable the use of these types of signs within the right-of-way while keeping pedestrian and motorist safety in mind. The amendment provides a reasonable means for a business owner to place a portable sign on the sidewalk in front of their business under certain conditions. First, the sidewalk needs to be of adequate size to allow for placement of the sign and room for a pedestrian to easily maneuver around it without impediments. Second, a minimum of four feet of continuous, unobstructed clearance is maintained from the edge of the sign and along the entire length of the building frontage. Lastly, the sign cannot impede the vision clearance area at intersections. The combination of these regulations helps provide usable signage options for business owners and safeguards pedestrian flow on sidewalks and visibility to motorists.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). 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:

10.184 (2) (a). Explanation of the public benefit of the amendment.

Findings

The amendment provides business owners in the downtown a legal means to display signs in front of their stores on the sidewalk. It clarifies the parameters in which a sign is permitted in the right-of-way and safeguards the pedestrians and motorists by addressing safety standards.

Conclusions

The amendment provides business owners with additional opportunities to advertise and use signage. It also maintains order within the public right-of-way by ensuring the signs are not an impediment to traffic flow. This criterion is found to be satisfied.

10.184 (2) (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 goal below supports the topic covered with the proposed Municipal Code amendment.

***Economic Opportunities 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.*

The modifications to the sign provisions provide opportunities for businesses downtown to advertise and alert pedestrians and motorists of their services and specials. Portable signs help grab people's attention and may help inform citizens or tourists about the types of businesses and services available. This awareness may translate into revenue for a small business owner and keep a business viable.

Conclusions

The proposed amendment addresses the economic opportunities goal in the Comprehensive Plan. It seeks to further strengthen the vitality and business success in the downtown by allowing portable signs on the sidewalk. A portable sign is an additional tool businesses can use to advertise and generate revenue. This criterion is found to be satisfied.

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

Findings

The proposal was provided to applicable referral agencies and departments identified in Section 10.146 of the Code as well as the Department of Land Conservation and Development. Comments received from City departments were incorporated into the text. The comments included information from Public Works regarding the appropriate clearance distance between the sign and pedestrian access. Public Works also suggested the sign placement of these signs not impact the clear view at intersections.

The Planning Commission reviewed the changes at a study session on Monday, October 24, 2016. Their comments and changes have also been added to the proposed language.

The Landmarks and Historic Preservation Commission discussed the proposal during a study session on Wednesday, October 26, 2016. The majority of the Commissioners were in favor or neutral about the changes. One Commissioner felt portable signs located in the historic district should go through historic review.

Conclusions

The proposal was provided to applicable referral agencies and issues raised have been discussed and solutions identified. This criterion is found to be satisfied.

3. *Public comments.*

Findings

The amendment is posted on the City's website for citizen review and comment. No citizen or business owner comments have been received to date.

Staff conducted a site survey on Friday, October 21, 2016, of several city blocks downtown. Businesses were using portable signs in the right-of-way at the time of the site visit. Staff observed that in most cases the signs were not obstructing

pedestrian flow on the sidewalk as the sidewalks were wider than eight feet. A-frame signs were the typical type of portable sign business owners were using.

The Planning Commission discussed the proposed changes at their study on Monday, October 24, 2016.

Conclusions

Little public comment has been provided on this issue to date. The Planning Commission has reviewed and made suggestions on the amendments and was in favor of the text changes.

4. *Applicable governmental agreements.*

Findings

There are no governmental agreements that apply to this proposed code amendment.

Conclusions

This criterion is not applicable to this application.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or not applicable, forward a favorable recommendation for adoption of DCA-16-121 to the City Council per the staff report dated November 3, 2017, including Exhibits A through D.

EXHIBITS

A Proposed amendment
B Public Works Comments, September 26, 2016
C Public Works Comments, October 10, 2016
D Planning Commission Study Session Minutes, October 24, 2016

PLANNING COMMISSION AGENDA: **NOVEMBER 10, 2015**

Exhibit A

Proposed amendment

Deleted text is ~~struck through~~; added text is underlined

10.1610 **Central Business Overlay (CB): Additional Special Signs.**
Additional special signs shall be permitted as follows in the CB district:
(1) Fueling Station Signs: One additional ground sign per street frontage, not exceeding 30 square feet in area and 9 feet in height is permitted on each parcel of land occupied by a fueling station. Such signs may not project into public right-of-way.
(2) Drive-up Window Signs: One additional ground sign not to exceed 32 square feet in area and 6 feet in height is permitted on each parcel of land occupied by a drive-up window. Such signs may not project into public right-of-way.
(3) Temporary Sign: One temporary sign on each street frontage is permitted for each separate business. Display period is limited to 30 days and is renewable upon application, but shall not exceed four (4) permits in one (1) calendar year. The area of each sign shall not exceed 32 square feet. No part of any sign shall be higher than the building height as defined in Section 10.705.
(4) Portable Signs: One ~~additional~~ portable sign not to exceed 12 square feet in area for each business entrance is permitted. Such signs shall not be located within public right-of-way except under the following conditions:~~.~~

(i) The sidewalk width is a minimum of eight feet from face of curb;
(ii) A minimum of four feet of continuous, unobstructed clearance is provided on the sidewalk along the length of the building; and
(iii)The sign complies with Section 10.735 regarding clear view at intersections.

The portable signs shall only be displayed when the business is open. Historic review is not required when located within the historic overlay district.
[Amd. Sec. 19, Ord. No. 6021, Nov. 19, 1987; Amd. Sec. 17, Ord. No. 2012-32, March 1, 2012.]

Exhibit B

Public Works E-mail Comments dated 9/26/2016

From: Alex T. Georgevitch
Sent: Monday, September 26, 2016 8:57 AM
To: Carla G. Paladino
Subject: RE: ADA sidewalk clearance
Carla,
Per PROWAG 2011 (not adopted but we agreed to FHWA and DOJ to follow it) R302.3, the continuous width of a sidewalk shall be 4-feet. Let me know if you have any questions or comments...
Thanks
Alex
From: Carla G. Paladino
Sent: Monday, September 26, 2016 8:18 AM
To: Alex T. Georgevitch
Subject: ADA sidewalk clearance
Hi Alex,
Planning is going to be working on a Council requested code amendment to allow A-frame signs in the right-of-way downtown. Can you tell me what the minimum sidewalk clearance should be? Christina mentioned to verify the dimension with you. She mentioned 4 feet below.
Thank you,
Carla
From: Christina H. Charvat
Sent: Friday, September 23, 2016 4:52 PM
To: Carla G. Paladino
Subject: RE: ADA sidewalk clearance
Carla,
I believe we would go with 4ft in accordance with PROWAG but ask Alex. I don't have the authority to make that call.
Christina Charvat, Traffic Engineering Technician
City of Medford | Public Works | Engineering
200 S. Ivy | Medford, OR 97501
Mobile: (541) 821-8575
Office: (541) 774-2118

Exhibit C

Public Works E-mail Comments dated 10/10/2016

From: Christina Charvat
Sent: Wednesday, October 10, 2016 10:37 AM
To: Carla G. Paladino
Subject: RE: A-frame signs text amendment

Carla,
I'm with Jim, except that if the sign is two sided then 12 sq ft is fine. Since they have a potential to sit somewhere in a clear triangle, near a corner or driveway, I suggest limiting the height of the sign to 3ft so it does not block sight distance of pedestrians or drivers (we typically consider a drivers eye height to be 3.5ft above roadway in related situations). Most A-frame type signs I see around town would meet this criteria so it wouldn't be imposing something unrealistic and would help minimize the complaints related to sight distance.

Christina Charvat

From: Carla G. Paladino
Sent: Wednesday, October 05, 2016 4:10 PM
To: Kelly A. Akin; Desmond M. McGeough; Sarah K. Sousa; Liz A. Conner; Dustin J. Severs; Kyle W. Kearns; Chris C. Olivier; Praline M. McCormack; Alex T. Georgevitch; Christina H. Charvat; Karl H. MacNair; Douglas E. Burroughs; Jodi K. Cope; Greg G. Kleinberg; Mary E. Montague
Subject: A-frame signs text amendment

Hello All,

Please find attached language permitting A-frame signs in the right-of-way in the Central Business overlay district. This is a Council requested text amendment for this specific topic.

Take a look and let me know what you think. Jim Huber suggested possibly making the sign allowance smaller. It currently allows a 12 sq.ft. sign. What are your thoughts on size of sign? Will Engineering require any additional permits for the signs?

This amendment will go out for agency comment but I wanted to send it out before then. Please forward to others who might be interested in commenting on this that I missed. It is scheduled for hearings on 11/10/2016 (PC) and 12/15/2016 (CC).

Thank you,
Carla

Carla G. Angeli Paladino, Planner IV
City of Medford - Planning Department

Exhibit D

Planning Commission Study Session Minutes, 10/24/2016

Excerpt

1. DCA-16-121 Downtown A-frame Signs text amendment

Carla Paladino, Interim Principal Planner, stated that the A-frame signs text amendment is to provide a means to display portable signs in the right-of-way (on sidewalk) downtown.

There was a complaint filed against a downtown business owner. Code enforcement found that there were signs downtown that were not permitted to have their signs in the right-of-way. Business owners were contacted and requested to remove their signs.

City Council requested initiation of a text amendment to review portable signs in downtown.

Staff walked around downtown on Friday, October 21, 2016. They walked Sixth Street, Eighth Street, Front, Central, Bartlett and Main Street, measured sidewalks and took pictures of existing portable signs on display.

The text amendment would allow portable signs in the right-of-way when:

- Located in the Central Business (CB) overlay
- Sidewalk is a minimum of 8 feet wide
- Minimum 4 feet of unobstructed clearance from edge of sign

If a business is within the historic district a historic review would not be required for the sign.

Commissioner Foley commented that he liked the text amendment.

Commissioner McKechnie asked did staff measure the sidewalk from the back or front of the curb. Ms. Paladino reported that she measured to the front of the curb. Commissioner McKechnie suggested that the how to measure be added into the text amendment.

Commissioner McKechnie commented that it is his opinion that the intention of the 4 feet of unobstructed clearance from the edge of the sign is 4 continuous feet. Ms. Paladino replied yes.

Ms. Akin reported that the code states if there is more than 40 inches of separation it is considered to be two signs.

Commissioner Mansfield asked if there were any lobbying groups for or against the signs? Ms. Paladino stated that staff has not heard from anyone.

The meeting was adjourned at 12:49 p.m.

_____

Submitted by:
Terri L. Rozzana
Recording Secretary

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

IN THE MATTER OF PLANNING COMMISSION FILE CUP-16-109 APPLICATION FOR A	)	
	)	**ORDER**
CONDITIONAL USE PERMIT SUBMTTED BY ST. MARY'S SCHOOL OF MEDFORD INC.	)	

ORDER granting approval of a request for a conditional use permit for St. Mary's School described as follows:

A revision of the master plan to include a multi-phase project on the 23.4 acre parcel located on the west side of Black Oak Drive, approximately 700 feet south of Barnett Road, within a SFR-4 (Single-Family Residential – 4 units per acre) zoning district. Phase I proposes the reconfiguration of the existing front parking lot and drop-off area and the creation of a new student parking lot adjacent to the northern end of the track and football field. Phase 2 proposes the construction of a new two-story, 17,452 square foot dormitory building for international students. Phase 3 proposes the construction of a new two-story, 24,564 square foot Common Building and Plaza which will require the demolition of four older buildings. Phase 4 comprises the construction of a new 4,400 square foot Administration Building to be located between the Commons Plaza and the school drop-off area. A future phase comprises the completion of a loop road surrounding the built portion of the campus.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.246 and 10.247; and,

2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit for St. Mary's School as described above, with a public hearing a matter of record of the Planning Commission on November 10, 2016.

3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and,

4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted a conditional use permit for St. Mary's School as described above.

THEREFORE LET IT BE HEREBY ORDERED that the application St. Mary's School of Medford, Inc. stands approved in accordance per the Staff Report dated November 3, 2016.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for St. Mary's School as describe above, is hereafter supported by the findings referenced in the Staff Report dated November 3, 2016.

Accepted and approved this 10th day of November, 2016.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

STAFF REPORT

for a Type-C quasi-judicial decision: Conditional Use Permit

PROJECT	St. Mary's School Conditional Use Permit Applicant: St. Mary's School; Agent: CSA Planning	
FILE NO.	CUP-16-109	
TO	Planning Commission	*for 11/10/16 hearing*
FROM	Praline McCormack, Planner II PM	
REVIEWER	Kelly Akin, Principal Planner	
DATE	November 1, 2016	

BACKGROUND

Proposal

Request for a Conditional Use Permit to:

1. Install an electronic message sign along the Black Oak Drive frontage;
2. Install a new drainage facility within the Larson Creek riparian corridor;
3. Revise the Master Plan to include a multi-phase project on the 23.4 acre parcel located on the west side of Black Oak Drive, approximately 700 feet south of Barnett Road, within an SFR-4 (Single-Family Residential – 4 units per acre) zoning district:
    a. Phase I proposes the reconfiguration of the existing front parking lot and drop-off area, the creation of a new student parking lot adjacent to the northern end of the track and football field, and the creation of new basketball courts west of the new student parking lot.
    b. Phase 2 proposes the construction of a new two-story, 17,452 square foot dormitory building for international students.
    c. Phase 3 proposes the construction of a new two-story, 24,564 square foot Common Building and Plaza/Courtyard which will require the demolition of four older buildings.
    d. Phase 4 comprises the construction of a new 4,400 square foot Administration Building to be located between the Plaza/Courtyard and the school drop-off area.
    e. A future phase comprises the completion of a loop road surrounding the built portion of the campus.

Subject Site Characteristics

Subject Site Zoning:	SFR-4
GLUP Designation:	UR (Urban Residential)
Existing Uses:	Private Middle and High School

Surrounding Site Characteristics

North	C-C (Community Commercial) / SFR-4 Civic Organizational Building / Athletic Club / Offices/ Single Family Residences
South	SFR-4 / PD (Planned Development) Single Family Residences / Condominiums
East	SFR-4 Single Family Residences
West	MFR-20 (Multi-Family Residential – 20 units per acre) Golf Course

Related Projects

CUP-75-172	Tennis Courts
CUP-92-009	Two modular classrooms and weight room addition
AC-92-033	Two modular classrooms and weight room
CUP-92-009	Revision in 1994 to allow for one modular classroom, gymnasium, auditorium, art and drama center, and food service building
AC-96-040	Parking lot (on southeast portion of site)
AC-99-061	Media center, classrooms, laboratories, and offices
AC-09-027	Fine arts and athletic center building, chapel
CUP-10-060	Revision of Master Plan and Phase 1 plans for Fine arts and athletic center buildings, chapel, riparian restoration and mitigation measures associated with encroachments into riparian setback

Applicable Criteria

Section 10.248 Conditional Use Permit Criteria

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

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

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

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

ISSUES AND ANALYSIS

Project History

The subject site is developed with St. Mary's School, a private school that has operated on the site since 1962. Prior to 1966, institutional uses such as schools and churches were not subject to Conditional Use Permits in the City of Medford. The school has received Conditional Use Permit for Master Site Plan revisions and Site Plan and Architectural Commission (SPAC) approvals for expansions on the site beginning in 1975, as shown above in the list of related projects.

Site Plan & Architectural Commission (SPAC) Review

Section 10.247(a) of the *Medford Land Development Code* exempts Conditional Use Permits from separate SPAC review. However, the Planning Commission may delegate authority to SPAC for elements of the project such as building design and landscaping.

In their Findings (page 2, Exhibit J) the applicant indicates that they are including the design review of the Commons and Dormitory buildings as part of this application. The Administration building will be submitted for SPAC review at a later time. In accordance with Section 10.285(B), Staff has included a condition requiring the applicant to obtain Site Plan and Architectural Review approval of the Administration building prior to applying for building permits for that structure.

Conditional Uses

The proposed improvements to the site are subject to a Conditional Use Permit per *Medford Land Development Code* Section 10.314(6)(c) which lists schools as conditional uses in residential zones. The school has received approvals for Conditional Use Permits to expand the site, with the most recent occurring in 2010. However, the Performing Arts Center approved as part of the 2010 Conditional Use Permit is no longer included in the plan. Materials submitted for the 2010 application expressed that maximum enrollment was not expected to exceed 550. The revised plans for this application are still based upon that maximum. The applicant has submitted a Master Plan with phases of development and is requesting approval.

Larson Creek forms the northerly boundary of the subject site. It is identified as a fish-bearing stream in the Environmental Element of the *Comprehensive Plan* and is subject to the Riparian Corridor regulations contained in *Medford Land Development Code* Section 10.920. The riparian regulations were adopted in 2000. As noted above, the school was established prior to the adoption of the regulation. The 2010 Conditional Use Permit included encroachment into the required 50-foot riparian corridor for a roadway, parking, drainage facilities and riparian plantings. As shown on the Grading and Stormwater Facility Plan (Exhibit G), the current proposal includes a request to build another drainage facility within the Larson Creek riparian corridor in association with the new parking lot north of the football field and track. *Medford Land Development Code* Section 10.925 allows new drainage facilities subject to approval of a Conditional Use Permit. Therefore, the proposed drainage facility within the riparian corridor is included in this review.

The applicant is also requesting conditional use permit approval to place an electronic message sign along the Black Oak Drive frontage. *Medford Land Development Code*

Section 10.1200(2) requires institutional uses such as schools to apply for and receive the approval of a Conditional Use Permit for such signs.

Master Plan

The Phasing Plan (Exhibit C) shows a four-phase plan for the site which is described in the applicant's findings (pages 11-12, Exhibit J) as follows:

Phase 1: Reconfiguration of the existing front (east) parking lot to create two lanes for drivers who are dropping off or picking up students and a third lane to access the parent/visitor parking spaces that front Black Oak Drive. Demolition of the existing softball field located north of the football field and track in order to create a new student parking lot, removal of 10 parking spaces from the existing north parking lot in order to provide drive aisles to/from the new parking lot. Creation of new basketball courts located west of the new student parking lot.

Phase 2: Demolition of the existing basketball courts located north of Naumes Center in order to construct a new two-story, 17,452 square foot Dormitory building that will accommodate 50 international students and two resident managers.

Phase 3: Demolition of the existing garden area located between Naumes Center and the upper school, relocation of the open pavilion, and demolition of four buildings in order to construct a new two-story, 24,564 square foot Commons building that will be surrounded by a landscaped plaza/courtyard. The Commons building will have spaces to gather and dine on the first floor with classrooms and labs on the second floor.

Phase 4: Construction of a new 4,400 square foot Administration building to be located between the plaza/courtyard and the school drop-off/pick-up area. This new building will make the campus a secure campus. Once the gates are closed, visitors will be required to pass through the Administration building to gain access to interior parts of the campus.

As the need arises, the plan also includes completion of a loop road around the built portion of the campus so that emergency vehicles can access the new buildings.

Drainage Facility within the Riparian Corridor

The applicant's supplemental Findings of Fact (Exhibit K) includes a thorough analysis of the issues related to the drainage facility within the Larson Creek riparian corridor. The proposed revisions to the Master Plan include the creation of three new impervious areas, the Commons building and courtyard/plaza, the Dormitory building, and the new parking lot north of the football and track field. As illustrated in the Grading &

Stormwater Facility Plan (Exhibit G), the revised Master Plan includes the creation of a second bioswale, detention pond, and outflow pipe into Larson Creek. The bioswale, in the landscape strip in the new north parking lot, will collect stormwater from the impervious surfaces and filter out sediments and pollutants. The bioswale will direct the stormwater to the detention pond, located to the west and north of the new parking lot next to the Larson Creek Multi-Use Trail that the City plans to build in 2017. The detention pond will store the stormwater runoff gradually releasing it into Larson Creek via an outflow pipe located within the Larson Creek Riparian Corridor.

The applicant has stipulated to installing the outflow pipe during the dry months and in connection with the City's construction of the Multi-Use Trail. Staff has included a condition of approval requiring the applicant to work with and obtain all necessary permits for the work within the riparian corridor from the Department of State Lands, the U.S. Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

Campus Security

As shown on the Master Plan (Exhibit B), the Larson Creek Multi-Use Trail, which is tentatively scheduled to be extended from Ellendale Drive to Black Oak Drive in October 2017, will run along the northerly boundary of the St. Mary's site. Once all phases of the revised Master Plan are constructed, the easterly (built) portion of the campus will be entirely enclosed by fencing which will greatly enhance campus security. Several gates will be installed, including one located adjacent to the Multi-Use Trail so that students can access the campus from the Trail. Gates will be open during school arrival and departure times, but will otherwise be locked in order to secure the campus. Visitors to the school will have to enter the new Administration building in order to access any other parts of the campus. The proposed new buildings will be access-controlled further enhancing security.

Electronic Message Sign

Medford Land Development Code Section 10.1200 permits electronic message signs in single-family residential zones as a conditional use. A Conditional Use Permit may authorize an institutional use, such as the school, to have one electronic message sign as a permitted ground or wall sign. Per the Applicant's Master Plan (Exhibit B), they are proposing to place a ground sign at the driveway entrance. The sign is three-and-a-half feet tall and five-and-a-half feet wide totaling 19.25 square feet in size. The maximum size permitted under Section 10.1200 is 20 square feet. The sign will sit on an aluminum and concrete base that is nine inches tall making its overall height four feet and three inches. The maximum height permitted is five feet. The sign will be static, with no animation and will announce school activities. To the north of St. Mary's is the Knights of Columbus building, to the south is a long, gated driveway entrance into Sun Oaks

residential development, and to the east is the Black Oak Shopping Center. The placement of an electronic message sign as proposed would not adversely impact residences or the area. The request for conditional use permit approval of the electronic message can be found to comply with conditional use permit approval criterion (1), that it will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

Traffic Impact Analysis

The applicant submitted a traffic evaluation (Exhibit N) which was reviewed by Public Works. The evaluation concluded that the proposal would not create adverse impacts to the surrounding area and should improve on-site circulation, increase on-site parking capacity, and reduce queue lengths (page 6, Exhibit N). Public Works Traffic Engineering recommends approval based upon a maximum enrollment of 550 students (page 3, Exhibit O).

Vehicular Access / Parking

The revisions to the Master Plan approved in 2010 included improvements to parking and on-site circulation. If the Master Plan is approved the changes proposed will further improve on-site circulation. Currently, the school drop-off/pick-up area has two one-way lanes with parking on each side. The stacking distance for vehicles in this area is 300 feet, or 12 vehicles, before vehicles start backing up onto Black Oak Drive where there is no on-street parking. The proposed improvements to this area will result in two lanes for drop-off/pick-up, which will provide twice the stacking capacity. Parking spaces that front Black Oak Drive will be designated for visitors only and will provide parking for parents who prefer to park to drop-off or pick-up. They currently do not have this option because those parking spaces are usually utilized by students. Instead, students will be required to park in the proposed parking lot north of the football field and track.

Currently, international students are bused to school each day from Southern Oregon University in Ashland. These trips will be eliminated with the addition of the proposed Dormitory. Students will be able to stay on campus for meals at the new cafeteria in the proposed Commons Building which will also eliminate trips. The elimination of these trips will be offset by the trips generated by deliveries to the new cafeteria and the new employees working there.

The proposed new access road around the western boundary of the parcel will further enhance site circulation as well as provide access to buildings for fire/emergency personnel.

Vehicular Parking

The applicant's Findings of Fact contain a detailed parking calculation (page 9, Exhibit J). This is necessary because there are different parking calculations for the high school and middle school. The tabulation shows a minimum of 170 required spaces for the school and a maximum of 189. The revisions proposed cause the removal of 35 spaces and the addition of 56 spaces for a total of 197 spaces. There is also parking for two small buses that are used to transport international students. The total number of parking spaces exceeds the maximum by eight spaces.

Medford Land Development Code Section 10.743(3) gives the Planning Commission the authority to make exceptions to the required off-street parking for non-residential uses provided that the applicant provides a detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following:

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

The applicant is requesting the eight additional spaces based upon subsection (a), that the school could benefit from parking that exceeds the maximum allowable due to several unique characteristics of this school. First, "minimal additional parking will be needed to accommodate the dormitory as the exchange students to be housed there are not allowed to own nor drive a car..." (page 9, Exhibit J). Therefore, the exchange students are bused to events and to go shopping. Second, St. Mary's does not bus its students because it is a regional school that serves students throughout Jackson County so students who are able to drive to school do. Third, there is no on-street parking on Black Oak Drive so any overflow parking ends up occurring in adjacent neighborhoods. The applicant intends to remedy that "...with the additional student parking lot and the reorganization of on-campus parking, the total amount of off-street spaces available will contain school parking within the campus, averting neighborhood parking problems" (page 10, Exhibit J).

The existing south parking lot will be reserved for teachers and staff (64 spaces), the reconfigured front parking lot will be reserved for parents and visitors (34 spaces) and the new north lot along with the existing north lot will be reserved for students and staff (99 spaces).

Vanpool/Carpool Spaces

Medford Land Development Code Section 10.809 requires 10% of employee parking spaces to be designated for vanpool/carpool spaces. Staff has included a condition of approval that requires the applicant to designate these spaces per the Code. Staff would like to encourage the applicant to consider designating at least 10% of student parking spaces as carpool spaces in order to decrease trips since the students seem more likely to carpool than the school employees.

Bicycle Parking

The bicycle parking is shown throughout the site on the Master Plan (Exhibit B). Bicycle parking is calculated for schools as four spaces per classroom (Section 10.748). St. Mary's has 31 classrooms which equates to 124 required spaces. Presently about half of the required spaces are in place. The remainder will be added as the phases are built. The end result will be 66 covered spaces on the east side of the Gym, 44 spaces on the south side of the Middle School, and 14 spaces on the north side of the Naumes Center. The applicant has agreed to install the additional bicycle spaces concurrent with each phase. A condition of approval has been included.

Building Elevations

The Building Elevations (Exhibit E) detail the proposed Dormitory and Commons building. Located behind the Naumes Center and Gym, the Dormitory will not be visible from Black Oak Drive. The exterior façade will have a mix of materials. Including alternating charcoal-color metal siding, and rainscreens comprised of "vintage wood" fiber cement horizontal siding. Other elements that augment the building include metal coping, a painted steel channel canopy, and a flat metal roof with steel brackets. The northeast and southeast elevations illustrate two-story floor-to-ceiling windows in the entries and staircases that will provide natural lighting. Each two-student dorm room includes a window and a self-contained heating and air-conditioning unit.

The proposed Commons building will be located behind gates in the campus interior between the Naumes building and the Upper School building. The exterior façade of this building also features a mix of materials including split face concrete block on the main floor and rainscreens comprised of the same "vintage wood" fiber cement horizontal siding on the second floor facades. Other features of interest include two-story floor-to-ceiling windows in the corners, store-front windows on the main floor, corrugated metal siding below the roofline, steel channels, aluminum and glass sectional overhead doors on the west elevation, an outdoor terrace, a flat metal roof, and a standing seam metal roof projection at the main entry. The second floor façades of the Commons building feature large graphic panels with educationally inspiring

images and words. These panels are proposed to be backlit. The majority of these graphic panels will face internally and will not be seen from Black Oak Drive. Per the Elevation Plan for the Commons building (Exhibit E), these panels are as follows:

- The north elevation has six graphic panels, five of the six include lettering, and each panels measures 13 feet wide and 16 feet long for a total of 1,248 square feet.
- The west elevation has one graphic panel that includes lettering and measures nine feet wide and 12 feet long for a total of 108 square feet.
- The south elevation has one graphic panel that includes lettering and measures 10 feet wide and 16 feet long for a total of 160 square feet.
- The east elevation (facing Black Oak Drive) has one graphic panel with lettering and measures 13 feet wide and 16 feet long for a total of 208 square feet. The building will be set back approximately 240 feet from the street, and will be screened by the landscaped courtyard/plaza trees, the secure fence, the front drop-off/pick-up area and the parking located along Black Oak Drive.

The *Medford Land Development Code* Section 10.1010 defines a wall graphic as:

> "any mosaic, mural, painting, or graphic art technique applied, implanted or placed directly onto a wall and containing no copy, advertising/hallmark symbols, lettering or references to any product, service, or goods sold on or off the premises."

Besides this definition there are no standards in the Code regarding wall graphics. Section 10.1100 lists signs that are prohibited in all zoning districts and subsection (9) states that "any sign not listed as a permitted sign within a district is prohibited in that district, unless it is exempt under Section 10.1022."

Section 10.1022(7) lists as exempt:

> "signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons only. Such signs may be illuminated and are not subject to the provisions of this chapter."

Therefore, the wall graphics proposed on the north, west and south elevations which are only going to be visible to students are exempt. Regarding the east elevation, Section 10.200 sets forth signage for institutional uses in single-family zones. They are allotted a maximum of 40 square feet of signage per street frontage which can be comprised of a 20 square foot ground sign and a 20 square foot wall sign. As previously discussed, the applicant is requesting conditional use permit approval for a 19.25 square foot electronic ground sign. That leaves 20.75 square feet for a wall graphic. The wall graphic proposed on the east elevation greatly exceeds this allotment. Staff recommends that the applicant stipulate to reducing the size of the wall graphic on the

east elevation to 20.75 square feet and removing the lettering, or removing the wall graphic altogether and replacing it with a window.

Building Height

The Dormitory building will be nearly 26 feet tall which is well within the maximum height of 35 feet for this zoning district.

The flat metal roof portion of the Commons building will be 35 feet tall. Exempted from building height requirements are spires, chimneys, belfries, cupolas, flag poles and other similar projects (Section 10.705[B]). The main entry includes a standing seam metal roof projection that extends to nearly 41 feet in height on the south side of the building and is similar to a spire. Therefore, this roof extension is not subject to the height provisions.

Concealments

Staff notes that on the elevation plans for the Commons building (Exhibit E) there is a statement that the rooftop mechanical equipment will be screened if required. *Medford Land Development Code* Section 10.782 requires roof-mounted HVAC equipment to be concealed using the architectural elements of the building. Staff has included a condition of approval that requires the applicant to screen this rooftop equipment.

Landscaping

The Landscape Plans (Exhibits H and I) show numerous areas of plantings within each phase of the project. Staff finds that the landscaping plans as presented comply with the Code.

Phasing

As previously stated, the applicant is proposing to construct the project in five phases. *Medford Land Development Code* Section 10.250 requires substantial construction on the development to occur within one year following the final order date. It also speaks to use, in that the use must commence operation within the first year following the final order.

Because the use has been established and this land use action relates to the expansion of the use with site improvements, staff recommends the interpretation of the expiration be in accordance with Section 10.250 a building permit for the new parking lot must be obtained and substantial construction on this improvement must occur

within one year following the date of the final order. If this Phase 1 improvement is not substantially constructed within the first year, the applicant shall ask for a one-year extension from the Planning Commission.

Once substantial construction on Phase 1 has occurred, the CUP can be considered to be implemented and will not expire under Section 10.250. However, the new Administration Building in Phase 4 shall be subject to a separate Site Plan and Architectural Review Commission application.

CONDITIONAL USE PERMIT FINDINGS AND CONCLUSIONS

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

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

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

The applicant makes findings (Exhibit J) pertaining to Section 10.248(1) which allows the approval of Conditional Use Permit requests that have been found to have no significant adverse impacts. The applicant contends that the application, including the on-site parking and circulation improvements, the new buildings, and the proposed electronic message sign, will cause no significant adverse impacts.

The applicant further finds that the application and St. Mary's School are in the public interest "by reason that the education of young people is among the most important undertakings of this (or any) society which seeks, as a common goal, its perpetual existence" (page 20, Exhibit J). Staff concurs with the Applicant's findings that the subject use is clearly in the public interest. The facility is necessary for fulfilling a vital role by providing a rigorous educational programming option for young adults in the region. It is the applicant's intent to improve the neighborhood through improving the built environment. The applicant is reconfiguring and adding additional on-site circulation and parking facilities, and providing attractive and functional new buildings. Many of the improvements identified on the master plan improve the livability of abutting and surrounding properties by addressing circulation and parking deficiencies. In addition, the improvements will help to create a secure campus that once completed

will result in a fully gated campus with only one entrance through which visitors may enter. The proposed improvements will strengthen the overall physical character of the campus and the community.

In terms of traffic impacts related to the school the traffic analysis identifies that the proposed improvements will not create any impacts on the transportation system or neighboring properties. The addition of a student parking lot and improvements to drop-off and pick-up vehicular traffic and on-site circulation will serve to ensure that school parking is contained on-campus.

In their supplemental findings (Exhibit K), the applicant contends that the drainage facility they propose to place in Larson Creek, which is a riparian corridor, complies with Section 10.248(2). The proposed drainage facility within the riparian corridor is in the public interest because it will slow "..the rate of stormwater discharge for purposes of flood control and to qualitatively pre-treat storm water before its discharge to Larson Creek" (page 2, Exhibit K). Adverse impacts associated with the installation of the drainage facility in the Larson Creek riparian corridor include noise, dust, and an area of potential disturbance. The applicant proposes to mitigate these adverse impacts by limiting the construction period to one week during the dry months when water levels are low and fish are not spawning, doing the work at the same time as the construction of the Larson Creek Multi-Use Trail, limiting the area of disturbance, revegetating the area with riparian plants, and placing riprap on the streambank where the new outflow pipe will be located to prevent erosion. Staff concurs with the applicant's findings.

CONCLUSION

Staff has reviewed the Applicant's findings and conclusions (Exhibits J and K) and recommends that the Commission find that the application meets Criterion 1 and 2 and adopt the findings provided by the applicant, as there are no significant adverse impacts and a public benefit for the proposal has been clearly established. Also, any adverse impacts associated with the proposed drainage facility will be properly mitigated. Conditions of approval prepared by staff in Exhibit "A" are standard conditions of approval addressing site development requirements. If additional mitigation is required, the Commission may add to the Conditions of Approval (Exhibit A) recommended by staff.

RECOMMENDED ACTION

Adopt the applicant's findings as presented for Criterion 1 and 2, and adopt a Final Order for approval per the staff report dated November 1, 2016, including Exhibits A through BB.

EXHIBITS

A	Conditions of Approval dated November 1, 2016
B	Master Plan received October 26, 2016
C	Phasing Plan received September 9, 2016
D	Site Demolition Plan received October 26, 2016
E	Elevations, Floor & Roof Plans received August 25, 2016
F	Utility Plan received August 25, 2016
G	Grading & Stormwater Facility Plan received October 26, 2016
H	Landscape Plan (south and east sides of campus) received August 25, 2016
I	Landscape Plan (north side of campus) received August 25, 2016
J	Applicant's Findings of Fact received August 25, 2016
K	Applicant's Supplemental Findings of Fact received October 25, 2016
L	Applicant's Narrative received August 25, 2016
M	Wetlands Assessment from Terra Science, Inc., received August 25, 2016
N	Transportation Safety Letter from Southern Oregon Transportation Engineering, LLC, received August 25, 2016
O	Public Works Department Staff Report received October 19, 2016
P	Land Development Report from Medford Fire Department received October 19, 2016
Q	Staff Memo from the Medford Water Commission received October 19, 2016
R	Memorandum from the Planning Department regarding Floodplain received October 17, 2016
S	Memo from the Building Department received October 19, 2016
T	Landscape & Irrigation Code Information received October 19, 2016
U	Email from the Rogue Valley Council of Governments received October 6, 2016
V	Letter from the Medford Irrigation District received October 17, 2016
W	Zoning Map received September 20, 2016
X	General Land Use Plan Map received August 25, 2016
Y	Surrounding Lands By Value received August 25, 2016
Z	Site Photos received August 25, 2016
AA	Jackson County Assessor's Map received August 25, 2016
BB	Wetland Land Use Notification Response from Department of State Lands received October 24, 2016
	Vicinity Map

PLANNING COMMISSION AGENDA: **NOVEMBER 10, 2016**

EXHIBIT A

St. Mary's CUP
CUP-16-109
Conditions of Approval
November 1, 2016

DISCRETIONARY REQUIREMENTS

1. Prior to issuance of the first building permit, the applicant shall submit a bicycle rack detail consistent with the inverted "U" design.

2. Applicant agrees to stipulate to the following:

   a. Construct the planned improvements in accordance with the approved plans, except as the same have been modified by conditions imposed by the City of Medford.

   b. Any modifications to the approved plans shall be approved by the Site Plan and Architectural Commission provided that such modifications are wholly within the boundaries of the building envelopes as shown on the approved plans and such modifications shall not require amendment of this conditional use permit nor the filing of a new conditional use permit application.

   c. The future Administration building design will be subject to Site Plan and Architectural Commission review.

   d. The amount of vehicular parking shown on the approved plans will be provided according to the approved phase plan.

   e. The electronic message sign will be no greater than 20 square feet on each of its two sides and will be no taller than five feet per the approved plans and will have a static message display with no animation.

   f. All signage, including the electronic message sign, shall be sought under separate sign permits.

CODE REQUIREMENTS

1. Prior to issuance of the first building permit, the applicant shall:

   a. Comply with the Public Works Department Staff Report received October 19, 2016 (Exhibit O).

   b. Comply with the Medford Fire Department Report received October 19, 2016 (Exhibit P).

   c. Comply with the Memo from the Medford Water Commission received October 19, 2016 (Exhibit Q).

EXHIBIT A

St. Mary's CUP
CUP-16-109
Conditions of Approval
November 1, 2016

d. Comply with the Memorandum from the Planning Department regarding floodplain received October 17, 2016 (Exhibit R).

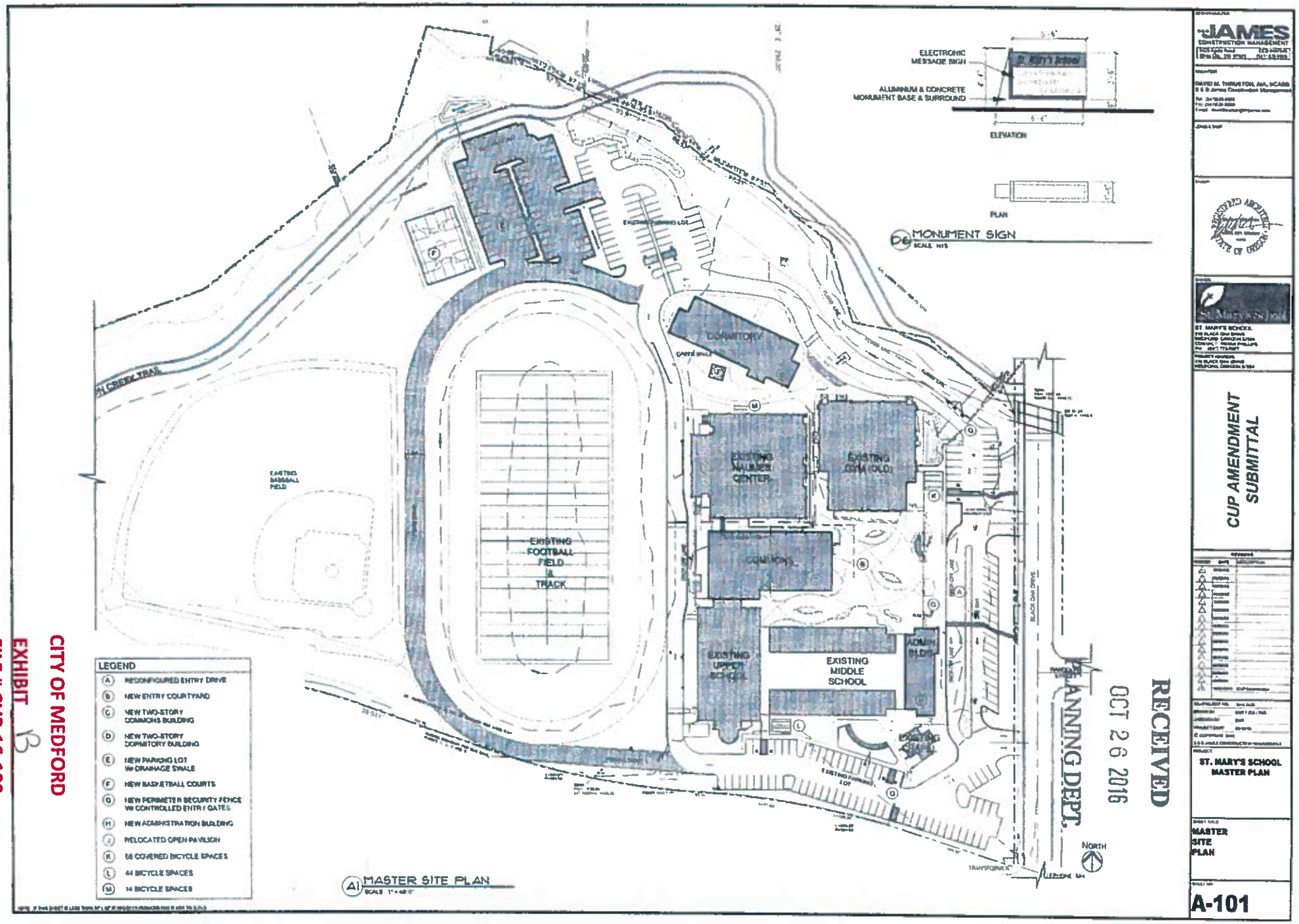
e. Comply with the Memo from the Building Department received October 19, 2016 (Exhibit S).

f. Comply with the letter from the Medford Irrigation District received October 17, 2016 (Exhibit V).

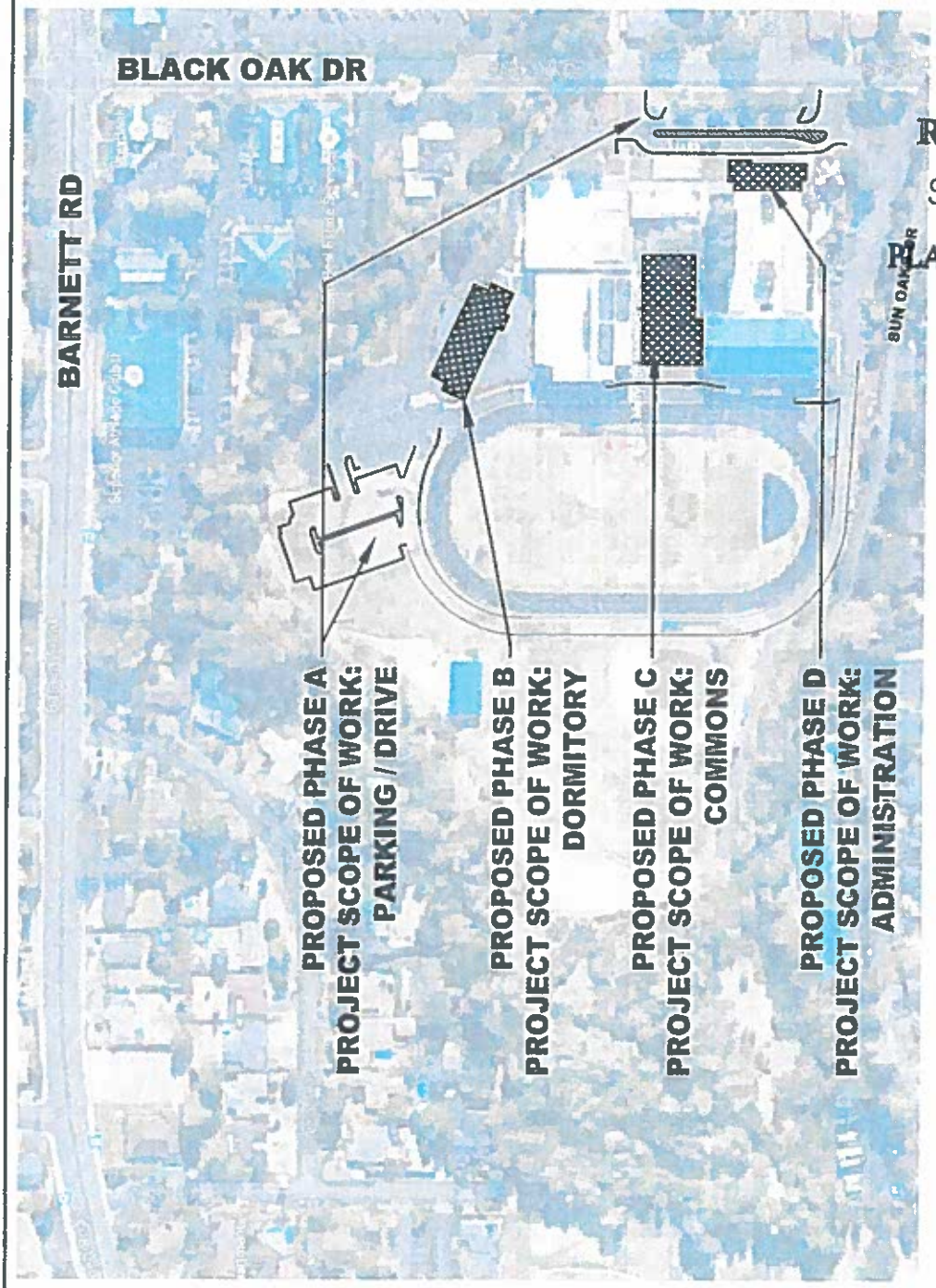
g. Obtain permits and provide the Planning Department with copies from Department of State Lands, the Army Corp. of Engineers and the Department of Fish and Wildlife in regards to the construction of the new outflow pipe in the Larson Creek riparian corridor.

h. Any new HVAC equipment shall be concealed in compliance with Medford Land Development Code Section 10.782.

i. Install additional bicycle parking concurrent with each phase in compliance with Medford Land Development Code Section 10.748.



CITY OF MEDFORD
EXHIBIT B
FILE # CUP-16-109



NORTH

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SEP 09 2016
PLANNING DEPT

A1 PHASING PLAN
SCALE: NTS

DESIGN-BUILDER:
S&B JAMES CONSTRUCTION MANAGEMENT
8425 Agate Road
White City, OR 97503
CCB #167945
(541) 826-5668
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S & B JAMES CONSTRUCTION MANAGEMENT

ARCHITECT:
DAVID M. THRUSTON
AIA, NCARB
S & B James Construction Management
Tel: (541)826-5668
Fax: (541)826-5536

REVISIONS:

MARK	DATE / DESCRIP.
1	00/00/00
2	00/00/00
3	00/00/00

SBJ PROJECT NO.:
M14-3436

PROJECT.
ST MARY'S
SCHOOL
MASTER PLAN
616 BLACK OAK DRIVE
MEDFORD, OREGON

DATE: 09/21/2016

SCALE: AS NOTED

TITLE:
PHASING PLAN

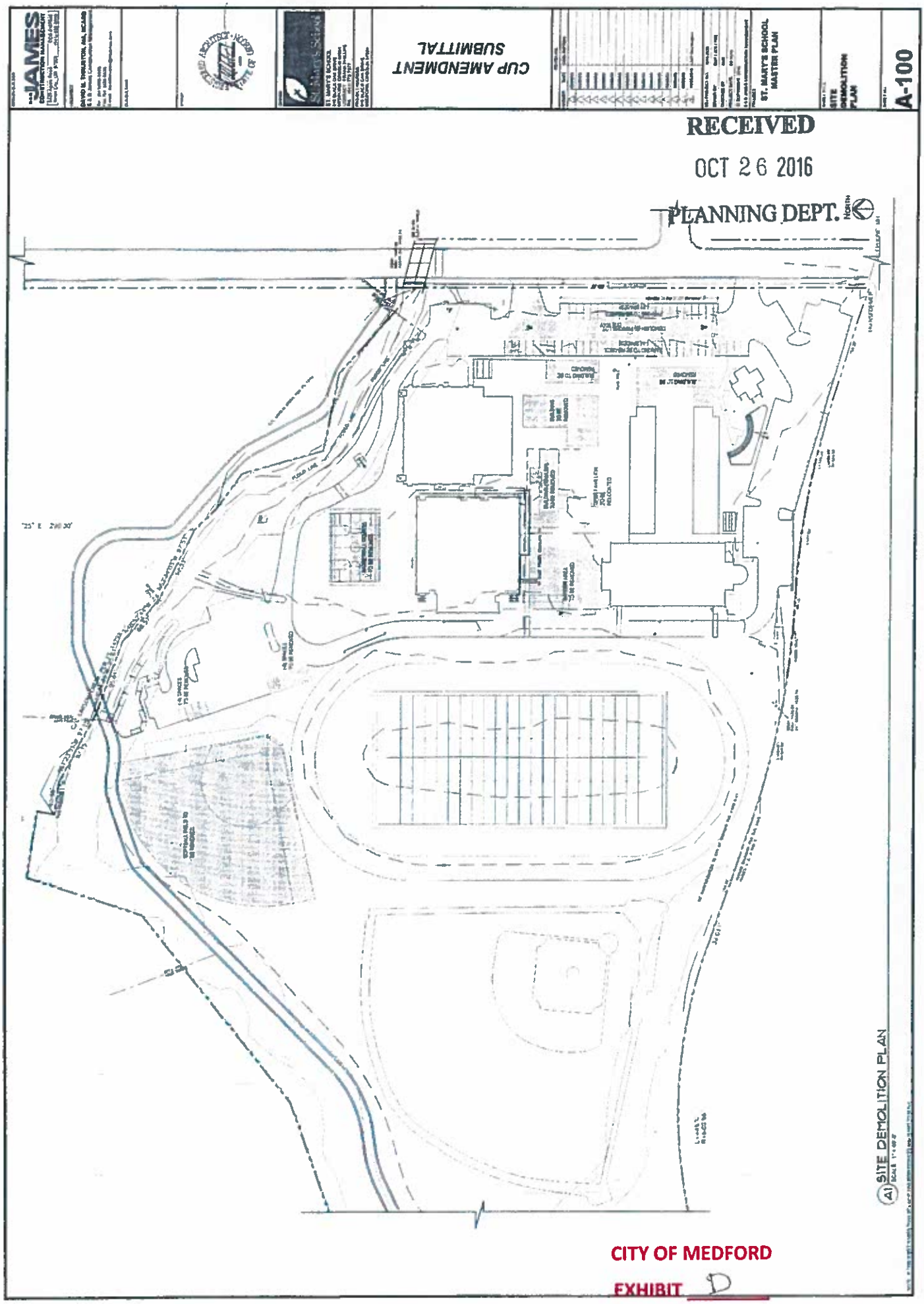
SKETCH NO.:
A-001.1

REF. DWG.:
A-001

CITY OF MEDFORD
EXHIBIT C
FILE # CUP-16-109

Plot Date 9/21/2016
NOTE: IF THIS SHEET IS LESS THAN 8-1/2" x 11" IT HAS BEEN REDUCED AND IS NOT TO SCALE

34



CITY OF MEDFORD
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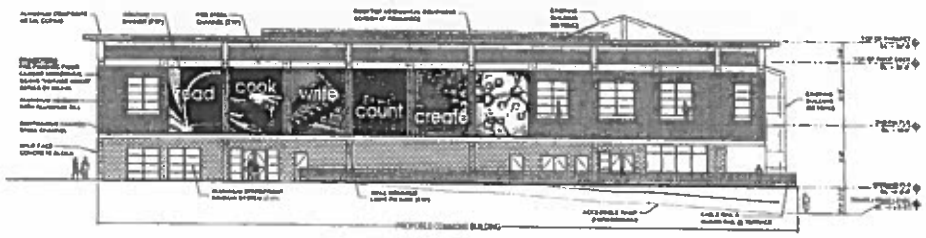
FILE # CUP-16-109



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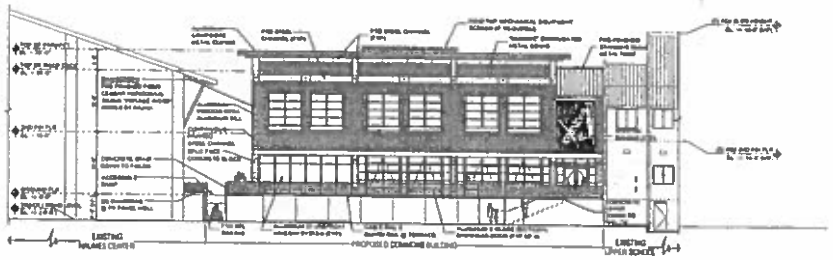

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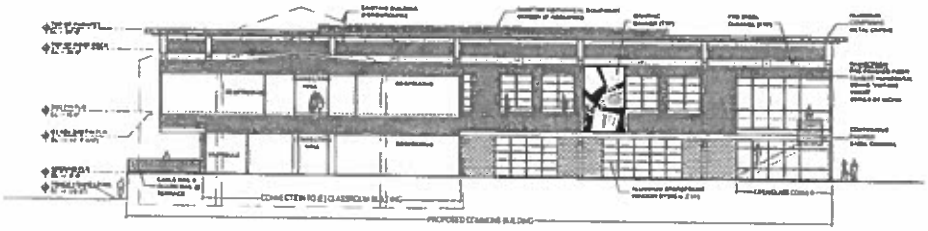

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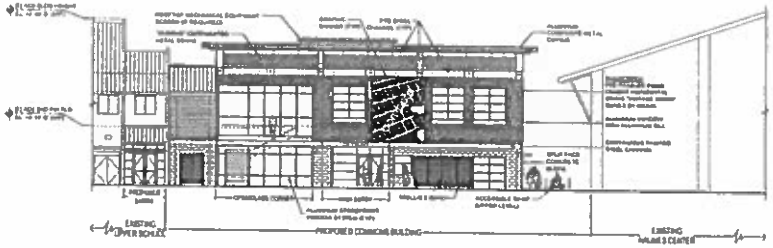

A3 EAST ELEVATION
SCALE

THE JAMES CONSTRUCTION MANAGEMENT

RECORDED ARCHITECT STATE OF OREGON

St. Mary's School

CUP AMENDMENT SUBMITTAL

ST. MARY'S SCHOOL MASTER PLAN

COMMONS BUILDING EXTERIOR ELEVATIONS

A-201.1

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CITY OF MEDFORD
EXHIBIT E 1/5
FILE # CUP-16-109

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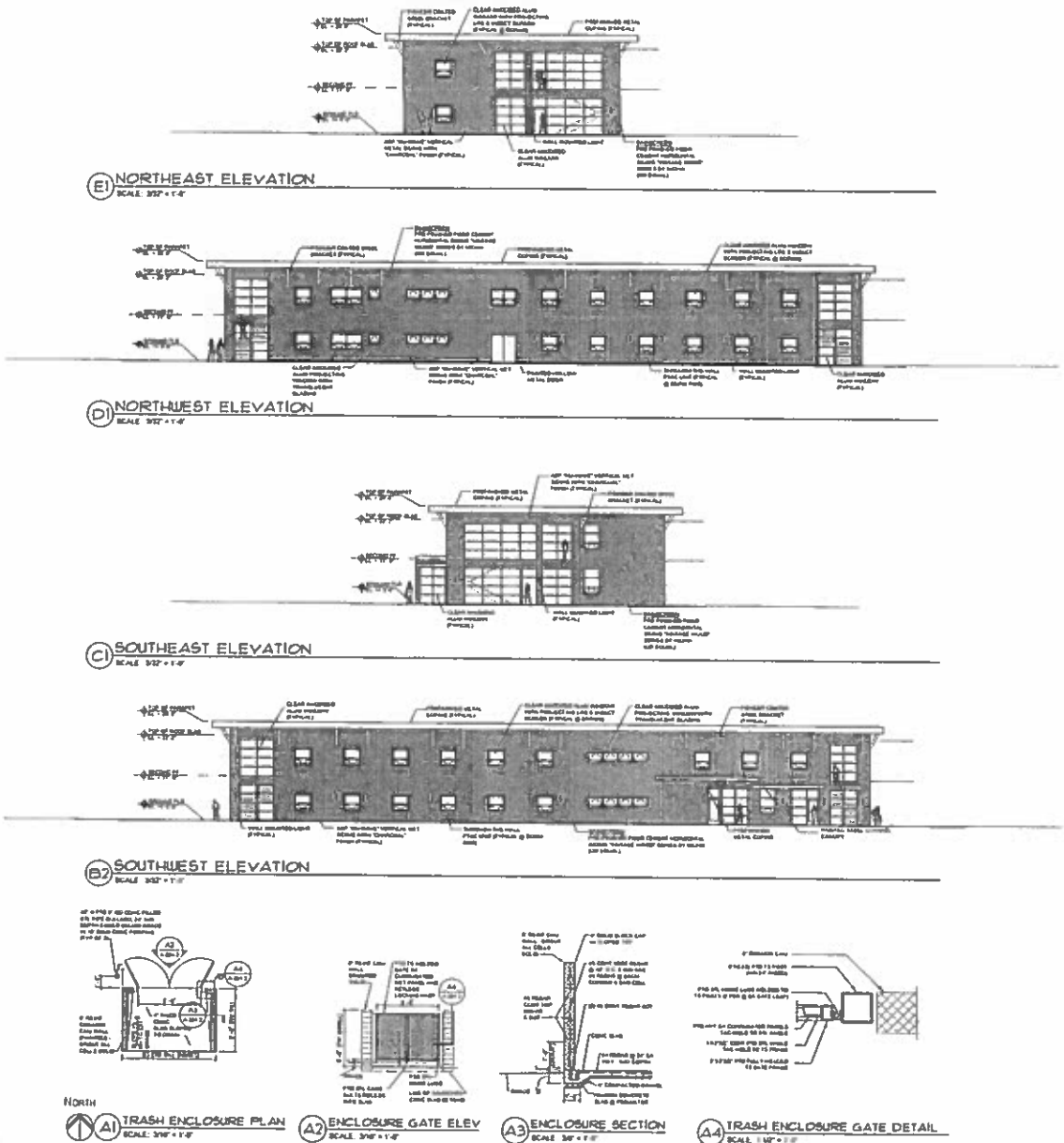

JAMES CONSTRUCTION MANAGEMENT

DAVID M. THURSTON, AIA, NCARB

St. Mary's School

CUP AMENDMENT SUBMITTAL

ST. MARY'S SCHOOL MASTER PLAN

DORMITORY BUILDING EXTERIOR ELEVATIONS

A-201.2

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EXHIBIT E 2/5
FILE # CUP-16-109

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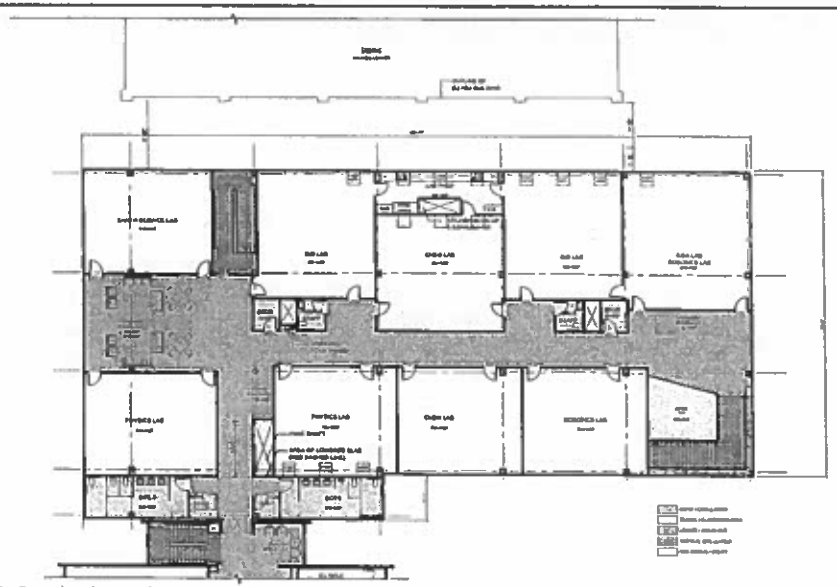

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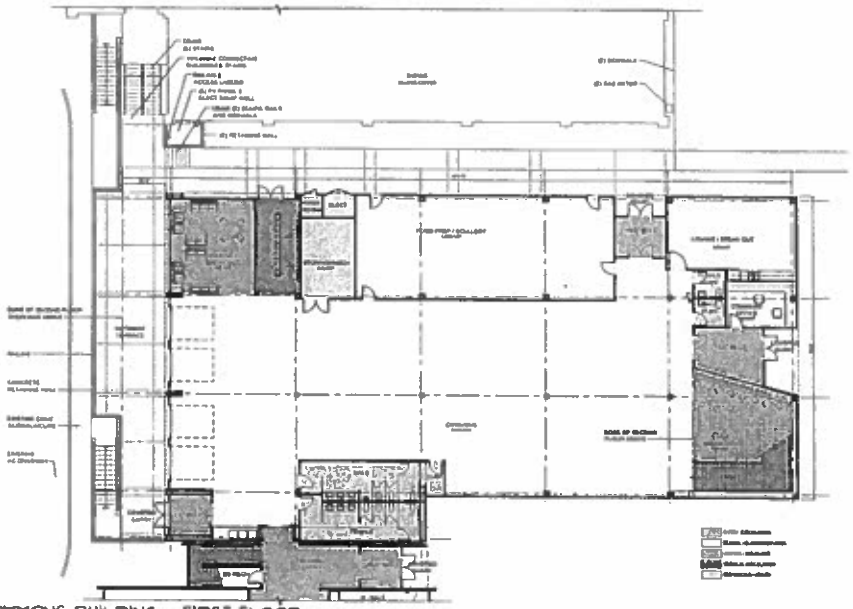

A2 COMMONS BUILDING - FIRST FLOOR
SCALE 3/32" = 1'-0"

JAMES CONSTRUCTION MANAGEMENT

REGISTERED ARCHITECT STATE OF OREGON

St. Mary's School

ST. MARY'S SCHOOL

CUP AMENDMENT SUBMITTAL

ST. MARY'S SCHOOL MASTER PLAN

COMMONS BUILDING FLOOR PLANS

102.1

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EXHIBIT E 3/5
FILE # CUP-16-109

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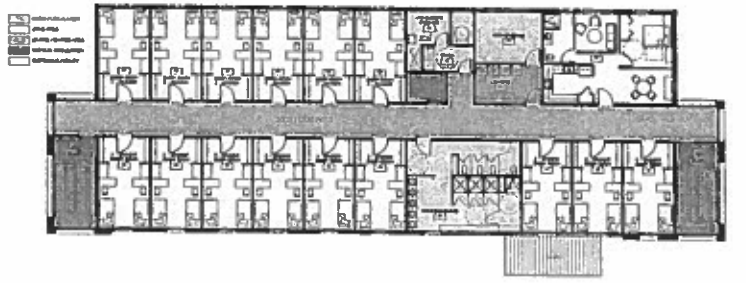

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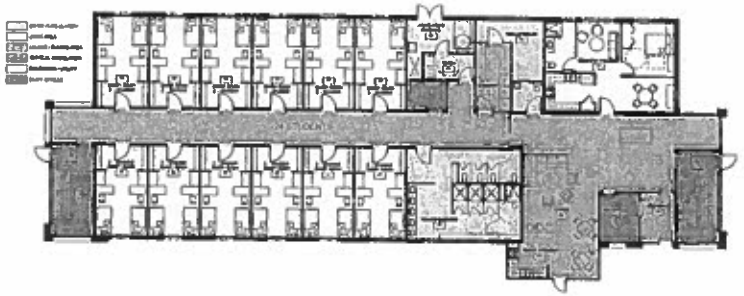
D2 DORMITORY BUILDING - SECOND FLOOR PLAN



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A2 DORMITORY BUILDING - FIRST FLOOR PLAN

JAMES

REGISTERED ARCHITECT STATE OF OREGON

St. Mary's School

CUP AMENDMENT SUBMITTAL

ST. MARY'S SCHOOL MASTER PLAN

DORMITORY BUILDING FLOOR PLANS

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EXHIBIT E 4/5
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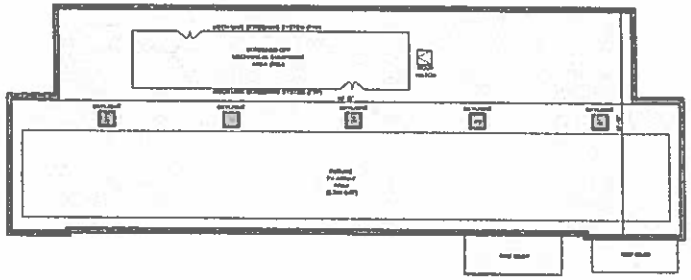
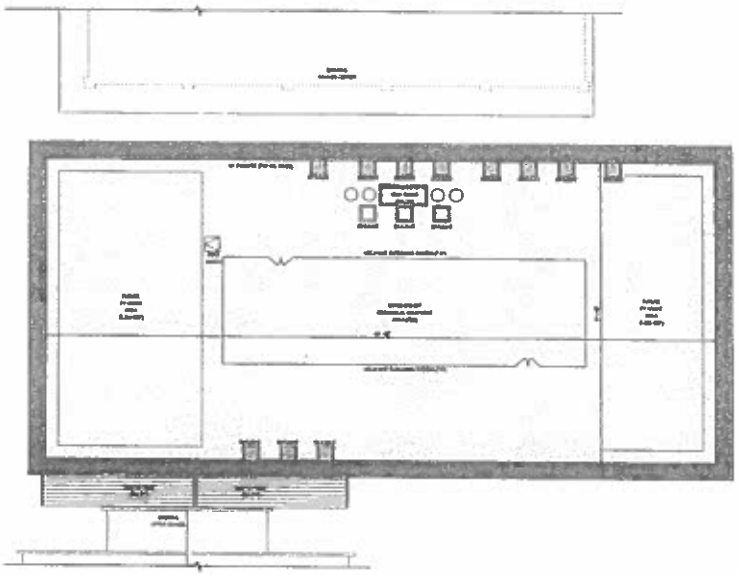


D2 DORMITORY BUILDING - ROOF PLAN

SCALE

NORTH



A2 COMMONS BUILDING - ROOF PLAN

SCALE

NORTH

JAMES CONSTRUCTION MANAGEMENT

DAVID M. THRUSTON, AIA, NCARB

REGISTERED ARCHITECT STATE OF OREGON

St. Mary's School

ST. MARY'S SCHOOL

CUP AMENDMENT SUBMITTAL

ST. MARY'S SCHOOL MASTER PLAN

COMMONS & DORMITORY BLDGS ROOF PLANS

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EXHIBIT E 5/5

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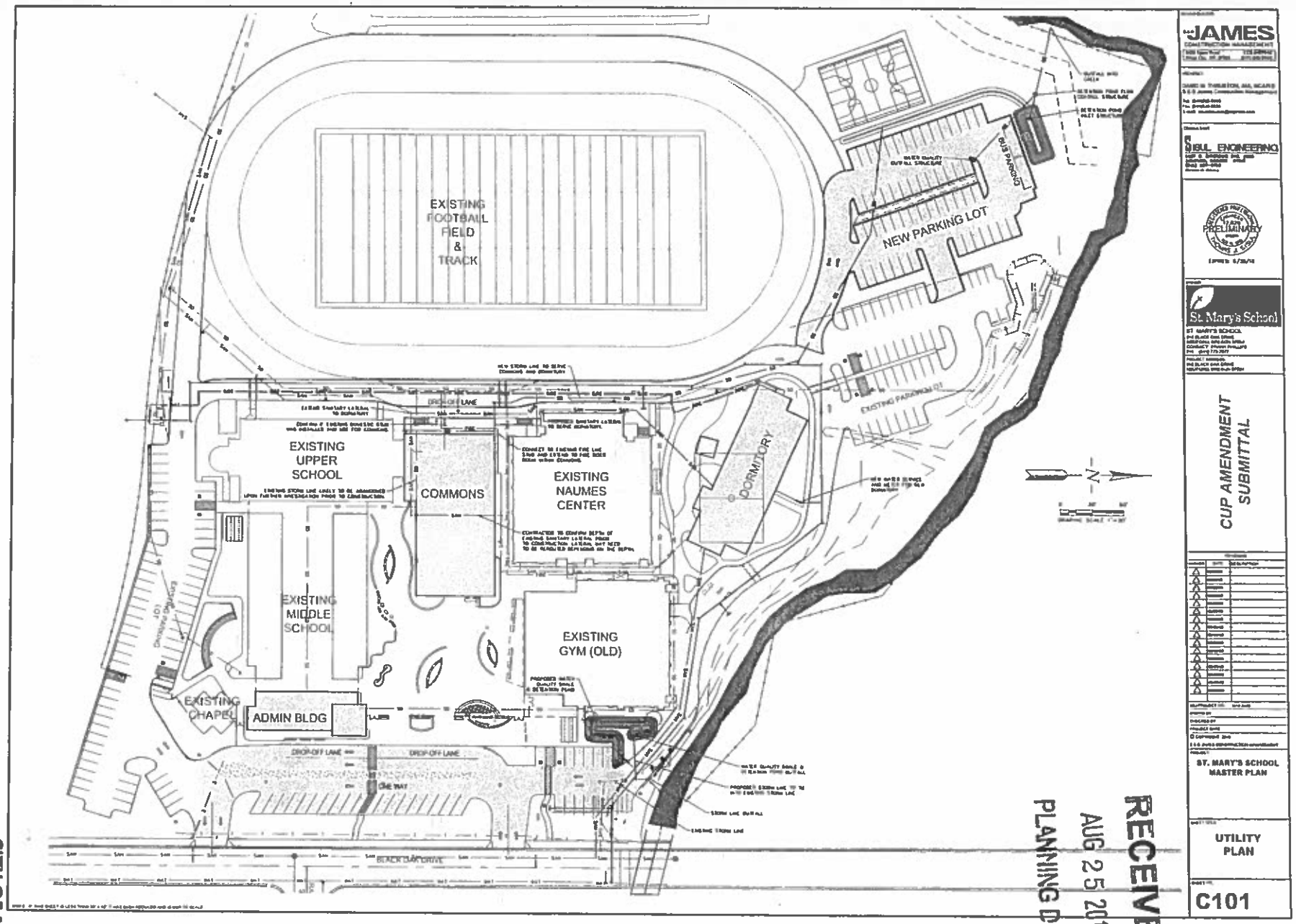

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CITY OF MEDFORD
EXHIBIT E
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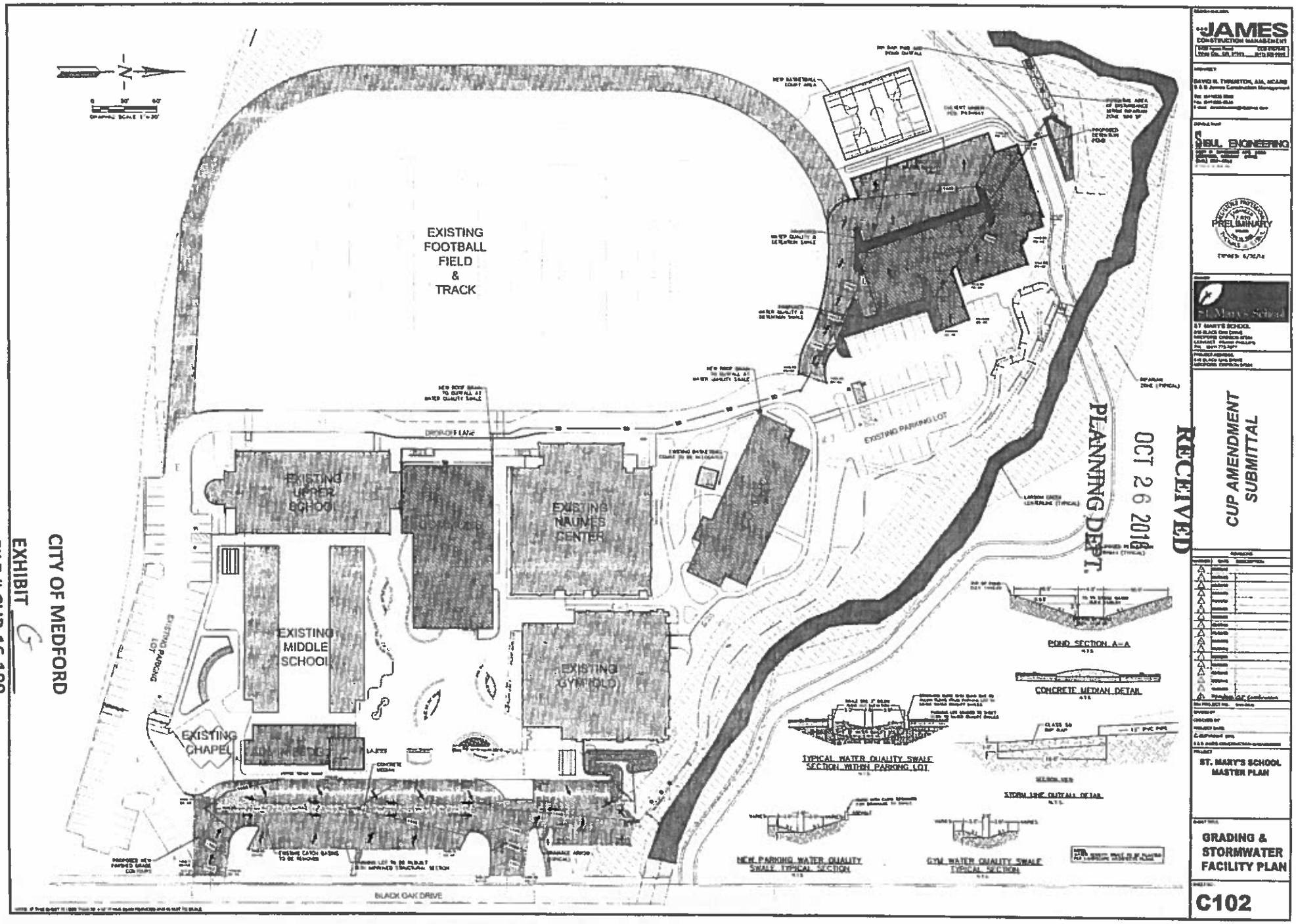

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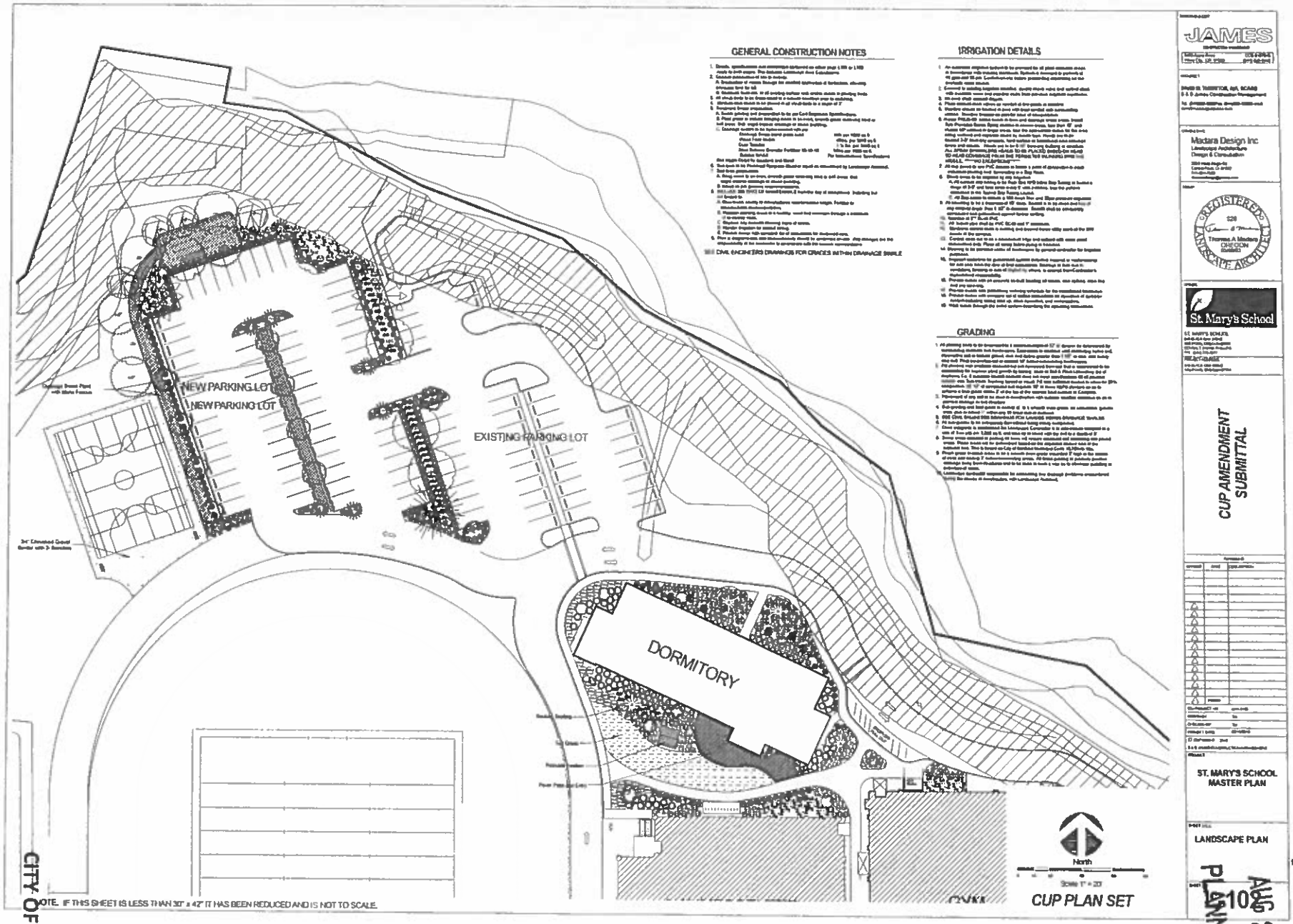

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CITY OF MEDFORD
EXHIBIT H

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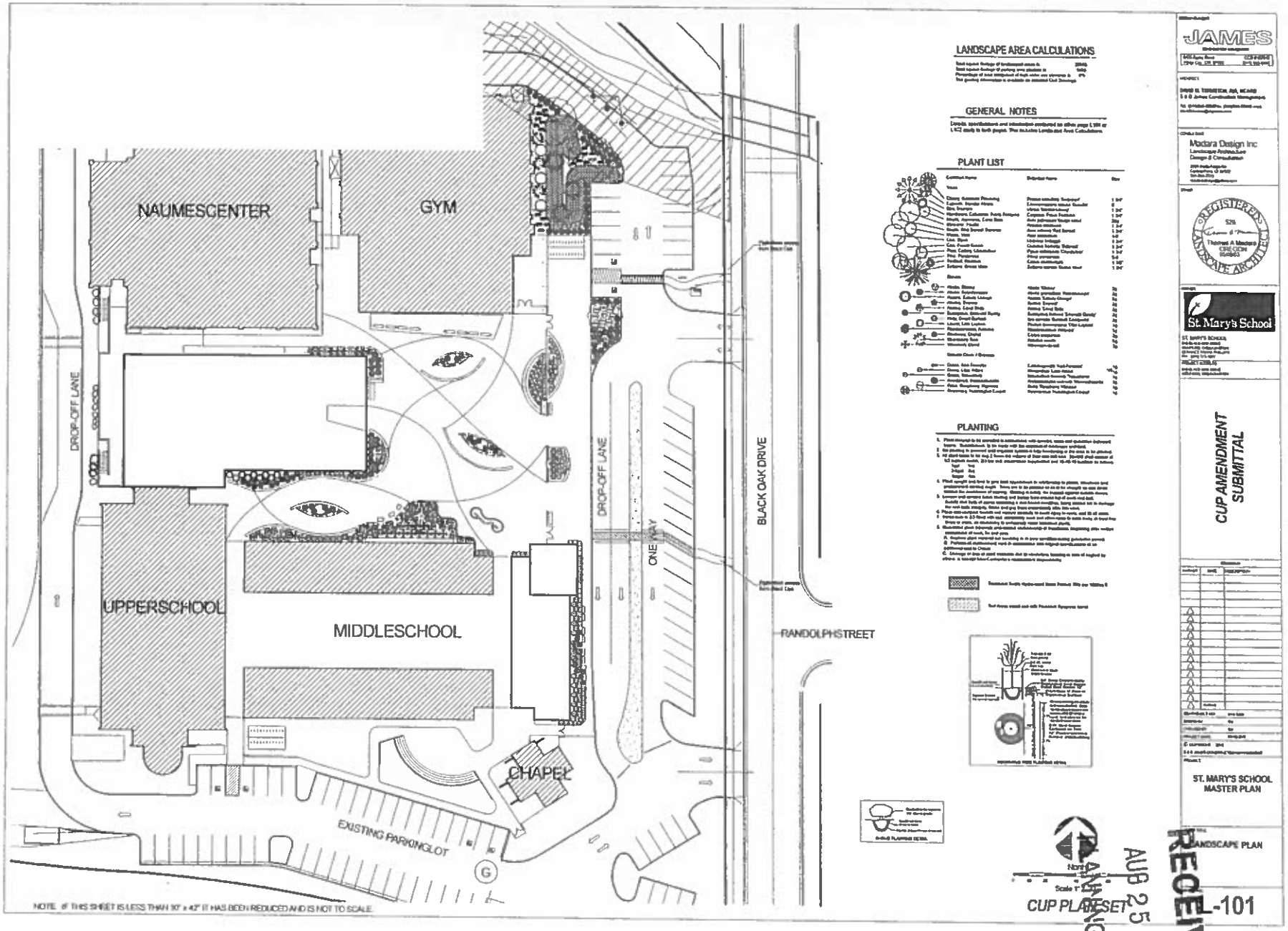

CITY OF MEDFORD
EXHIBIT I
FILE # CUP-16-109

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BEFORE THE CITY OF MEDFORD

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN AMENDMENT TO A CONDITIONAL USE PERMIT TO ALLOW AN EXPANSION OF THE EXISTING ST. MARY'S SCHOOL ON PROPERTY SITUATED WEST OFF BLACK OAK DRIVE SOUTH OF ITS INTERSECTION WITH BARNETT ROAD ON LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF MEDFORD AND TO AUTHORIZE AN ELECTRONIC MESSAGE SIGN FOR THE SCHOOL Owner/Applicant: St. Mary's School Agent: CSA Planning, Ltd.	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW *Applicants' Exhibit 2*

I

NATURE AND SCOPE OF APPLICATION

Through this application, Applicant St. Mary's School seeks to amend and modify its conditional use permit (CUP) which was approved by the City of Medford in 2010. The amendment constitutes a major CUP modification pursuant to Medford Land Development Code (MLDC) 10.250 which requires major modifications to follow the same process as if this were a new CUP. This CUP modification also involves entitlement of an electronic message sign.

The proposed modifications reflect new and changing educational programs within St. Mary's School. The CUP approved in 2010 was to accommodate a maximum enrollment of 550 and *no increase in maximum enrollment is now proposed.* The project plans in Exhibit 7 are based upon that potential level of future enrollment.

Existing enrollment fluctuates, but is presently about 468 (322 high school and 146 middle school students) along with 71 international students involved in Applicant's Mandarin Program.[1] Some international students stay in private homes. Once the planned dormitory is complete, the School plans for there to be no more than 62 international students (of which 50 would be housed in the planned dorm).

[1] The Mandarin Program involves student exchanges and curriculum involving the teaching of Mandarin Chinese and its culture. St. Mary's School is the first Confucius Classroom in the USA, providing students a high level connection to China and opportunities for a broader global education.

While the overall master plan contemplates many improvements small and large in four phases, of principal import are the following which are shown on Applicant's plans in Exhibit 7.

A. **Parking and Access Improvements**. Additional off-street parking and access improvements along Black Oak Drive to make ingress/egress to the school more safe and efficient. A new parking lot is proposed adjacent to the existing north parking lot to replace the parking that is being removed to accommodate the reconfigured drop-off area in the east parking lot.

B. **Commons Building and Courtyard**. The planned Commons Building is envisioned as a two-story building with the ground floor devoted to common space for dining and small student gatherings (similar to a college student union) and includes a full food service operation for both boarding and day students. The second floor is to consist of nine science and engineering labs and small group work space. This is a net increase of 5 classrooms. The Commons Courtyard, immediately adjacent the Commons Building, provides an outdoor gathering place for students. Some buildings will be removed to accommodate the Commons Building and Plaza improvements.

C. **Dormitory**. Construction of a planned dormitory to house 50 of its future maximum 62 international students. The dorm is intended as a two-story building designed to house 50 students and 2 residential life staff. These students are presently housed at Southern Oregon University, and St. Mary's School buses them to and from school each day. Construction of the dorm will permit these students to live on the St. Mary's School campus and fully participate in the life of the school community. The boarding students will not be driving. Incidental transportation will be provided by the school.

D. **Administration Building**. Construction of a new Administrative Building to replace the existing one located on the east side of the Middle School facing Black Oak Drive.

Important Note: The Commons and the Dormitory buildings are now being submitted for design review as part of this application. The Administration Building will be submitted later for Site Plan and Architectural Review when that phase is ready to move forward.

In addition to the conditional use permit (CUP) for the school itself, this application also involves a request to approve an electronic message sign that would be located along the Black Oak Drive frontage. Permitting an electronic message sign within a residential zoning district requires separate CUP authorization that is here sought contemporaneously.

II

EVIDENCE SUBMITTED WITH APPLICATION

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

Exhibit 1. A completed application form accompanied by the required filing fee and power of attorney authorizing CSA Planning, Ltd. to function as owner's agent

Exhibit 2. The proposed findings of fact and conclusions of law (this document) which demonstrates how the conditional use permit application complies with the applicable substantive criteria

Exhibit 3. Assessor plat map (37-1W-32AA) which contains and depicts the subject property

Exhibit 4. Zoning Map on aerial photo depicting the subject property

Exhibit 5. Current Medford General Land Use Plan map depicting the subject property

Exhibit 6. Wetlands Assessment conducted in 2015 by Terra Science, Inc.

Exhibit 7. Applicant's Design Plans:

- Sheet A-001 Drawing Index; Notes; Phasing, Planning Info
- Sheet A-100 Site Demolition Plan
- Sheet A-101 Master Site Plan
- Sheet A-102.1 Commons Building Floor Plans
- Sheet A-102.2 Dormitory Building – Floor Plans
- Sheet A-103 Commons and Dormitory Buildings – Roof Plans
- Sheet A-201.1 Commons Building – Exterior Elevations
- Sheet A-201.2 Dormitory Building – Exterior Elevations
- Sheet C101 Utility Plan
- Sheet C102 Grading & Stormwater Facilities Plan/ Details
- Sheet L-101 Landscape Plan
- Sheet L-102 Landscape Plan

Exhibit 8. Transportation Safety Letter from Kimberly Parducci, Southern Oregon Transportation Engineering, LLC, dated July 12, 2016

Exhibit 9. Photographs of existing signs at St. Mary's School

Exhibit 10. Map of Surrounding Lands by Value

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

Conditional Use Permit for a Private School. The City of Medford concludes that the criteria governing conditional use permits for schools (public or private) are in Medford Land Development Code (MLDC) 10.248 and 10.249. The provisions of MLDC 10.815 through 10.817 are also partially applicable. The approval criteria are recited verbatim below and are addressed later with findings of fact in Section IV and conclusions of law in Section V.

MEDFORD LAND DEVELOPMENT ORDINANCE (MLDO)

CONDITIONAL USE PERMIT CRITERIA

10.248 Conditional Use Permit Criteria

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

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

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

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

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

(2) Establish a special yard or other open space or lot area or dimension requirement.

(3) Limit the height, size, or location of a building or other structure.

(4) Designate the size, number, location, or nature of vehicle access points.

(5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.

(6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.

(7) Limit or otherwise designate the number, size, location, height, or lighting of signs.

(8) Limit the location and intensity of outdoor lighting, or require its shielding.

(9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.

(10) Designate the size, height, location, or materials for a fence.

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

10.249 Conditional Use Permits, Mitigation of Impacts

Development requiring the mitigation of impacts under Section 10.248(2), Conditional Use Permit Criteria, must do one (1) of the following:

(1) Preserve unique assets of interest to the community.

(2) Provide a public facility or public nonprofit service to the immediate area or community.

(3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

SIGN PERMIT CRITERIA

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00,2,4,6,10)

Signs shall be permitted only as follows in the single-family residential zoning districts:

(2) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage. Signs shall not be internally illuminated except as provided in (c) below. Each street frontage is permitted: (a) a maximum of one ground sign measuring a maximum of 20 square feet, and a maximum of one wall sign measuring a maximum of 20 square feet; or (b) a maximum of two ground signs or two wall signs, each measuring a maximum of 20 square feet. The square footage of the two permitted signs per street frontage may not be combined to create a larger sign. In cases of properties with more than one street frontage, the signage from one street frontage may not be transferred to another street frontage. Signs shall also comply with the following provisions:

(a) Ground Signs:

(i) Maximum Size: 20 square feet per sign

(ii) Maximum Height: 5 feet

(iii) Minimum Setback: 15 feet from any property line

(iv) Exempt: Ground signs within public parks, schools, or stadiums that are placed and located so as not to be viewed from the street are exempt from these provisions.

(b) Wall Signs:

(i) Maximum Size: 20 square feet per sign

(ii) Maximum Height: No part of any wall sign shall be higher than the building height as defined in Section 10.705.

(iii) Exempt: Wall signs within public parks, schools, or stadiums which are placed and located so as not to be viewed from the street are exempt from these provisions.

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.250.

a. The electronic message sign shall be considered as an element of the CUP for the use.

b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.250.

c. The expiration of a CUP shall require the removal of the electronic message sign.

(ii) Maximum Size: 20 square feet

(iii) Maximum Height: 5 feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.705.

(iv) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

(v) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.

(vi) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.

(vii) The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited.

IV

FINDINGS OF FACT

The City of Medford reaches the following facts and finds them to be true with respect to this matter which involves consideration of a conditional use permit to improve and expand an existing private school.

1. **Description, Size, and Ownership of the Subject Property**: The subject property consists of a single parcel that has 22.76 acres. The property is owned in fee simple by St. Mary's of Medford, Inc., Medford Oregon. The property is described in the records of the Jackson County Assessor as Tax Lot 400 on map 37-1W-32AA. The property is occupied by school buildings which are concentrated on the easterly portion of the property fronting Black Oak Drive. The westerly portion of the property is occupied by outdoor athletic facilities including a one-quarter mile track and football field, a baseball/softball field and other undeveloped portions of the site which exist simply as open space and have no designated use or purpose. The northerly boundary of the property is demarked by Larson Creek and its wooded riparian corridor. A municipal trail is also located along Larson Creek, a portion of which traverses the subject property.

2. **Property Location:** The property is located west of Black Oak Drive south of its intersection with Barnett Road and across from the intersection of Black Oak and Randolph Street. The property is within the corporate limits of the City of Medford and its urban growth boundary. The property does not abut the city's corporate boundaries.

3. **Comprehensive Plan; Zoning; Permissible Use:** The property is planned Urban Residential on the comprehensive plan (GLUP) map and zoned Single Family Residential (SFR-4). Pursuant to the table in MLDC 10.314(6), institutional uses including schools are conditional uses in an SFR-4 zone. Public and private schools are not distinguished in the approval standards.

4. **Surrounding Land Uses and Development**: Existing single family dwellings on pad lots or conventional individual lots adjoin the property's south boundary, along with common recreational buildings and two tennis courts that are a part of the Sun Oaks Planned Unit Development. Sun Oaks is served by Sun Oaks Drive which adjoins a portion of the subject property's southerly boundary. There are also single family dwellings on individual lots which adjoin a portion of the property's north boundary and are separated from the subject property by Larson Creek and its riparian corridor (which is heavily wooded along this interface). Also adjoining the north boundary of the property are office and retail commercial uses; the Black Oak Village center is located northeast of the property across Larson Creek. To the west, several hundred feet from any proposed development area is the Quail Point Golf Course, which also is separated by Larson Creek. To the east are single family detached dwellings on individual urban-size lots which front upon Randolph Street and Lawrence Avenue.

5. **History of St. Mary's School; Previous Planning Actions**: St. Mary's School was founded in 1865 and has been located on the subject property since 1962. According to the records of the Medford Planning Department, a CUP for this property was first

approved in 1975. Revisions to the initial CUP were approved in 1992 and 1994. In 1992 and again in 1994 Applicant added modular classrooms. In 1996 a parking lot was paved and fencing constructed. In 2000 a media center, science labs and classrooms were constructed. Following a 2010 CUP amendment, a chapel, a Fine Arts & Athletic Center, and a new parking lot at the northern boundary were constructed. The Performing Arts Center approved as part of the 2010 CUP is no longer included in the current plan.

Although Medford in previous land use actions never imposed an enrollment cap, the materials submitted for the 2010 CUP revision, expressed that maximum enrollment was not expected to exceed 550. St. Mary's revised plans for this application are still based upon a maximum enrollment of 550 students (Grades 6 -12), including international students.

6. **School Enrollment**: St. Mary's School accommodates a high school and middle school on an integrated campus. As mentioned in Section I, existing enrollment fluctuates but is presently about 468. Included in the 468 enrollment are (presently) 71 boarding students from Applicant's International Program. The school has determined that it will limit its international student population in the future to only 62 students.

7. **Operational Characteristics of the School**: The activities associated with St. Mary's School are characteristic of all schools, public and private and such activities are a matter of common knowledge and include as primary components classroom education, physical education, and various extracurricular activities that occur primarily after school hours. School hours are also similar to those of public schools, with school taking up in the mornings and letting out in the mid-afternoon. Middle School and High School hours are staggered to reduce drop-off and pick-up congestion. St. Mary's School exists as a regional private school serving Grades 6 through 12 for a large geographic area.

8. **Operational Characteristics of the proposed Dormitory**: New to the operations of the school will be a student dormitory to house international exchange students. The dormitory facility is planned to accommodate 50 exchange students and 2 residential life staff along with shared student restroom and laundry facilities. There will be a lounge with a snack kitchen with adjacent outdoor patio and gardens. Student's meals will be served in the new Commons Building. The dormitory building will be access-controlled to provide a secure environment for the students.

9. **Public Facilities and Services**: The property has been developed with school facilities for more than fifty years and is served by public sanitary sewer, water and storm drainage facilities provided by the City of Medford and Medford Water Commission. There is no evidence to suggest that the public facilities and utilities which serve this property are not adequate to accommodate the school's planned building improvements. Other municipal public services supplied to the property include Medford police and fire protection. The property is also served by a full range of public utilities including electricity, natural gas and communications.

10. **Transportation; Traffic**: The property is served directly from Black Oak Drive from two driveway access points. The Medford Transportation System Plan designates Black Oak Drive (in the vicinity of the subject property) as a collector street. Other than for

international students and special events, St. Mary's School does not furnish bussing and students are required to furnish their own transportation. For many high school students this means driving to and from the school. For children who do not drive (or live near enough to walk or bicycle to school) transportation consists of parents dropping off and picking up their children.

Applicant engaged Southern Oregon Transportation Engineering, LLC (SOTE) and its principal Kimberly Parducci to ascertain, as a matter of liveability pursuant to Medford's conditional use permit standards, whether impacts upon the transportation system from this land use action are greater than minimal. SOTE furnished a technical letter dated July 12, 2016 (Exhibit 8) in which the traffic/transportation findings and conclusions are summarized on page 6 and state:

> "The proposed St. Mary's School Master Plan Changes were evaluated from a safety standpoint and not shown to create adverse impacts to the surrounding area based upon the following conclusions:
>
> - "Master Plan changes increase on-site parking and stacking capacity, which reduce queue lengths and support additional traffic, without creating off-site impacts as the school expands over the next twenty years.
> - "Proposed building changes create a more efficient, comprehensive school campus without generating any substantial increase in traffic.
> - "A proposed new access road along the western boundary of the school provides improved on-site circulation.
> - "Crash data revealed that there have been no reported crashes along Black Oak Drive in front of the school for the most recent 5-year period.
> - "Sight distance continues to be adequate from the school egress driveway on Black Oak Drive.
>
> "It is concluded that the proposed conditional use permit to allow master plan changes at St. Mary's School can be approved without creating significant or adverse safety impacts to the surrounding area."
>
> Additionally, on page 5 of Exhibit 8, traffic engineer Parducci further opines that due to trip savings afforded by the dormitory that, "any change in traffic is considered to be negligible or unsubstantial."

11. **Circulation Improvements; Pick-up and Drop-off**. As part of its first phase (Phase A) Applicant plans to reconfigure the front (east) parking lot creating drop-off and through lanes and a third lane that affords access to the stalls fronting upon the Black Oak Drive frontage. (See Exhibit 8, Page 3 for illustrations of the existing and proposed drop-off circulation) The new angled parking is separated from the drop-off lane by a "flush" concrete median which can be driven over. See, Exhibit 7, Sheet A-101. In this way, the median provides a clear lane separation without fully restricting crossing movements. The front circulation improvement design was a collaborative effort by Applicant's architects, planners and traffic engineer. Applicant has asserted its belief that the planned

improvements will produce a much safer and efficient means of site access and circulation.

12. **Off-Street Parking; Bicycle Parking**: Table 1 illustrates the computation of required minimum and maximum off-street parking. There are presently 176 parking stalls. Applicant's plans cause the removal of 35 stalls and the addition of 56 stalls to provide a total 197 stalls when all plans are implemented. The amount of parking provided exceeds by 8 the maximum number of permitted parking stalls. There is also parking for two small busses that are used to transport international students. Of the total 197 stalls, 10 are accessible (handicap) stalls.

    Bicycle standards for schools require 4 spaces per classroom. With 31 classrooms, this calculates to 124 planned bicycle parking spaces. As such, 124 bicycle parking spaces are proposed. The location of accessible and bicycle parking is shown in the Exhibit 7 plans. Bicycle parking and conventional off-street parking will be supplied commensurate with the project phasing plan shown in Exhibit 7, Sheet A-001 and this is a matter to which Applicant has agreed to stipulate. See, Section VI.

Table 1.

Parking Calculations
Per MLDC Table 10.743-1
City of Medford Minimum and Maximum Parking Standards

Building	Minimum	Staff / Classrooms / Students	Total	Maximum	Staff / Classrooms / Students	Total
School, Elementary Kindergarten – 8th	1.0 space per teacher and staff	30	30	1.0 space per teacher and staff	30	30
	plus 1.0 space per 2.2 classrooms	11	5	plus 1.0 space per 1.8 classrooms	11	6
School, Secondary 9th - 12th	1.0 space per teacher and staff	65	65	1.0 space per teacher and staff	65	65
	plus 1.0 space per 5.5 non-bused students	385	70	plus 1 space per 4.4 non-bused students	385	88
	Minimum Number Required		170	Maximum Number Allowed		189
	Spaces Proposed		**197**	*Spaces Over Maximum*		8

Applicant has asserted that minimal additional parking will be needed to accommodate the dormitory as the exchange students to be housed there are not allowed to own nor drive a car while they are living at the dormitory and attending St. Mary's School. The exchange students are bussed to events and for incidental shopping.

However, the bussing of regular students is uneconomical for St. Mary's School as it is a regional school that serves students throughout Jackson County and southern Oregon. Unlike public schools with well-defined and reasonably compact school boundaries where bussing can be provided, St. Mary's School does not and cannot reasonably bus its

students. As such, students able to drive do so, often carpooling; students unable to drive are transported by parents, also sometimes carpooling.

Applicant has expressed sensitivity towards its neighbors and their desire not to have students, teachers or visitors park their vehicles within surrounding residential neighborhoods or in nearby commercial business parking lots. As shown on the Master Plan, the configuration of the front parking lot has been altered to provide protected flow-through drop-off and pick-up for students. Once the new north lot is constructed, the lots will be designated for specific users. The front parking lot will now be limited exclusively to parents and visitors, the southern parking lots will be reserved for teachers and staff, and students will be required to park in the existing and proposed new parking lots north of the track/football field. Table 2 summarizes off-street parking spaces by lot and user type. Applicant further believes and asserts that with the additional student parking lot and the reorganization of on-campus parking, the total amount of off-street spaces available will contain school parking within the campus, averting neighborhood parking problems.

Table 2.

Parking by Lot Use
Per MLDC 10.746
City of Medford Design Standards

Parking Lot	South Lots Faculty / Staff	East Lots Parents/ Visitors	North Lots Students / Staff	Total
Standard Spaces	60	32	95	187
Accessible Spaces	4	2	4	10
TOTAL	64	34	99	197

13. **Wetlands and Riparian Features**: The north boundary of the property is bounded by Larson Creek, a jurisdictional wetland identified in the National Wetland Inventory. No other wetlands are shown on the National Wetland Inventory. This project does not involve the removal, filling or alteration of the creek bed or banks of the waters of the State of Oregon, and a removal-fill wetland permit is not required, although the City of Medford will, as a routine matter, verify the same with the Oregon Division of State Lands.

14. **Stormwater Drainage; Detention; Treatment/Bioswale**: The property slopes gradually and drains from a generally southwest to northeast direction to adjacent Larson Creek. Applicant constructed a stormwater detention pond and bioswale adjacent to Larson Creek to handle storm water for the improvements made per the previous approval. The detention pond detains storm waters, releasing them gradually to the bioswale for pre-treatment before the waters are discharged directly to Larson Creek. As such, the detention pond and bioswale together serve the dual purposes of slowing the rate of

stormwater discharge for purposes of flood control and to qualitatively pre-treat storm water before its discharge to Larson Creek.

Three new impervious areas will be created with the proposed improvements, 1) the Commons building and courtyard, 2) the Dormitory building, and 3) the new parking area in the current softball field location. These two new buildings and the new parking area will all be directed to drain towards surface water quality and detention facilities that lie within the interior landscape strip of the parking area and a second facility to the west and north of the proposed parking area. Both areas will be outside the Larson Creek riparian area and Applicant's civil engineer expects that the water quality and detention facility outside the parking area perimeter will be expandable in the future, if needed for instance for the enlarged Administration building. The outfalls for both facilities will be directed via a new storm outfall to Larson Creek.

The current primary parking area lying between the school buildings and the Black Oak right-of-way will have its impervious footprint reduced slightly with the proposed school improvements. However, the structural section of this parking area is aging and needs to be replaced. While the proposed school improvements in this area, in terms of the buildings and new parking area, would not force the upgrade of the storm drainage facilities within this parking area St. Mary's School, in being a good steward for the environment, will add a water quality and detention facility for this parking facility that presently has none. Applicant's plan is to eliminate the catchbasins in this area that drain directly to Larson Creek, and have the parking area surface drain to a new detention and treatment facility near the existing Gym. Once surface drainage drains through the facility it will be directed to an existing outfall to Larson Creek.

15. **Proposed Physical Improvements**: The following describes the four-phase project as depicted on the plans in Exhibit 7. A tabulation of building square footages, off-street parking and bicycle parking is contained in Exhibit 7, Sheet A-001which in summary shows:

    Phase A. Reconfiguration of existing front parking lot and drop-off area. Creation of a new student parking lot adjacent to northern end of existing track and football field.

    Phase B. Construction of a new two-story Dormitory building having 17,452 square feet to accommodate 50 international students and two residential life staff (resident managers).

    Phase C. Construction of a new two-story dormitory Commons Building having 24,564 square feet and surrounding plaza that will provide various spaces for students to gather and dine on its first floor with lab and classroom spaces on the second floor. The plaza will be landscaped in accordance with the landscape plans in Exhibit 7, Sheets L-101 and L-102. The Commons Building and Plaza will require the removal of four older buildings as shown on the Demolition Plan in Exhibit 7, Sheet A-100.

    Phase D. Construction of a new 4,400 square feet Administration Building to be located between the Commons Plaza and school drop-off/pick-up area

along Black Oak Drive. Along with planned fencing and gating, the new Administration Building will provide a secure campus that (after the gates are closed) will require visitors to pass through the Administrative Building to gain access to interior parts of the campus.

Plans also contemplate a loop road surrounding the "built" portion of the campus and the same is not contemplated to occur as a component of any particular phase, but instead will be constructed as the need arises. Existing portions of the loop road already provide access for emergency vehicles sufficient to provide access to the new buildings.

16. **Bufferyards**: The subject property is zoned SFR-4 and primarily adjoins other lands of like zoning. However, portions of the property abut land zoned MFR-20 and C-C. The Exhibit 4 zoning map shows that the westerly-most portion of the property (intended to be left undeveloped) adjoins MFR-20 and the northeast corner of the property adjoins C-C -zoned land across Larson Creek. Applicant contends, in both instances, that Larson Creek affords a substantial and well vegetated buffer that obviates the need for additional planting, fencing or screening of any kind. *See*, Exhibit 4. Applicant contends that bufferyards should not be required pursuant to MLDC 10.790(6) wherein the city is entitled to adjust bufferyard standards where (as in this instance) a project abuts a "natural waterway."

17. **Property Value Impacts**: Applicant's agent, CSA Planning, Ltd., has examined property values of abutting and surrounding properties and the results of its analysis is depicted on the map at Exhibit 10 which shows virtually no distinction in property values for homes and other improvements located adjacent and within one-quarter mile (1320 feet) from St. Mary's School and other properties in the larger surrounding area. Exhibit 10 evidences that the mere existence of the school does not produce any discernable or appreciable dampening of property values for abutting or surrounding properties. It is, moreover and herewith the testimony of Applicant's consulting urban planner, Craig Stone, that the potential impacts to the value of properties abutting the subject property and other properties in the surrounding area from proposed school improvements, will not be significant. In reaching this conclusion and opinion, Craig Stone has examined the plans for the improvements that are listed herein, has undertaken field reconnaissance of the subject property and surrounding area and has carefully evaluated the activities of the applicant school and compared these to planned physical improvements and the additional potential student enrollment proposed as part of the application.[2]

18. **Appropriate Development**: As seen on the aerial photograph of the subject property and surrounding area (Exhibit 4) including all parcels abutting the subject property and for an appreciable distance from its boundaries, is fully urban-developed with dwellings on individual urban-size lots, business offices, retail uses and developed golf course facilities.

[2] Craig Stone is a consulting urban planner with more than 40 years of experience representing all types of land uses, including public and private schools, and has evaluated issues in connection with property value diminution brought about by land use actions, including the approval of schools. We believe and treat herein opinion his on matters related to value diminution in connection with land use matters as the opinion of a qualified expert.

19. **Electronic Message Sign:** Applicant proposes an electronic message sign to be located along Black Oak Drive that would announce school activities. The sign is proposed as a two-sided sign (each side of which would comprise not more than 20 square feet or be taller than five feet). A design for the proposed electronic message sign is shown in Exhibit 7, Sheet A-101. The sign would have a static message display with none of the animations characteristic of commercial electronic message signs. Application has agreed to stipulate that the electronic messaging would be static and would have no animations.

V

CONCLUSIONS OF LAW

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

CONDITIONAL USE PERMIT

CUP Criterion 1

10.248 Conditional Use Permit Criteria

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

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

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

Discussion; Conclusions of Law: MLDC 10.248 sets forth two alternative standards that are prerequisite to approving a conditional use permit in the City. However, the City of Medford also concludes that under either alternative, it is first required to ascertain what constitutes the "abutting properties and surrounding area." The City is then required to determine the impacts within the categories of liveability, value and appropriate development (in comparison to the impacts of permitted development). Finally, the City is required to determine whether the found impacts from the proposed use (or expansion thereof in this instance) are significant. Thereafter, the City can reach conclusions of law under either (or both) alternative criteria. The City of Medford reaches the following conclusions of law with respect to MLDC 10.248 (Criterion 1):

Abutting Properties and Surrounding Area: By MLDC definition, abutting properties are those which have a common border with, or are separated from such common border by an alley, easement or right-of-way. The City of Medford further concludes that the surrounding area is the area entitled to notice of these conditional use permit proceedings as a Type "C" action pursuant to MLDC 10.158 — 200 feet from the subject property boundaries. The City of Medford also determines that this school already lawfully exists on the property and to a large extent, any impacts from

the school are those which have already occurred since the school first occupied the property in 1962. The new and future impacts from the proposed school improvements as part of this conditional use permit, will occur exclusively from new development to be located within or adjacent to the mostly-developed core portion of the school campus. The City of Medford concludes that to the extent the new improvements will produce impacts of any kind, the same will be of a nature and magnitude such that *potential* impacts will not be felt (nor will they be generally discernable) beyond the 200 feet public notification area which the City concludes constitutes the "surrounding area."

Location, Size, Design and Operating Characteristics: The location size, design and operating characteristics of the subject property and use are as set forth in the findings of fact in Section IV and in Applicant's plans contained in Exhibit 7. The City of Medford further concludes that its determination of location, size, design and operating characteristics is sufficient and appropriate to enable a proper decision under the criteria in MLDC 10.248.

Liveability: In *McCoy v. Linn County*, 16 Or LUBA 295, 301-302 (1987), *aff'd* 90 Or App 271 (1988), it was held that a similar standard required the fact finder to identify the qualities and characteristics which constitute "livability" and determine whether the proposed use will cause more than a minimal adverse impact upon those. Based upon the evidence, the City of Medford concludes that the qualities and characteristics that constitute liveability, in this instance, consist of the following:

Traffic: The evidence shows that the subject property is served directly from Black Oak Drive from two existing access points and that Medford's Transportation System Plan (a part of the City of Medford Comprehensive Plan) designates Black Oak Drive as a collector street. Applicant engaged Southern Oregon Transportation Engineering, LLC (SOTE) and its principal Kimberly Parducci to ascertain, as a matter of liveability pursuant to Medford's conditional use permit standards, whether impacts upon the transportation system from this land use action are greater than minimal. The traffic analysis letter is based upon a maximum student enrollment on 550. SOTE furnished a technical letter dated July 12, 2016 (Exhibit 8) in which the traffic/transportation findings and conclusions are summarized and state:

> "The proposed St. Mary's School Master Plan Changes were evaluated from a safety standpoint and not shown to create adverse impacts to the surrounding area based upon the following conclusions:
>
> - "Master Plan changes increase on-site parking and stacking capacity, which reduce queue lengths and support additional traffic, without creating off-site impacts as the school expands over the next twenty years.
> - "Proposed building changes create a more efficient, comprehensive school campus without generating any substantial increase in traffic.
> - "A proposed new access road along the western boundary of the school provides improved on-site circulation.

- "Crash data revealed that there have been no reported crashes along Black Oak Drive in front of the school for the most recent 5-year period.
- "Sight distance continues to be adequate from the school egress driveway on Black Oak Drive.

"It is concluded that the proposed conditional use permit to allow master plan changes at St. Mary's School can be approved without creating significant or adverse safety impacts to the surrounding area."

Additionally, on page 5 of Exhibit 8, traffic engineer Parducci further opines that due to trip savings afforded by the dormitory that, "any change in traffic is considered to be negligible or unsubstantial."

Based upon Exhibit 8, the City of Medford first concludes that SOTE and its principal engineer, Kimberly Parducci, is a well known local transportation engineer who is qualified to express a professional expert opinion and whose opinion the City of Medford trusts as accurate and reliable. The City of Medford secondly concludes that this project will produce traffic impacts at a level the City does not typically view as significant in context of a zone change. While this application is not a zone change, the City of Medford concludes that the standards of the City for what constitutes significant traffic impacts for a zone change are also an appropriate measure of impacts for other types of land use entitlements, including conditional use permits. Because the impacts in this instance (for all of the project's four phases) would not qualify as significant if analyzed in context of a zone change, the City of Medford also concludes that the impacts are not significant in context of this conditional use permit. Finally, this application does not constitute any increase in the overall enrollment of the school in comparison to traffic that would be produced by the earlier CUP (which also contemplated a total future enrollment that would not exceed 550 (including international students). Therefore, the City of Medford concludes that traffic impacts in connection with this conditional use permit are not significant.

Off-street Parking: The potential for students and employees of the school to park within surrounding residential neighborhoods and the parking lots of nearby commercial businesses represents a potential source of impact that might arguably produce a significant liveability impact. Therefore, the City of Medford considers off-street parking as one of the potential liveability impacts that must be considered pursuant to MLDC 10.248.

Tables 1 and 2 in Section IV (Findings of Fact) summarizes off-street parking and shows that there are presently 176 parking stalls that are intended to remain, 56 stalls to be added and 35 stalls to be removed, leaving a total 197 planned parking stalls. The 197 stalls exceed by 8 the maximum number of permitted off-street parking stalls. Applicant has asserted that the proposed 189 stalls will reasonably serve the daytime and nighttime functions of the school, including functions where day and nighttime activities overlap.

The Findings of Fact in Section IV also explain that St. Mary's School, while comparatively small, serves a regional student population who live within a comparatively large geographic area[3]. This is quite dissimilar, for example, to Medford's two public high schools, each of which serve many more students located within much smaller, more densely populated, and well-defined geographic service areas, all factors which makes bussing St. Mary's School students uneconomical and not reasonably feasible. Similarly, the Rogue Valley Transportation District (RVTD) serves only densely populated urban areas with high ridership densities and does not serve many less densely populated areas where some St. Mary's School students live. Lacking a comprehensive bussing program, St. Mary's School has a higher percentage of high school students who drive to school. Accordingly, the need for off-street parking is proportionally greater for St. Mary's School than for the public high schools and middle schools in Medford and Jackson County.

As mentioned, a high percentage of high school students drive to school. If parking cannot be provided in adequate numbers on-campus, the likelihood is that students, teachers or visitors will park in nearby neighborhoods or commercial parking lots, in turn adversely affecting the liveability of abutting properties and those in the surrounding area. Applicant testified in Section IV that it believes the amount of off-street parking proposed will contain school-related parking entirely within the campus and avoid the potential impact of inappropriate parking in nearby neighborhoods and commercial parking lots

MLDC 10.743(3) affords the authority to make exceptions for otherwise required minimum or maximum off-street parking requirements, providing:

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

(a) An explanation why the characteristics of the proposed use require a different off-street parking standard than what is otherwise required.

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

Based upon the foregoing findings of fact and conclusions of law, the City of Medford concludes that Applicant St. Mary's School has provided the detailed description of the proposed school use/expansion as required by MLDC 10.743(3) and adequate explanation as to why the characteristics of this school require more parking than is otherwise permitted in order to contain all parking on the school campus and avoid associated impacts upon the liveability of abutting and surrounding properties. Therefore, the City of Medford concludes that providing off-street parking in the numbers proposed (in Tables 1 and 2 in Section IV) and as shown in the plans in Exhibit 7, will mitigate potential impacts upon the liveability of abutting and surrounding properties. Accordingly, the City of Medford concludes that the amount of off-street parking proposed in this application will ensure that the potential impacts

[3] St. Mary's School serves students that live within many other public school districts throughout the area.

upon the liveability of abutting and surrounding properties will not be significant because school regulations requiring students, employees and visitors to park on campus can therefore be reasonably enforced. Provided that parking is contained on-campus, the City of Medford concludes the impacts related to off-street parking from this use/expansion will not be significant and no greater than other permitted uses within the SFR-4 zone.[4] Therefore, the City of Medford determines that St. Mary's School should be granted special consideration under MLDC 10.743(3) to provide 8 more parking stalls than is otherwise permissible under the MLDC.

Bufferyards. MLDC 10.790 through 10.795 establishes requirements for "bufferyards" as elements of site planning designed to eliminate or minimize potential conflicts caused by various potential nuisances and differences in the intensity of abutting land uses. The MLDC also establishes where and how bufferyards are to be provided. In this instance, a Type "A" bufferyard is required where the subject property (zoned SFR-4) adjoins land zoned MFR-20, MFR-30 and C-C. The Exhibit 4 Zoning Map shows where the various different zones are located in relation to the subject property. The MFR-20 and MFR-30 lands exist at the extreme west of the subject property, while the C-C land is located along a small portion of the property's north boundary near Black Oak Drive.

MLDC 10.795(7) permits bufferyard adjustments subject to the following:

> (7) Adjustments to bufferyards: This subsection deals with adjustments to the bufferyard other than the plantings. The approving authority shall have the discretion to make adjustments to the bufferyard requirements if an unusual circumstance exists and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of the adjoining properties. Adjustments shall not be made simply for the convenience of site design. Adjustments to the bufferyard requirements may include, but are not limited to, the following:
>
> (a) Where a building wall with no openings below eight (8) feet abuts the bufferyard, the building wall may be counted in place of a required wall or fence.
>
> (b) Where there is existing development on the site, such as paving or a building, which affects or precludes implementation of the bufferyard standard.
>
> (c) Where a proposed project abuts existing development, and the adjacent uses are the same (i.e., apartment parking lot adjacent to commercial parking lot) or are sufficiently compatible that the full buffering, otherwise required, is not necessary and the uses are not expected to change significantly over time.
>
> (d) Where a project abuts an irrigation canal, natural waterway, railroad right-of-way, or other such element.
>
> (e) A required concrete or masonry wall may be replaced, foot-for-foot of height, by an earth berm (i.e., eight (8) foot wall replaced by a two (2) foot berm with six (6) foot wall on top).

Pursuant to the above MLDC 10.795(7) the City of Medford concludes that land to the north zoned C-C is developed with commercial uses which do not face the subject property nor are there any commercial activities that take place along the interface with the subject property. More importantly, the subject property and C-C zoned land to the north are separated by Larson Creek and are buffered by existing natural

[4] Permitted uses in Medford's SFR-4 zone are set forth in MLDC 10.314 and include various types of low-density housing, including accessory dwelling units, guest houses, child and residential care facilities.

riparian vegetation. MLDC 10.795(7)(d) specifically contemplates bufferyard adjustments where a project abuts a natural waterway; Larson Creek is a natural waterway. Additionally, along the portion of Applicant's north boundary which includes the portion abutting adjacent lands zoned C-C, the City of Medford concludes that Applicant has already installed substantial riparian planting enhancements that were approved in 2010, and these, along with the natural riparian vegetation, provide substantial additional buffering and substantiate Applicant's request to adjust the bufferyard standards in this area of the property.

As to the MFR properties located west and abutting the subject property, these too are substantially separated from the school project, which is confined to the easterly portion of the subject property. *See*, Applicant's plans in Exhibits 7 and especially the aerial photograph in Exhibit 4 which clearly evidences a separation of the "project" located on the westerly portion of the subject property from the MFR-zoned lands further east. Exhibit 4 also shows the creek and substantial existing riparian trees and other vegetation which separates the project site from existing multiple family residential development and obviates the need for buffering of any kind.

Based upon the foregoing findings of fact and conclusions of law, the City of Medford concludes that the project abuts Larson Creek, a natural waterway with extensive natural riparian vegetation and the same obviates the need for additional bufferyard improvements of any kind.

Visual Impacts: The proposed physical improvements proposed in this application are depicted on the plans in Exhibit 7. These show that the planned improvements are within the portion of the subject property that is already largely developed with school buildings, school activity areas, appurtenances, and ornamental landscaping. Based upon the size, design and location of the new physical improvements shown on the plans in Exhibit 7, the City of Medford concludes that these will not produce a significant impact upon the liveability of abutting and surrounding properties. To the contrary, the planned improvements will substantially improve the attractiveness as well as the function of the school and will help to mitigate the potential for any kind of visual impact.

Noise: Some of the uses and activities that are connected with the school and its activities involve the assembly of people, most of who will travel to the site in automobiles. When people park automobiles and assemble for gatherings, there is sometimes noise produced by car doors and people talking, that may be discernible from the boundaries of the subject property. With a greater future student population there will be a greater number of vehicles entering and leaving the site and the arguable potential for somewhat greater noise levels from the increased number of students. Notwithstanding, noise in general from these identified sources is not unusual, excessive, nor long in duration and the additional noise impacts to result from approval of this application are deemed not to be significant whether considered independently or cumulatively.

Stormwater Detention; Bioswale: The Applicant is proposing two bioswale/ detention areas to handle the stormwater from the new impervious building areas and

reconstructed east parking lot. The detention (and gradual release) of stormwaters serves to reduce the volume and velocity of storm flows in rivers, creeks and other natural drainageways during storm event. Bioswales are employed to filter solids and other impurities from stormwater runoff before discharge into natural drainageways and operate as a natural filtration system. While the City of Medford does not require the use of bioswales, it concludes their use is a proper means to pre-treat waters that ultimately reach important natural drainage courses and is appropriate in this instance.

Value: The evidence at Exhibit 10 shows virtually no distinction in property values for homes and other improvements located adjacent and within one-quarter mile (1320 feet) from St. Mary's School and other properties in the larger surrounding area. The evidence supports a conclusion that the mere existence of the school does not produce any discernable or appreciable dampening of property values for abutting or surrounding properties. The expert opinion of Applicant's consulting urban planner is further evidence that neither existing property values (of abutting and surrounding properties) have been adversely affected by St. Mary's School, nor will the values be affected by the improvements contemplated in this application. Therefore, and based upon the evidence in the findings of fact in Section IV, the City of Medford concludes that impacts (if any) to the value of abutting properties and those in the surrounding area will not be significant.

Appropriate Development: A component of the criteria at MLDC 10.248 require a showing that approval of the application will not produce significant adverse impacts to the appropriate [future] development of abutting and surrounding properties. Evidence in Exhibit 4 (an aerial photograph) and Exhibit 10 (a map showing property values in the area) clearly show that all abutting and surrounding land is fully developed with urban residential, commercial and recreational (golf course) uses. As such, the City of Medford concludes that appropriate development will be unaffected by approval of this application, and, therefore, there will be no significant impacts.

Summary Conclusion of Law for MLDC 10.248(1): Based upon the foregoing findings of fact and conclusions of law, the City of Medford concludes that the application, including the stormwater detention and bioswale facilities, is consistent with the requirements of MLDC 10.248(1) because the development proposal will cause no significant adverse impacts upon the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional. The City of Medford also concludes that an adjustment to the MLDC's bufferyard standards has been properly substantiated under the standards of the MLDC sufficient to eliminate any additional bufferyard improvements beyond those which already exist within the enhanced and natural riparian corridor of Larson Creek.

Summary Conclusion of Law for MLDC 10.248(2): The potential impacts of this project have been properly evaluated under the requirements of the MLDC. Pursuant to the alternative criterion in MLDC 10.248(2) the City of Medford concludes that St. Mary's School and its expansion is in the public interest by reason that the education of young people is among the most important undertakings of this (or any) society which seeks, as a common goal, its perpetual existence. Moreover, St. Mary's School is available to students within the

general public, albeit subject to the school's admission standards and rules of conduct that are stricter than those of public schools. The City of Medford also concludes that proposed stormwater detention and bioswale improvements also are in the public interest as they serve to reduce downstream damage from storm events and treat stormwaters before they are discharged into natural drainages. Therefore, the City of Medford concludes that the conditions it has imposed in this approval are reasonable and will produce a balance between the conflicting interests, and this application, in all respects, is consistent with MLDC 10.248(2).

Summary Overall Conclusions of Law for Private School Conditional Use Permit: Based upon the foregoing findings of fact and conclusions of law, the City of Medford concludes that the application is consistent with the requirements of Criterion 1 because the application has been found and concluded to be consistent with *both of the **alternative** criteria* in MLDC 10.248(1) and 10.248(2). The City of Medford also concludes that Applicant's request to adjust the otherwise required bufferyard standards has also been substantiated under MLDC 10.795(7) as has the provision of 8 parking stalls over and above that which would ordinarily be permitted.

Moreover, the City of Medford takes notice of the *Religious Land Use and Institutionalized Persons Act of 2000.*[5] Pursuant to Section 2 thereof, government is precluded from imposing or implementing a land use regulation that imposes a substantial burden on the religious exercise of a person, religious assembly or institution, unless the government demonstrates that imposition is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. The City of Medford concludes that its approval of this application under both MLDC 10.248(1) and 10.248(2), MLDC 10.743(3) and MLDC 10.795(7) are appropriate and that the conditions the City has imposed do not violate the *Religious Land Use and Institutionalized Persons Act of 2000.*

---

[5] The *Religious Land Use and Institutionalized Persons Act of 2000* provides in pertinent part:

"SECTION 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

"(a) Substantial Burdens.

"(1) General rule.--No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

"(A) is in furtherance of a compelling governmental interest; and

"(B) is the least restrictive means of furthering that compelling governmental interest.

" (2) Scope of application.--This subsection applies in any case in which--

" (A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

" (B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

"(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved."

ELECTRONIC MESSAGE SIGN PERMIT CRITERIA

Sign Permit Criterion 1

10.1200 Signs in Single-Family Residential Zoning Districts (SFR-00,2,4,6,10)

Signs shall be permitted only as follows in the single-family residential zoning districts:

(2) Institutional uses, as defined in Section 10.012, are permitted 40 square feet of signage per street frontage. Signs shall not be internally illuminated except as provided in (c) below. Each street frontage is permitted: (a) a maximum of one ground sign measuring a maximum of 20 square feet, and a maximum of one wall sign measuring a maximum of 20 square feet; or (b) a maximum of two ground signs or two wall signs, each measuring a maximum of 20 square feet. The square footage of the two permitted signs per street frontage may not be combined to create a larger sign. In cases of properties with more than one street frontage, the signage from one street frontage may not be transferred to another street frontage. Signs shall also comply with the following provisions:

(c) Electronic Message Signs: Electronic message signs are a conditional use. A Conditional Use Permit may authorize institutional uses to have one electronic message sign as a permitted ground or wall sign. Regardless of the number of street frontages, one of the permitted ground or wall signs may be an electronic message sign, provided it complies with the following provisions:

(i) Electronic message signs shall apply for and receive approval for a Conditional Use Permit pursuant to Section 10.250.

a. The electronic message sign shall be considered as an element of the CUP for the use.

b. Existing conditional uses shall apply for an amendment to their existing approved CUP to request an electronic message sign, pursuant to Section 10.250.

c. The expiration of a CUP shall require the removal of the electronic message sign.

(ii) Maximum Size: 20 square feet

(iii) Maximum Height: 5 feet if a ground sign. If a wall sign, shall not be higher than the building height as defined in Section 10.705.

(iv) All text displayed on an electronic message sign must be static for a minimum of five seconds. The continuous scrolling of text is prohibited. This restriction shall not apply to animated images and images which move, or give the appearance of movement.

(v) All electronic message signs shall have automatic dimming capabilities that adjust the brightness to the ambient light at all times of day and night, consistent with Section 10.764, *Glare*.

(vi) The conversion of an existing, conforming ground or wall sign to an electronic message sign is permitted.

(vii) The conversion of any existing, nonconforming ground or wall sign to an electronic message sign is prohibited.

Discussion; Conclusions of Law: Applicant has proposed replacing its existing ground sign with an electronic message sign and the same is herewith sought as a conditional use permit. Other signs for the school will be sought through separate permit. The electronic portion of the sign is proposed to have not more than 20 square feet on each of its two sides (although the monument portions of the sign will exceed 20 square feet and will be no taller than 5 feet). The design of the sign is shown in Exhibit 7, Sheet A-101

As electronic message signs are conditional uses in residential zones, it is necessary for the sign to be consistent with the approval criteria MLDC 10.248 which states:

10.248 Conditional Use Permit Criteria

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

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

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

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

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

(2) Establish a special yard or other open space or lot area or dimension requirement.

(3) Limit the height, size, or location of a building or other structure.

(4) Designate the size, number, location, or nature of vehicle access points.

(5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.

(6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.

(7) Limit or otherwise designate the number, size, location, height, or lighting of signs.

(8) Limit the location and intensity of outdoor lighting, or require its shielding.

(9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.

(10) Designate the size, height, location, or materials for a fence.

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

Discussion; Conclusions of Law continued: MLDC 10.248 sets forth two alternative standards that are prerequisite to approving a conditional use permit in the City. However, the City of Medford also concludes that under either alternative, it is first required to ascertain what constitutes the "abutting properties and surrounding area." The City is then required to determine the impacts within the categories of liveability, value and appropriate development (in comparison to the impacts of permitted development). Finally, the City is required to determine whether the found impacts from the proposed use (or expansion thereof in this instance) are significant. Thereafter, the City can reach conclusions of law under either (or both) alternatives. City of Medford reaches the following conclusions of law with respect to MLDC 10.248 (Criterion 1) with respect to the proposed electronic message sign:

Abutting Properties and Surrounding Area: By MLDC definition, abutting properties are those which have a common border with, or are separated from such common border by an alley, easement or right-of-way. The City of Medford also concludes that the surrounding area is the area entitled to notice of these conditional use permit proceedings as a Type "C" action pursuant to MLDC 10.158 — 200 feet from the subject property boundaries. The owners of abutting and surrounding properties will view upon the sign only from the Black Oak Drive right-of-way, beyond which, the sign is not generally visible from nearby private properties. The City of Medford also concludes that to the extent the proposed sign will produce impacts of any kind, the same are of a visual nature and magnitude such that *potential* impacts will not be felt (nor will they be generally discernable) other than from

drivers along Black Oak Drive.

Location, Size, Design and Operating Characteristics: The location size, design of the proposed electronic message sign is shown in Exhibit 7 Sheet A-101. As to its operating characteristics, the sign would have a programmable message that could be changed electronically from within the school's administration building. The sign will also require periodic cleaning and routine maintenance. The City of Medford further concludes that its determination of location, size, design and operating characteristics for the electronic message sign is sufficient and appropriate to enable a proper decision under the criteria in MLDC 10.248.

Liveability: In *McCoy v. Linn County*, 16 Or LUBA 295, 301-302 (1987), *aff'd* 90 Or App 271 (1988), it was held that a similar standard required the fact finder to identify the qualities and characteristics which constitute "livability" and determine whether the proposed use will cause more than a minimal adverse impact upon those. Based upon the evidence, the City of Medford concludes that the qualities and characteristics that constitute liveability, in this instance, consist exclusively of visual impacts and on this the City concludes as follows:

1. Applicant is entitled to place a monument a sign than can be located along Black Oak Drive without need for conditional use permit authorization.
2. The only apparent difference between the proposed sign and a conventional monument sign is that a typical monument sign could have its text changed manually, where an electronic message sign would have its message changeable electronically.
3. The display of message will not be appreciably different than what would be displayed on a conventional monument sign that has manually changeable text because the text will be a static display.
4. Based upon the evidence, the City of Medford concludes, in this instance, that the proposed electronic message sign will produce no greater than minimal impacts upon the liveability of abutting properties and those in the surrounding area.

Value: As earlier found for value diminution impacts for the overall school improvements, based upon Exhibit 10, there is virtually no distinction in property values for homes and other improvements located adjacent and within one-quarter mile (1320 feet) from St. Mary's School and other properties in the larger surrounding area. The evidence supports a conclusion (and the City so concludes) that the mere erecting of an electronic message sign of the character here proposed, will not produce any discernable or appreciable dampening of property values for abutting or surrounding properties and the City of Medford concludes that impacts (if any) to the value of abutting properties and those in the surrounding area will not be significant.

Appropriate Development: A component of the criteria at MLDC 10.248 require a showing that approval of the application will not produce significant adverse impacts to the appropriate [future] development of abutting and surrounding properties. Evidence in Exhibit 4 (an aerial photograph) and Exhibit 10 (a map showing property values in the area) clearly show that all abutting and surrounding land is fully developed with urban residential, commercial and recreational (golf course) uses. As such, the City of Medford concludes that

appropriate development will be unaffected by approval of this proposed electronic message sign and, therefore, there will be no impacts that rise to the level of significant.

Summary Conclusions of Law for Electronic Message Sign Conditional Use Permit: Based upon the foregoing findings of fact and conclusions of law, the City of Medford concludes that the CUP application for an electronic message sign is consistent with the requirements of Criterion 1 because the application has been found and concluded to be consistent with *both of the **alternative** criteria* in MLDC 10.248(1) and 10.248(2).

VI

STIPULATIONS AND APPLICANTS REQUESTS

Applicant St. Mary's School herewith offers the below stipulations to which Applicant agrees to adhere to if the same are made conditions attached to approval of the subject land use applications. Applicant also asks that flexibility in the approval of these applications be afforded as set forth below under the heading, "Request for Flexibility".

Stipulation 1. Applicant will construct the planned improvements in accordance with the plans in Exhibit 7, except as the same have been modified by conditions imposed by the City of Medford.

Stipulation 2. Applicant agrees that the future Administration Building design will be subject to Site Plan and Architectural Commission review.

Stipulation 3. The amount of vehicular parking shown on the Exhibit 7 plans will be provided in amounts commensurate with municipal requirements for off-street parking for this phased project.

Stipulation 4. The electronic message sign will have no greater than 20 square feet on each of its two sides, will be no taller than 5 feet (as shown in Exhibit 7 Sheet A-101) and have a static message display with no animations.

Stipulation 5. Signs (other than the electronic message sign) will be sought under separate permit and all signs proposed in the future shall comply with the City of Medford sign regulations as set forth in the MLDC.

Request for Flexibility: Notwithstanding Applicant's agreed to stipulation that the improvements will be built according to the approved plans in Exhibit 7 (except as modified by conditions attached to this approval), Applicant seeks and shall be accorded flexibility as part of this approval such that individual building projects can be modified, provided such modifications are approved by the City of Medford Site Plan and Architectural Commission and are wholly within the boundaries of the building envelopes shown on the Exhibit 7 plans and such modifications shall not require amendment of this conditional use permit nor the filing of a new conditional use permit application.

VII

ULTIMATE CONCLUSIONS

Based upon the foregoing, the City of Medford concludes that the relevant substantive criteria for conditional use permits in MLDC 10.248 have been satisfied in full with respect to the private school and electronic message sign CUP applications which are now before the City of Medford. The City of Medford also concludes that the municipal requirements to modify the number of off-street parking stalls and those which permit the modification of bufferyards have been properly substantiated and satisfied in ways required by the MLDC. For these reasons, the City of Medford concludes that the applications for conditional use permit can be, and the same hereby is, **approved** and made subject to the conditions enumerated in Planning Commission Report on this matter which is a part of the record of this proceeding. More specifically, the City of Medford approves the following matters in connection with the applications for CUP:

- Approval of the overall master plan as shown in the Exhibit 7 plans consistent with Applicant's stipulations in Section VI and affording flexibility with respect to final design as sought by Applicant in Section VI (Request for Flexibility).
- Approval of the Commons and Dormitory building designs.
- Approval of the electronic message sign consistent with Exhibit 7, Sheet A-101 and Applicant's stipulations in Section VI.

Respectfully submitted on behalf of applicant, St. Mary's School,

CSA PLANNING, LTD.

Craig Stone
Consulting Urban Planner

Dated: August 25, 2016

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OCT 25 2016
PLANNING DEPT.

October 25, 2016

Medford Planning Commission
c/o Planning Department
Medford City Hall
Medford, OR 97501

Dear Commissioners:

This letter constitutes supplemental Findings of Fact and Conclusions of Law in support of permitting a storm water outflow pipe to be placed within the protected riparian corridor of Larson Creek. The pipe is to transport detained storm waters from a new storm water detention facility (which is outside the riparian area) across the riparian area such that the storm waters discharge into Larson Creek.

Although the principal Findings of Fact and Conclusions of Law for St. Mary's School's conditional use permit (CUP) address the detention facilities, they did not, as required, address the outflow pipe which requires its own CUP.

The attached maps and plans illustrate the location of the outflow pipe in relation to the detention pond that it drains and Larson Creek into which the waters will be discharged.

Pursuant to Medford Land Development Code (MLDC) 10.925(1) the placement of storm drainage and other facilities within a protected riparian corridor requires the granting of a CUP. The approval criteria for CUP's are in MLDC 10.248 which require:

APPROVAL CRITERIA

10.248 Conditional Use Permit Criteria

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

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

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

Furthermore and pursuant to MLDC 10.922(C) the Planning Commission "should consider the purpose statements in Section 10.920 "Riparian Corridors, Purposes" in determining the extent of the impact on the riparian corridor." The purpose statements are set forth in MLDC 10.920 and state:

The purposes of establishing riparian corridors are:

(1) To implement the goals and policies of the "Environmental Element" and the "Greenway" General Land Use Plan (GLUP) designation of the Medford Comprehensive Plan and achieve their purposes.

(2) To protect and restore Medford's waterways and associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.

(3) To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.

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(4) To protect and restore the natural beauty and distinctive character of Medford's waterways as community assets.

(5) To provide a means for coordinating the implementation of the Bear Creek Greenway and other greenways or creek restoration projects within the City of Medford.

(6) To enhance the value of properties near waterways by utilizing the riparian corridor as a visual amenity.

(7) To enhance coordination among local, state, and federal agencies regarding development activities near waterways.

EVIDENCE

Applicant herewith submits into evidence the attached preliminary engineering plan prepared by engineer Thomas Sisul which shows the manner in which storm waters emanating on the subject property are to be detained and ultimately discharged by pipe into Larson Creek. The plan is dated October 25, 2016.

MATERIAL FACTS

Stormwater Drainage; Detention; Treatment/Bioswale: The property slopes gradually and drains from a generally southwest to northeast direction to adjacent Larson Creek. Applicant constructed a stormwater detention pond and bioswale adjacent to Larson Creek to handle storm water for the improvements made under the previous approval. The detention pond detains storm waters, releasing them gradually to the bioswale for pre-treatment before the waters are discharged directly to Larson Creek. As such, the detention pond and bioswale together serve the dual purposes of slowing the rate of stormwater discharge for purposes of flood control and to qualitatively pre-treat storm water before its discharge to Larson Creek.

Three new impervious areas will be created with the proposed improvements to the St. Mary's School campus: 1) the Commons building and courtyard, 2) the Dormitory building, and 3) the new parking area in the current softball field location. These two new buildings and the new parking area will all be directed to drain towards surface water quality and detention facilities that lie within the interior landscape strip of the parking area and a second facility to the west and north of the proposed parking area. In this location, the city plans a new bicycle/walking trail ("the trail"). The new detention facility is to be located north and nearly adjacent to the planned trail and lying between it and Larson Creek.

The attached plan illustrates the storm drainage facilities and how they serve the various subject property improvements. On the plan, the Orange area is a combination water quality improvement and detention pond that handles runoff for the proposed student dormitory and commons buildings. The Blue area is for a combination water quality improvement and detention facility that serves a portion of the parking area. The swale located between the tennis court and parking lot is the water quality improvement swale that feeds the Yellow detention pond. The Yellow area is the new planned a detention pond that also serves a portion of the parking area and the tennis court. It is from this detention pond that its outflow pipe must pass through the protected riparian area and in so doing, triggers the need for a special conditional use permit. The new (yellow) pond does not require special permitting as it is located outside of the riparian area protected by the MLDC. It is only that outflow pipe that requires special permitting.

Applicant is continuing to work with representatives of the Medford Public Works Department to coordinate work on the trail with work on the detention pond.

CONCLUSIONS OF LAW: Typical of how CSA prepares adoption materials, the following conclusions of law are based upon the findings of fact and the evidence and have been prepared so the same may be adopted verbatim by the Planning Commission:

10.248 Conditional Use Permit Criteria

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

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

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

Conclusions of Law (continued): The Planning Commission understands that the MLDC requires a conditional use permit ("CUP") for all water-related uses such as drainage facilities, when the same are to be located (as in this instance) within the protected riparian corridor for Larson Creek. Here, the detention pond (located outside the riparian area) will drain to a pipe that crosses the riparian area before discharging storm waters to Larson Creek.

The attached plan shows the location of the detention pond and subject outflow pipe, indicating both the length of the pipe and the approximate area to be disturbed during installation of the pipe. The detail on the attached plan shows that the streambank will be riprapped from the outflow pipe to Larson Creek, thereby mitigating the potential for streambank erosion.

Applicant is willing to stipulate to having this work carried out during the dry months and in concert with the city's construction of its trail.

As to the approval criteria in MLDC 10.248, the same sets forth two alternative standards that are prerequisite to approving a conditional use permit in the City. However, the City of Medford also concludes that under either alternative, it is first required to ascertain what constitutes the "abutting properties and surrounding area." The City is then required to determine the impacts within the categories of liveability, value and appropriate development (in comparison to the impacts of permitted development). Finally, the City is required to determine whether the found impacts from the proposed use (or expansion thereof in this instance) are significant. Thereafter, the City can reach conclusions of law under either (or both) alternative criteria. The City of Medford reaches the following conclusions of law with respect to MLDC 10.248 (Criterion 1):

> **Abutting Properties and Surrounding Area**: By MLDC definition, abutting properties are those which have a common border with, or are separated from such common border by an alley, easement or right-of-way. The City of Medford further concludes that the surrounding area is the area entitled to notice of these conditional use permit proceedings as a Type "C" action pursuant to MLDC 10.158 — 200 feet from the subject property boundaries. The City of Medford also determines that this school already lawfully exists on the property and to a large extent, any impacts from the school are those which have already occurred since the school first occupied the property in 1962. The new and future impacts from the proposed school improvements as part of this conditional use permit, will occur exclusively from new development to be located within or adjacent to the mostly-developed core portion of the school campus. The City of Medford concludes that to the extent the new improvements will produce impacts of any kind, the same will

be of a nature and magnitude such that *potential* impacts will not be felt (nor will they be generally discernable) beyond the 200 feet public notification area which the City concludes constitutes the "surrounding area."

Location, Size, Design and Operating Characteristics: The location size, design and operating characteristics of the proposed storm water outflow pipe are as shown on the attached engineering plan and explained in the section above entitled Material Facts. The City of Medford further concludes that its determination of location, size, design and operating characteristics is sufficient and appropriate to enable a proper decision under the criteria in MLDC 10.248.

Liveability: In *McCoy v. Linn County*, 16 Or LUBA 295, 301-302 (1987), *aff'd* 90 Or App 271 (1988), it was held that a similar standard required the fact finder to identify the qualities and characteristics which constitute "livability" and determine whether the proposed use will cause more than a minimal adverse impact upon those. Based upon the evidence, the City of Medford concludes that the qualities and characteristics that constitute liveability, in this instance, consist of the noise and dust created curing the brief construction period that is expected to last fewer than one week. During that time, the trench for the outflow pipe will be excavated and the pipe placed in the trench and covered. Thereafter, planting will be reestablished pursuant to any directives from the Oregon Division of State Lands and the Oregon Department of Fish and Wildlife. Thereafter, when the detention pond fills during a storm event, the waters will be gradually released to Larson Creek through the outflow pipe to and along an armored path (riprapped to guard against streambank erosion) where the waters are discharged to Larson Creek.

The brief construction period, limited area of potential disturbance, revegetation (if required by Oregon agencies) and fact that pursuant to Applicant's stipulation, the work will be carried out during the dry months. These factors establish that the potential impacts upon livability for the surrounding and abutting area will be no greater than minimal.

Value: The evidence in the submitted plan shows that any impacts felt from construction, placement and operation of the outflow pipe will be slight and for only the duration of construction, thereafter, presence of the pipe and outfall will be virtually imperceptible. As such, Applicant asserts and the Commission concludes neither existing property values (of abutting and surrounding properties) have been adversely affected by St. Mary's School, nor will the values be affected by the storm water outflow pipe improvements herewith contemplated. Therefore, and based upon the evidence the Planning Commission concludes that impacts (if any) to the value of abutting properties and those in the surrounding area will not be significant.

Appropriate Development: A component of the criteria at MLDC 10.248 require a showing that approval of the application will not produce significant adverse impacts to the appropriate [future] development of abutting and surrounding properties. Given the nature of the planned improvement, the Planning Commission concludes that future appropriate development will be unaffected and the impacts are deemed to be not significant.

Summary Conclusion for MLDC 10.248: Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of the Criterion in MLDC 10.248(1) because the development proposal will cause no significant adverse impacts upon the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

Pursuant to the alternative criterion in MLDC 10.248(2) the City of Medford also concludes that the storm water outflow pipe is in the public interest by reason that it transports waters of the State to the ultimate point of discharge — Larson Creek. The Planning Commission also concludes that the proposed stormwater treatment, detention and outflow improvements, together, operate in the public interest as they serve to reduce downstream damage from storm events and treat stormwaters before they are discharged into natural drainages. Therefore, the City of Medford concludes that the conditions it has imposed in this approval are reasonable and will produce a balance between the conflicting interests, and this application, in all respects, is consistent with MLDC 10.248(2).

For the reasons described, this matter is concluded to be consistent with the conditional use permit criteria contained in MLDC 10.248.

* * * * * * * * * * *

Moreover, MLDC 10.922(C) admonishes, in passive terms, that the Planning Commission "should consider the purpose statements in Section 10.920 "Riparian Corridors, Purposes" in determining the extent of the impact on the riparian corridor." The purpose statements are set forth in MLDC 10.920 state:

(1) To implement the goals and policies of the "Environmental Element" and the "Greenway" General Land Use Plan (GLUP) designation of the Medford Comprehensive Plan and achieve their purposes.

(2) To protect and restore Medford's waterways and associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.

(3) To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.

(4) To protect and restore the natural beauty and distinctive character of Medford's waterways as community assets.

(5) To provide a means for coordinating the implementation of the Bear Creek Greenway and other greenways or creek restoration projects within the City of Medford.

(6) To enhance the value of properties near waterways by utilizing the riparian corridor as a visual amenity.

(7) To enhance coordination among local, state, and federal agencies regarding development activities near waterways.

Conclusions of Law (continued): The Planning Commission concludes as follows with respect to the purpose statements set forth in MLDC 10.920 which the Commission is asked to consider:

1. The implementation of plan goals and policies under the Purpose Statement 1 is a statement of municipal objective and does not pose any Applicant burden.
2. Under Purpose Statement 2 is an admonishment to protect and restore Medford's waterways and associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community. In this regard, the Planning Commission concludes that the limited area of disturbance and short duration of

construction (during the dry season) will ensure that the various named functions in Purpose Statement 2 are satisfied.

3. The Planning Commission concludes that installation of this water outflow pipe will not threaten fish or wildlife habitat with the riparian corridor. The armored bank treatment will further ensure against stream bank erosion and sedimentation and the detention of storm waters will reduce the adverse effects of flooding. With work being undertaken for short duration during the dry season, the Planning Commission concludes that this storm water project will protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.

4. The proposed storm water outflow pipe will be placed underground and will daylight on the banks of Larson Creek where the waters will travel along a armored/riprapped path to the creek itself. The treatment will be of natural rock and other materials that will not threaten the natural beauty or character of Medford's waterways.

5. The Planning Commission concludes that coordination has taken place with the City of Medford and its Public Works Department staff in the overlapping construction of the nearby trail system (which ultimately will connect to the Bear Creek Greenway (and other trails in urban Medford).

6. As described, the proposed outflow pipe improvement will, when complete, become an undistinguishable improvement that will in most ways appear natural and in keeping with the natural riparian environment. Representatives of St. Mary's School have opined that the riparian corridor will continue to be a topic of study.

7. Finally, Purpose Statement 7 seeks to enhance coordination among local, state and federal agencies (having jurisdiction over wetlands, streams and riparian areas. Upon approval of this application, Applicant is required to coordinate with certain state agencies before beginning construction, a matter to which Applicant has agreed to stipulate.

Based upon the foregoing, the Planning Commission concludes that it has properly considered each of the numbered purpose statements in MLDC 10.920 and concludes that this water-dependent outflow pipe improvement is consistent with the stated purposes for adopting Medford's riparian protection ordinance.

Please enter this letter and the attached engineering plan for Applicant's proposed outflow pipe improvement into the record of the St. Mary's School proceedings.

CSA Planning, Ltd.

Craig A. Stone
President

CAS/m

cc. St. Mary's School
File

RECEIVED
AUG 25 2016
PLANNING DEPT.

St. Mary's School

CUP Amendment
NARRATIVE

Through this application, Applicant St. Mary's School seeks to amend and modify its conditional use permit (CUP) which was approved by the City of Medford in 2010. The amendment constitutes a major CUP modification pursuant to Medford Land Development Code (MLDC) 10.250 which requires major modifications to follow the same process as if this were a new CUP. This CUP modification also involves entitlement of an electronic message sign.

The proposed modifications reflect new and changing educational programs within St. Mary's School. The CUP approved in 2010 was to accommodate a maximum enrollment of 550 and *no increase in maximum enrollment is now proposed.* The project plans in Exhibit 7 are based upon that potential level of future enrollment.

While the overall master plan contemplates many improvements small and large in four phases, of principal import are the following which are shown on Applicant's plans in Exhibit 7.

A. **Parking and Access Improvements**. Additional off-street parking and access improvements along Black Oak Drive to make ingress/egress to the school more safe and efficient. A new parking lot is proposed adjacent to the existing north parking lot to replace the parking that is being removed to accommodate the reconfigured drop-off area in the east parking lot.

B. **Commons Building and Courtyard**. The planned Commons Building is envisioned as a two-story building with the ground floor devoted to common space for dining and small student gatherings (similar to a college student union) and includes a full food service operation for both boarding and day students. The second floor is to consist of nine science and engineering labs and small group work space. This is a net increase of 5 classrooms. The Commons Courtyard, immediately adjacent the Commons Building, provides an outdoor gathering place for students. Some buildings will be removed to accommodate the Commons Building and Plaza improvements.

C. **Dormitory**. Construction of a planned dormitory to house 50 of its future maximum 62 international students. The dorm is intended as a two-story building designed to house 50 students and 2 residential life staff. These students are presently housed at Southern Oregon University, and St. Mary's School buses them to and from school each day. Construction of the dorm will permit these students to live on the St. Mary's School campus and fully participate in the life of the school community. The boarding students will not be driving. Incidental transportation will be provided by the school.

D. **Administration Building**. Construction of a new Administrative Building to replace the existing one located on the east side of the Middle School facing Black Oak Drive.

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EXHIBIT L
FILE # CUP-16-109

TERRA SCIENCE, INC.
Soil, Water & Wetland Consultants

EXHIBIT 6

RECEIVED
AUG 25 2016
PLANNING DEPT.

July 8, 2015

Mr. Frank Phillips
Head of School
St. Mary's School
816 Black Oak Drive
Medford, OR 97504

Dear Mr. Phillips,

On your behalf, Terra Science, Inc. (TSI) recently visited the St. Mary's School property in Medford, Oregon (TL 400, T37S R1W Sec. 32AA) to evaluate Larson Creek and the presence of any potential wetlands that may be associated with the undeveloped portions of the property. This letter serves to summarize our findings in regards to Larson Creek and the wetlands and includes additional information in regards to riparian corridors and FEMA floodplains within the limits of the property. Two (2) figures are also enclosed with this letter to provide visual exhibits that assist in detailing our findings. Boundaries and locations of mapped features (specifically Larson Creek, the wetlands, and the riparian corridors) are estimates only and based on field observations cross-referenced with available topography, aerial photography, and GIS data from the City of Medford and the Oregon Department of Geology and Mineral Industries (DOGAMI). These features have not been professionally surveyed by a licensed surveyor. This letter and the attached figures are for preliminary planning and discussion purposes only and do not constitute a formal wetland delineation which would likely be required should further development of the property be pursued.

TSI made several field visits to property this spring (2015) for the purposes of the wetland evaluation. As you know, TSI is working with the City of Medford on the Larson Creek Path Project between Ellendale Drive and Black Oak Drive and some of the information contained herein is a result of that work. In addition, several site visits were made to evaluate those portions of the property not specifically looked at for the City of Medford work. Brief descriptions of the features observed are described below:

Larson Creek: The creek enters the property from a large box culvert under Black Oak Drive in the northeast portion of the property. The creek flows westerly, generally following along the northern property line north of the school and ball fields, before bending southwesterly and heading toward the Quail Point Golf Course to the west. It crosses or straddles the property line in several places before dissecting the undeveloped west portion of the property and then entering the golf course. Approximately 2210-linear feet of Larson Creek occupy some portion of the property. Much of the creek is rather incised into the surrounding floodplain but appears fairly stable at this time due to underlying bedrock and cobbles preventing further downcutting. Streambanks are fairly vertical and range from thick vegetation to bare mineral earth or rock. Much of the stream incision appears to have occurred within the last 40-50 years due to encroachment on and development of the flood plain as well as increased hydrologic contributions from storm water and irrigation.

4710 S.W. Kelly Avenue, 1st Floor / Post Office Box 2100 / Portland, OR 97208-2100 / 503-274-2100 / Fax: 503-274-2101

CITY OF MEDFORD
EXHIBIT m 1/2
FILE # CUP-16-109

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This feature would be considered jurisdictional by the Oregon Department of State Lands (DSL) and the U. S. Army Corps of Engineers (USACE) and thus likely require permits from both agencies should any impacts be proposed to the creek below the ordinary high water mark (OHW). Furthermore, Larson Creek is known to have Southern Oregon / Northern California Coast Coho salmon that utilize the creek for spawning and rearing habitat which are listed as a threatened species and thus would require further consultation with National Marine Fisheries Service (NMFS) should there be a federal nexus involving impacts to the creek.

Larson Creek is depicted by a blue hatch on the attached figures.

Wetlands: Three wetland features occupy portions of the undeveloped west part of the property. Two of these are very small and occur in the northwest corner just south of the Hilldale Avenue road stub. They appear to be impounded remnants of an historic channel braid of Larson Creek prior to it becoming incised and now lack a direct hydrologic connection to the creek. The other wetland occurs in the southeast part of the property and originates as a seasonal tributary from the Sun Oaks development to the south before widening and eventually joining Larson Creek in the undeveloped western part of the property. Vegetation in this feature is very dense willow which is flanked by dense blackberry along the fringe and flanking the wetland. Combined, these wetland features occupy approximately 0.72-acres of the property.

These features would be considered jurisdictional by DSL and likely jurisdictional by USACE. As such, permits would likely be required from both agencies should any impacts be proposed to any of these features. Furthermore, these wetlands were identified as being 'locally significant' in the 2002 Local Wetland Inventory. Generally, locally significant wetlands are protected by ordinance under a safe harbor agreement or require an economic, social, environmental, energy analysis (ESEE). However, it is my understanding that the City of Medford has not adopted any such ordinances that specify wetland protection similar to those they have for riparian corridors (see below).

Of note, a storm water treatment facility (bioswale) occupies a portion of the property northwest of the parking lot closest to the softball field. While not likely qualifying as state or federal jurisdictional wetland, this feature provides storm water treatment for runoff from the parking lot prior to it entering Larson Creek and may have other local permits associated with it that limit impacts to it.

The wetlands are depicted by a grey hatch on the attached figures.

Riparian Corridors: Per local ordinance, Larson Creek is required to have a 50-foot riparian corridor setback from the top-of-bank. The riparian corridor designation limits the types of development and disturbance that may occur within the setback. Some types of development are outright forbidden, whereas other types may require a conditional use permit from the local planning department.

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In addition to Larson Creek, the wetlands that are located in the western portion of the property also have a 50-foot riparian corridor setback from their boundaries per the riparian ordinance mentioned above. Because these wetlands were determined to be 'locally significant' (see above) and are considered adjacent to Larson Creek, the riparian corridor setback applies.

Where undeveloped and/or not managed, the riparian corridors are generally well vegetated with a dense mix of understory shrubs and small trees overtopped by an overstory of mostly ash and cottonwood. The non-native component is quite high in some places but generally still provides similar riparian functions as the native vegetation. Overall, some of the best intact riparian corridors exist on the reach of Larson Creek through the property.

The riparian corridors are depicted by a green hatch on the attached figures.

FEMA Flood Plain: The lines depicting the FEMA flood plain originate from the City of Medford's GIS database and were simply overlain onto the attached figures. These lines may or may not reflect the actual flood plain as conditions along Larson Creek have changed significantly since most flood plain mapping was conducted. Per local ordinance, any development, grading, or modifications to areas within the flood plain may trigger a requirement for a flood plain analysis and development permit.

The FEMA flood plain is depicted by a dashed red line on the attached figures.

While it appears that much of the undeveloped portions of the property are encumbered by some sort of environmental overlay, these areas are not necessarily entirely off limits to development. Each environmental overlay generally has some sort of permit requirement associated with it that allows for certain types of development and/or modification as long as a certain mitigation standard is reached. For instance, development within the riparian corridors or changes to Larson Creek may require a conditional use permit with a requirement to replace impacted riparian corridors through mitigation elsewhere (through plantings and/or removal of non-native vegetation). In addition, any proposed wetland impacts (and those to Larson Creek) would likely go through a state or federal permit process and would require mitigation of some manner (construction of wetland). While onsite mitigation may not be feasible for wetland impacts, offsite mitigation (at another location) could be an option, but more likely, a payment to an in-lieu fee program or the local wetland mitigation bank would be easier and cheaper in order to offset any wetland impacts permitted. Lastly, flood plain development would likely be subject to a flood plain development permit which may or may not have mitigation conditions attached.

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I should add that, environmental permitting is not a guaranteed process and can often lead to conditions not suitable or practical to the applicant. Most types require a well defined purpose and expression of need as well as a detailed alternatives analysis. Environmental permitting and mitigation can be very costly and take inordinate amounts of time. If you have any questions or if I can provide any additional details, please feel free to call me (503-274-2100) or email me (jason@terrascience.com) at your earliest convenience.

Cordially yours,

TERRA SCIENCE, INC.

Jason Clinch

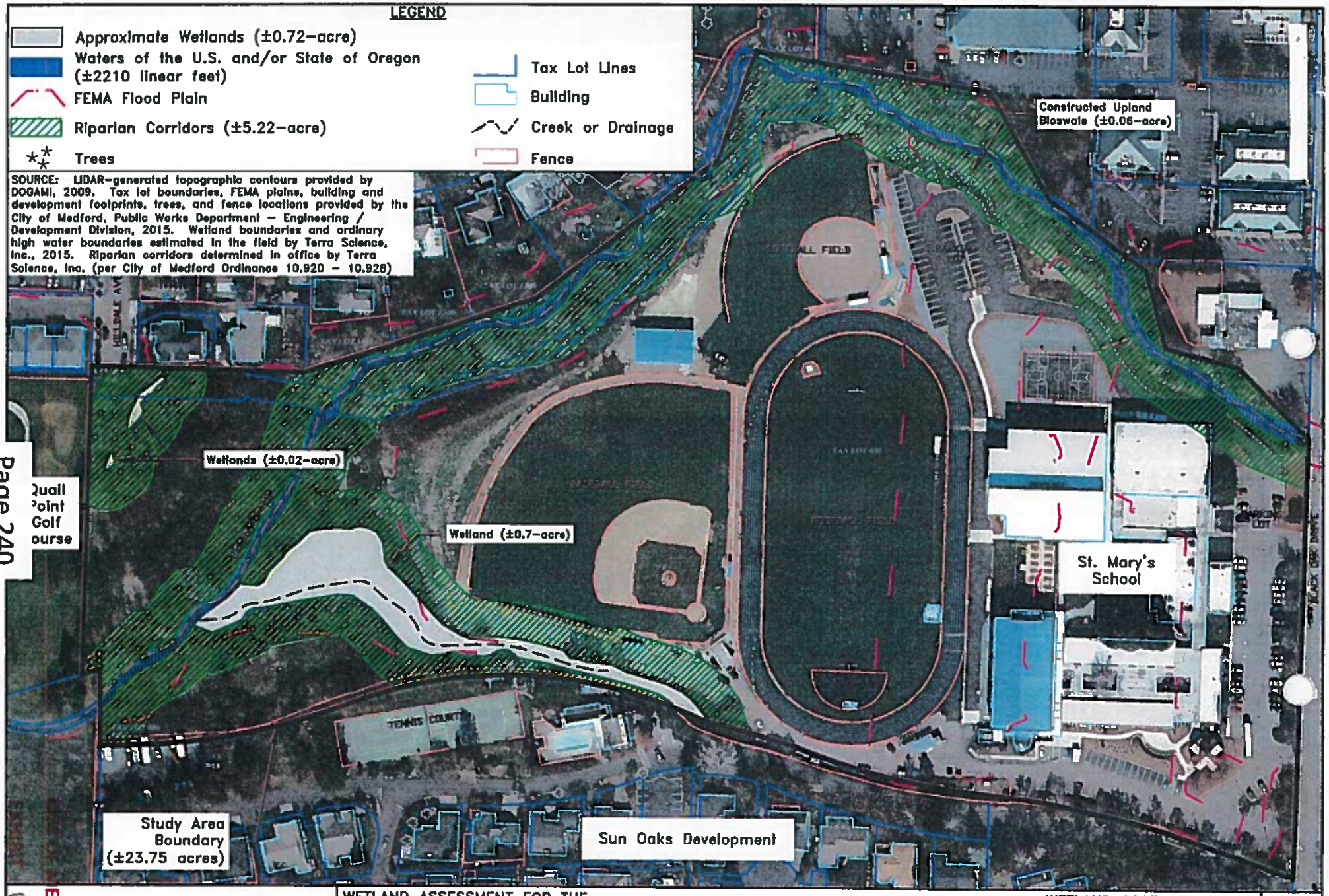
Jason Clinch
Digitally signed by Jason Clinch
DN: cn=Jason Clinch, o=Terra Science, Inc., ou, email=jason@terrascience.com, c=US
Date: 2015.07.10 10:28:10 -07'00'

Jason Clinch
Wetland Biologist

Enclosures

cc: Craig Stone, CSA Planning Ltd.

4710 S.W. Kelly Avenue, 1st Floor / Post Office Box 2100 / Portland, OR 97208-2100 / 503-274-2100 / Fax: 503-274-2101



Terra Science, Inc.
Soil, Water, & Wetland Consultants

GRAPHIC SCALE
80' 0' 80' 160' 320'
1 inch = 160'

WETLAND ASSESSMENT FOR THE
ST. MARY'S SCHOOL PROPERTY,
(T.L. 400, T. 37S, R. 1W, Section 32AA)
Medford, Jackson County, Oregon

July 2015

WETLAND ASSESSMENT MAP
with AERIAL PHOTO

ATTACH.

FILE # CUP-16-109
EDFORD

EXHIBIT 8

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC
112 Monterey Drive | Medford, Or. 97504 | Phone 541.941.4148 | Fax 541.535.6873 | Email: Rwkp1@Q.com

RECEIVED
AUG 25 2016
PLANNING DEPT.

July 12, 2016

Medford Planning Commission
411 W. 8th Street
Medford, OR 97501

RE: Conditional Use Permit Traffic Evaluation

Southern Oregon Transportation Engineering, LLC was retained by St. Mary's School to evaluate traffic impacts and on-site circulation as a result of a master plan change to their conditional use permit. A previous analysis was prepared in October of 2010 for an increase in school enrollment from 450 to 550 students. No changes are being proposed to the enrollment with the master plan update, but improvements are being proposed in buildings, parking areas, and on-site circulation. Pursuant to the city's CUP standard, impacts (including traffic) for the proposed CUP amendment, as a component of livability, must not be significant. See, Medford Land Development Code (MLDC) 10.248. The following analysis goes to that issue:

Background

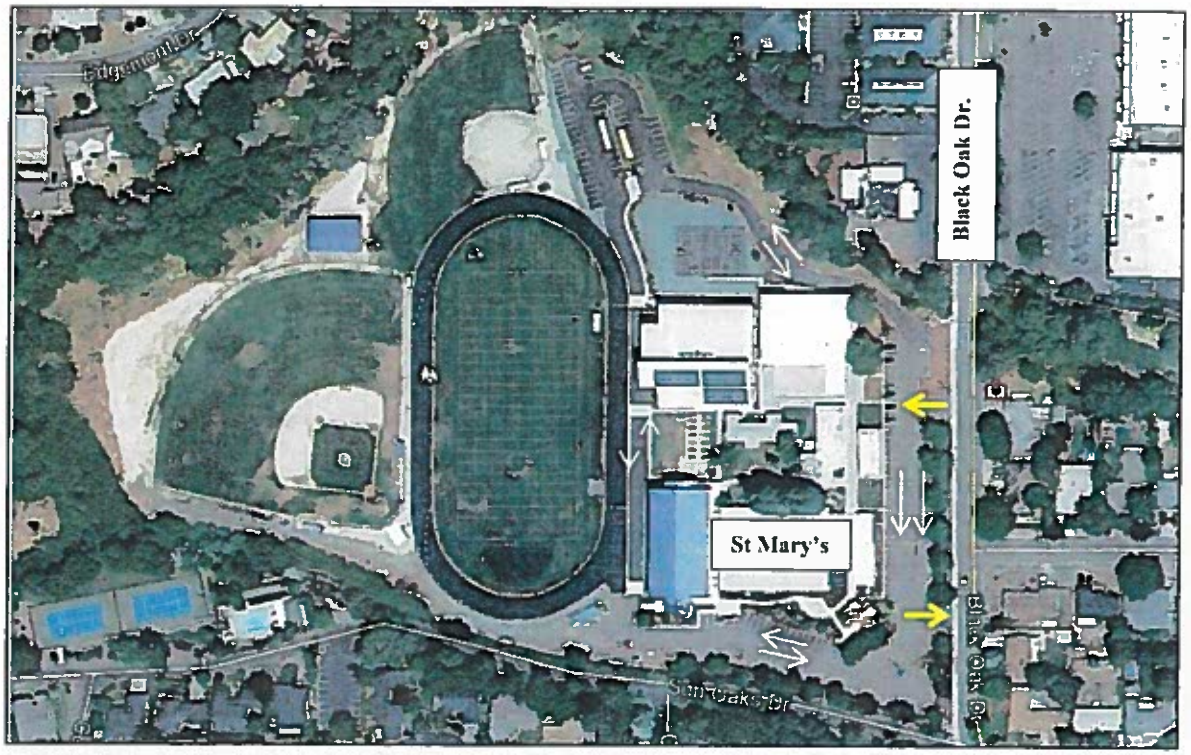
St. Mary's School is a private school that currently includes grades 6-12 and has a present student enrollment of approximately 468 students. The middle school, which includes grades 6-8, has an enrollment of 146 students and the high school, consisting of grades 9-12, has an enrollment of 322 students. Of these students, approximately 68 are international students. International students either stay in dormitories at Southern Oregon University (SOU) and are bused in and out each day or are housed with local families. None of the international students drive.

The school schedule offsets the middle school and high school start and release times by 30 minutes to avoid any overlap in traffic congestion between the two schools. The middle school starts at 7:55 am and releases at 3:15 pm. The high school starts at 8:25 am and releases at 3:45 pm. Parking is provided along the southern, eastern, and northern boundaries of the school with separate ingress and egress driveways along the eastern boundary. Students, faculty, and visitors enter from a northern ingress only driveway along Black Oak Drive and have the option of turning right to head to the northern parking area (which is an internal road that provides two-way travel) or turning left and dropping off in front of the school (one-way southbound travel) or parking in the eastern or southern parking areas. All vehicles exit through an egress only driveway along Black Oak Drive. Refer to Exhibit A for an existing layout.

CITY OF MEDFORD
EXHIBIT n
FILE # CUP-16-109

10

Exhibit A: St. Mary's School Existing Layout and Circulation



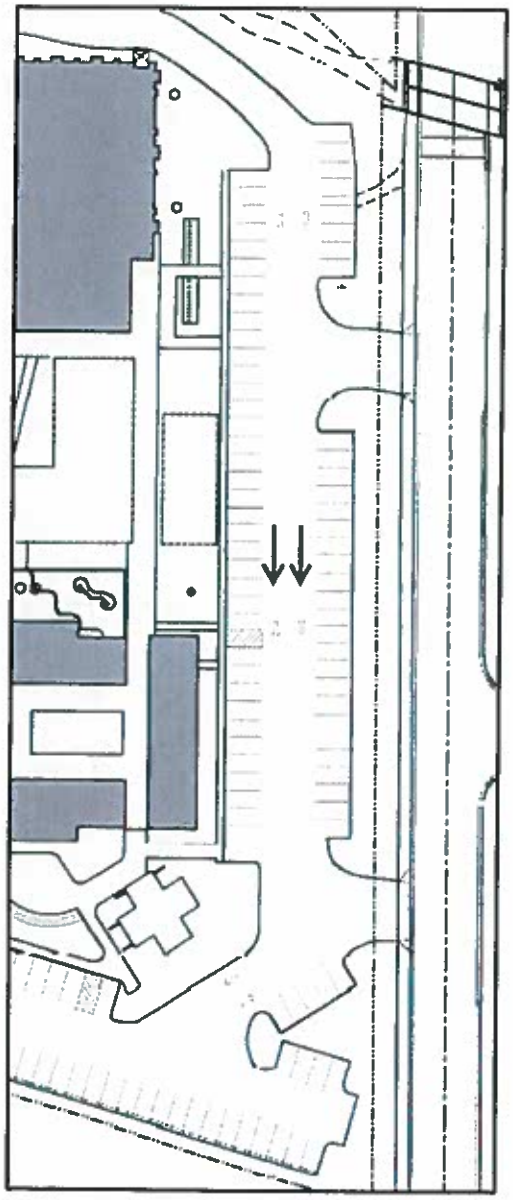
The middle school start and release times coincide with am and pm 15-minute peak hour spikes of the adjacent street (Black Oak Drive), which occur from 7:45-8:00 am and 3:00-3:15 pm. From field observations during both time periods, the am created the most congestion on-site and along Black Oak Drive because the am period included 2.5 times more vehicles than the pm period. Fewer vehicles enter/exit during the pm peak hour due to after school activities. It can be noted, however, that even with fewer vehicles at the site, the pick-up wait time in the pm is usually longer per vehicle than the morning drop-off time so on-site queue lengths are similar in both peak periods.

Existing and Proposed Site Circulation

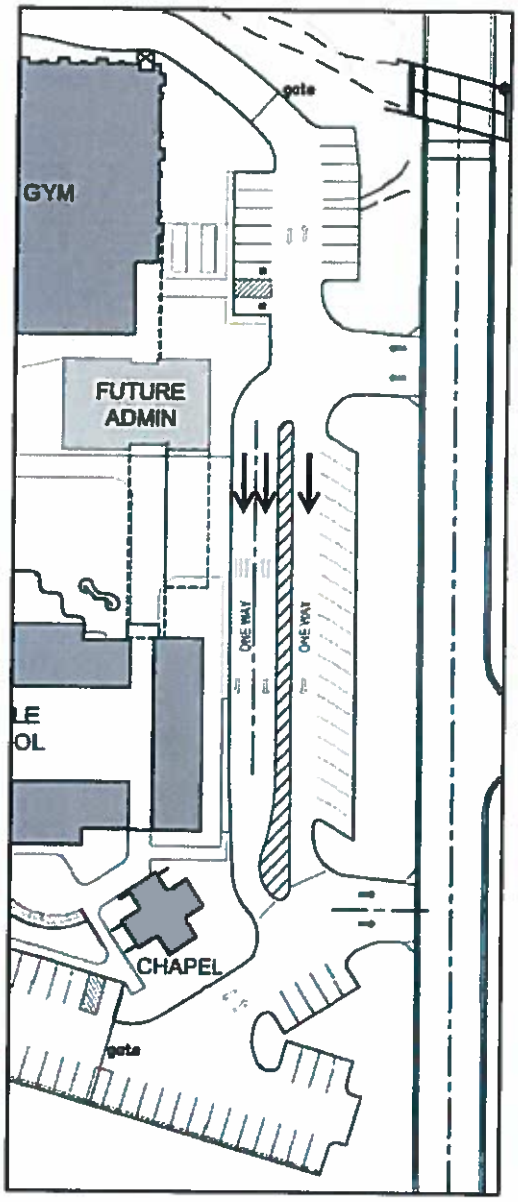
Under existing conditions, drivers who are dropping off or picking up students in the am or pm periods create the on-site congestion. The school drop off/pick up area includes two one-way southbound lanes with parking on each side. The lane nearest the school (inside lane) is the lane drivers stop in to drop off or wait for pick up. The lane nearest Black Oak Drive (outside lane) is used as a pass through lane and/or aisle for parked vehicles to back out from parking stalls along the eastern boundary. The stacking distance for vehicles picking up or dropping off is approximately 250 feet or 10 vehicles to the throat of the ingress driveway. Drivers usually utilize the throat distance as well which provides another 50 feet or room for two additional vehicles to stack before reaching Black Oak Drive.

Under proposed conditions in the master plan update, the area in front of the school will be restriped to provide two lanes or twice the stacking distance for drivers who are dropping off or picking up students. Parking stalls along the eastern boundary will be designated for visitors only and will provide parking for parents who prefer to park and drop off or wait for pick up. Parents do not have this option under existing conditions because the parking spaces on each side of the one-way lanes are usually utilized by students. In the proposed plan, students will be required to park in the north parking lot and faculty will be required to park in the south parking area, which will leave the eastern parking stalls free for visitors.

Existing Site Circulation



Proposed Site Circulation



Traffic Counts

Manual traffic counts were gathered at St. Mary's School during the am and pm peak periods (7:00-9:00 am and 3:00-6:00 pm) at the ingress driveway in May of 2016. Vehicle queue lengths and delays were also measured from 7:30-8:30 am and 3:00-4:00 pm to coincide with school drop-off and pick-up times. Counts showed the following results:

AM Peak Hour	PM Peak Hour
297 vehicles entered the site	103 vehicles entered the site
139 stopped in drop-off queue	52 stopped in pick-up queue
Average stopped time/vehicle = 37 seconds	Average stopped time/vehicle = 138 seconds
Max stopped time/vehicle = 113 seconds	Max stopped time/vehicle = 318 seconds
Max queue on-site = 7 vehicles	Max queue on-site = 8 vehicles

The average wait time per vehicle was significantly higher during the pm peak hour, but the maximum on site queue in both cases was similar and was not shown to reach Black Oak Drive. During the am peak hour there were 47 northbound left turning vehicles on Black Oak Drive as compared to only eight during the pm peak hour. The 47 northbound left turning vehicles caused 33 vehicles in the northbound direction to wait in a queue either to turn into the site or continue north on Black Oak Drive. The average stopped time per northbound vehicle in the queue on Black Oak Drive was 11.6 seconds. The maximum stopped time was 22 seconds, and the maximum queue length was five vehicles with an average queue of less than one vehicle. During the pm peak hour, there were only eight northbound left turning vehicles and none of these created a queue on Black Oak Drive at any time during the peak hour.

In October of 2010 school traffic at St. Mary's School was counted during the am and pm peak hours and shown to create queue lengths on Black Oak Drive during the am that were as long as six vehicles in the southbound direction and three vehicles in the northbound direction. Since that time, improvements have been made on-site, which include a new parking area to the north and enforcement within the drop-off and pick-up lane to keep vehicles moving to the south. The improvements to the transportation system are evident in new count data that shows little to no spillback in the southbound direction on Black Oak Drive on an average weekday.

Sight Distance

Sight distance at the St. Mary's School egress driveway on Black Oak Drive was evaluated in 2010 and shown to be unobstructed to the north and limited to the south for exiting vehicles. The measured sight distance to the south, which is the critical direction for vehicles exiting the site, was 300 feet. This distance meets the desired intersection sight distance (using AASHTO methodology) for a Case B1 left turn movement, which has a minimum requirement of 280 feet within a 25 mile per hour (mph) speed zone. The posted speed on Black Oak Drive is 25 miles per hour in the vicinity of the school with a school zone sign posted in front of the school. From field observations during the am and pm peak hours, traffic along Black Oak Drive appeared to have many gaps for exiting vehicles.

Crash History

Crash data was evaluated along Black Oak Drive in front of the school for the most recent 5 year period. Records showed that there have been no reported crashes within that area for that time period.

Master Plan Changes

Master plan changes include removal of three buildings and the addition of a new dormitory for international students north of the Naumes Center and gymnasium. Additional changes include a Multi-Use Commons building with cafeteria, a remodeled Administrative building, a parking lot to the north for additional parking capacity, a new access road around the western boundary for enhanced site circulation, improved on-site security through fencing and gated access points, and additional on-site stacking capacity at the drop-off and/or pick-up lanes in front of the school.

The new dormitory will provide rooms for up to 50 international students. International students, as stated previously, are currently bused to school each day, which creates additional trips coming from and going to SOU in Ashland. The school will see a reduction in trips with the addition of the dormitory. The new cafeteria is being proposed for the dormitory, but will also provide food for middle school and high school students during the school day. The cafeteria is estimated to add approximately 6-8 off peak trips from new employees who will prepare and serve morning, afternoon, and evening meals. There will also be food deliveries, but this is not anticipated to occur every day. Additional trips for the cafeteria from employees are offset by a reduction in trips from the dormitory and the ability for all students to stay on campus for meals, such that any change in traffic is considered to be negligible or unsubstantial.

The benefits of the master plan changes are concluded to outweigh any increase in traffic as the school expands over the next twenty years. Parking and on-site circulation improvements from the first conditional use amendment in 2010 have already reduced queue lengths on-site. The improvements with proposed new master plan changes will reduce impacts further with additional on-site parking and stacking capacity, enforcement, and enhanced site circulation.

Summary and Conclusions

The proposed St. Mary's School Master Plan Changes were evaluated from a safety standpoint and not shown to create adverse impacts to the surrounding area based upon the following conclusions:

- Master Plan changes increase on-site parking and stacking capacity, which reduce queue lengths and support additional traffic, without creating off-site impacts as the school expands over the next twenty years.
- Proposed building changes create a more efficient, comprehensive school campus without generating any substantial increase in traffic.
- A proposed new access road along the western boundary of the school provides improved on-site circulation.
- Crash data revealed that there have been no reported crashes along Black Oak Drive in front of the school for the most recent 5-year period.
- Sight distance continues to be adequate from the school egress driveway on Black Oak Drive.

It is concluded that the proposed conditional use permit to allow master plan changes at St. Mary's School can be approved without creating significant or adverse safety impacts to the surrounding area.

Please feel free to contact me with any questions or concerns.

Sincerely,

Kimberly Parducci, P.E. PTOE
Southern Oregon Transportation Engineering, LLC

Cc: Karl MacNair, Medford Public Works Department
Planning Department
Craig Stone, CSA Planning, Ltd.
Client

Attachments: Count Data, Stopped Delay Data

Southern Oregon Transportation Engineering, LLC
112 Monterey Drive
Medford, Oregon 97504
Kwkp1@q.com

North-South: Black Oak Drive
East-West: St Mary's School
Weather: Overcast
Veh Type: All Vehicles

File Name : St Mary's_
Site Code : 00000001
Start Date : 5/5/2016
Page No : 1

Groups Printed- Unshifted

	Black Oak From North					From East					Black Oak From South					St Mary's School From West					
Start Time	Left	Thru	Right	Peds	App Total	Left	Thru	Right	Peds	App Total	Left	Thru	Right	Peds	App Total	Left	Thru	Right	Peds	App Total	Int. Total
07:00 AM	0	15	3	5	23	0	0	0	1	1	1	14	0	0	15	2	0	0	0	2	41
07:15 AM	0	39	18	0	57	0	0	0	0	0	5	49	0	2	56	5	0	0	0	5	118
07:30 AM	0	32	62	2	96	0	0	0	0	0	16	85	0	0	101	23	0	5	3	31	228
07:45 AM	0	24	102	1	127	0	0	0	0	0	19	66	0	0	85	54	0	9	0	63	275
Total	0	110	185	8	303	0	0	0	1	1	41	214	0	2	257	84	0	14	3	101	662
08:00 AM	0	41	63	3	107	0	0	0	0	0	12	52	0	0	64	37	0	1	1	39	210
08:15 AM	0	23	23	2	48	0	0	0	0	0	0	55	0	1	56	8	0	4	1	13	117
08:30 AM	0	18	5	1	24	0	0	0	0	0	0	39	0	0	39	1	0	0	1	2	65
08:45 AM	0	19	1	0	20	0	0	0	0	0	4	33	0	1	38	2	0	1	0	3	61
Total	0	101	92	6	199	0	0	0	0	0	16	179	0	2	197	48	0	6	3	57	453
*** BREAK ***																					
03:00 PM	0	38	13	13	64	0	0	0	0	0	3	50	0	5	58	4	0	3	0	7	129
03:15 PM	0	41	32	0	73	0	0	0	0	0	3	43	0	0	46	46	0	4	0	50	169
03:30 PM	0	57	35	0	92	0	0	0	0	0	0	53	0	0	53	58	0	17	1	76	221
03:45 PM	0	33	15	0	48	0	0	0	0	0	2	55	0	2	59	23	0	4	0	27	134
Total	0	169	95	13	277	0	0	0	0	0	8	201	0	7	216	131	0	28	1	160	653
04:00 PM	0	46	18	1	65	0	0	0	0	0	1	37	0	0	38	14	0	3	0	17	120
04:15 PM	0	49	21	0	70	0	0	0	3	3	6	28	0	0	34	19	0	5	0	24	131
04:30 PM	0	31	11	0	42	0	0	0	0	0	0	35	0	0	35	14	0	1	0	15	92
04:45 PM	0	46	13	0	59	0	0	0	3	3	2	32	0	0	34	17	0	1	0	18	114
Total	0	172	63	1	236	0	0	0	6	6	9	132	0	0	141	64	0	10	0	74	457
05:00 PM	0	53	17	0	70	0	0	0	5	5	2	35	0	0	37	22	0	2	0	24	136
05:15 PM	0	59	25	0	84	0	0	0	0	0	0	49	0	0	49	11	0	0	0	11	144
05:30 PM	0	46	13	0	59	0	0	0	0	0	0	37	0	0	37	5	0	2	0	7	103
05:45 PM	0	42	5	0	47	0	0	0	0	0	0	38	0	0	38	7	0	3	0	10	95
Total	0	200	60	0	260	0	0	0	5	5	2	159	0	0	161	45	0	7	0	52	478
Grand Total	0	752	495	28	1275	0	0	0	12	12	76	885	0	11	972	372	0	65	7	444	2703
Apprch %	0	59	38.8	2.2		0	0	0	100		7.8	91	0	1.1		83.8	0	14.6	1.6		
Total %	0	27.8	18.3	1	47.2	0	0	0	0.4	0.4	2.8	32.7	0	0.4	36	13.8	0	2.4	0.3	16.4	

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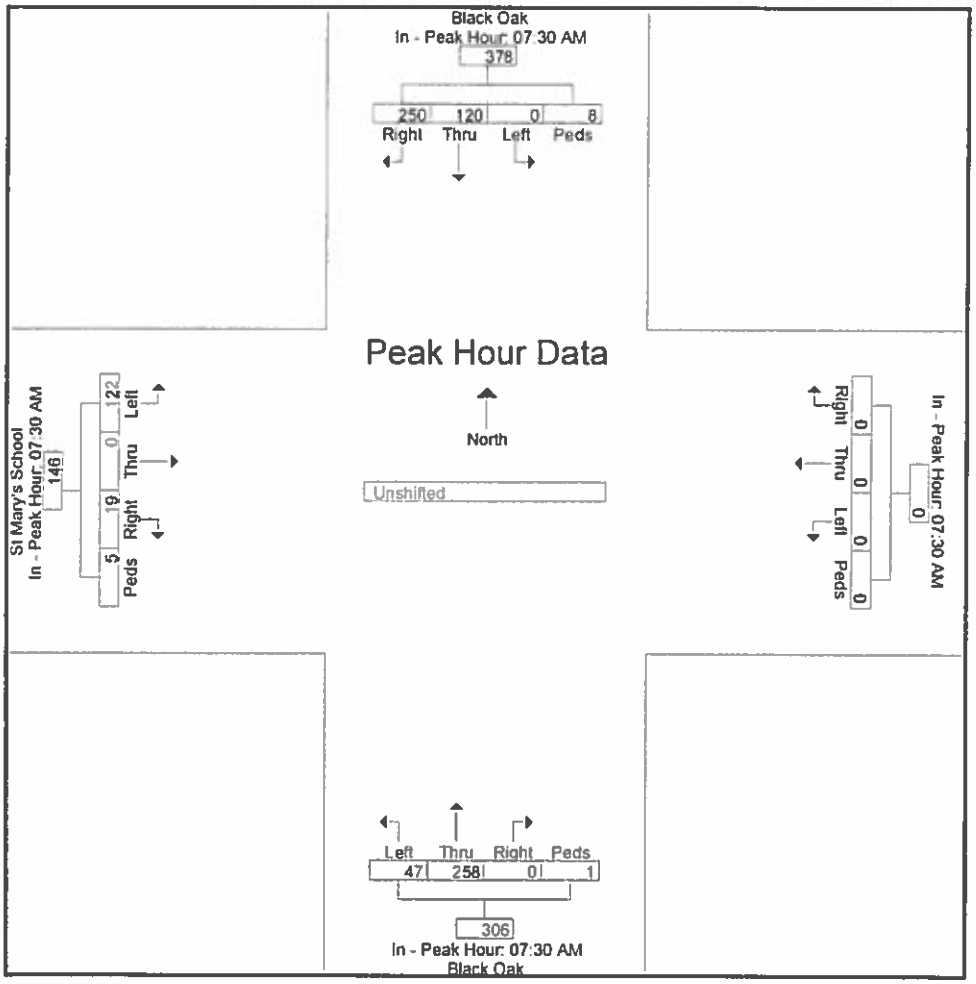
File Name : St Mary's_
Site Code : 00000001
Start Date : 5/5/2016
Page No : 2

	Black Oak From North					From East					Black Oak From South					St Mary's School From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:30 AM to 08:15 AM - Peak 1 of 1																					
Peak Hour for Each Approach Begins at:																					
	07:30 AM					07:30 AM					07:30 AM					07:30 AM					
+0 mins.	0	32	62	2	96	0	0	0	0	0	16	85	0	0	101	23	0	5	3	31	
+15 mins.	0	24	102	1	127	0	0	0	0	0	19	66	0	0	85	54	0	9	0	63	
+30 mins.	0	41	63	3	107	0	0	0	0	0	12	52	0	0	64	37	0	1	1	39	
+45 mins.	0	23	23	2	48	0	0	0	0	0	0	55	0	1	56	8	0	4	1	13	
Total Volume	0	120	250	8	378	0	0	0	0	0	47	258	0	1	306	122	0	19	5	146	
% App. Total	0	31.7	66.1	2.1		0	0	0	0		15.4	84.3	0	0.3		83.6	0	13	3.4		
PHF	.000	.732	.613	.667	.744	.000	.000	.000	.000	.000	.618	.759	.000	.250	.757	.565	.000	.528	.417	.579	



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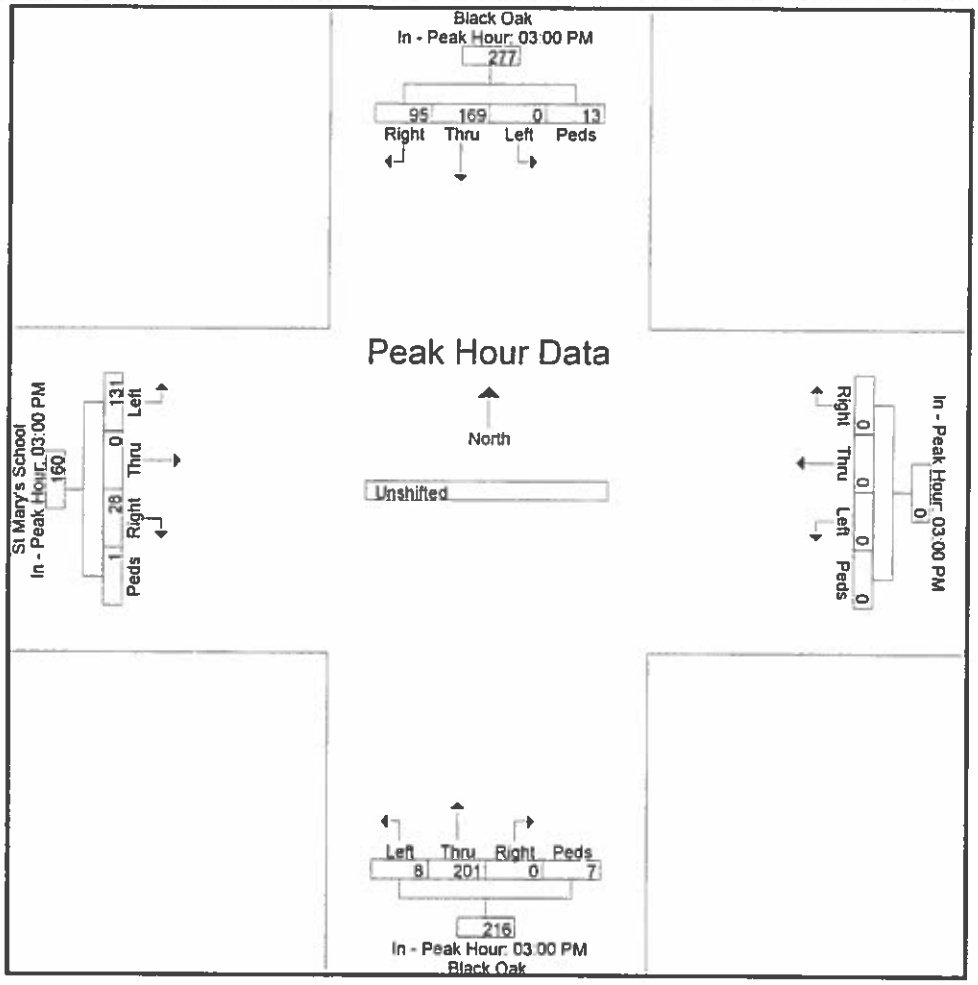
	Black Oak From North					From East					Black Oak From South					St Mary's School From West					
Start Time	Left	Thru	Right	Peds	App Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 03:00 PM to 03:45 PM - Peak 1 of 1																					
Peak Hour for Each Approach Begins at:																					
	03:00 PM					03:00 PM					03:00 PM					03:00 PM					
+0 mins.	0	38	13	13	64	0	0	0	0	0	3	50	0	5	58	4	0	3	0	7	
+15 mins.	0	41	32	0	73	0	0	0	0	0	3	43	0	0	46	46	0	4	0	50	
+30 mins.	0	57	35	0	92	0	0	0	0	0	0	53	0	0	53	58	0	17	1	76	
+45 mins.	0	33	15	0	48	0	0	0	0	0	2	55	0	2	59	23	0	4	0	27	
Total Volume	0	169	95	13	277	0	0	0	0	0	8	201	0	7	216	131	0	28	1	160	
% App. Total	0	61	34.3	4.7		0	0	0	0		3.7	93.1	0	3.2		81.9	0	17.5	0.6		
PHF	.000	.741	.679	.250	.753	.000	.000	.000	.000	.000	.667	.914	.000	.350	.915	.565	.000	.412	.250	.526	



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North-South: Black Oak Drive
East-West: St Mary's School
Weather: Overcast
Veh Type: School Buses

File Name : St Mary's_
Site Code : 00000001
Start Date : 5/5/2016
Page No : 1

Groups Printed- Bank 2

	Black Oak From North					From East					Black Oak From South					St Mary's School From West					
Start Time	Left	Thru	Right	Peds	App Total	Left	Thru	Right	Peds	App Total	Left	Thru	Right	Peds	App Total	Left	Thru	Right	Peds	App Total	Int. Total
07:00 AM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
07:15 AM	0	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
07:30 AM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
07:45 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	1
Total	0	5	0	0	5	0	0	0	0	0	1	3	0	0	4	0	0	0	0	0	9
08:00 AM	0	3	0	0	3	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	5
08:15 AM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
08:30 AM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
*** BREAK ***																					
Total	0	5	0	0	5	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	10
*** BREAK ***																					
03:00 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
*** BREAK ***																					
03:30 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
03:45 PM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
Total	0	2	0	0	2	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	5
04:00 PM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
04:15 PM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	1	0	0	0	1	3
*** BREAK ***																					
04:45 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	0	3	0	0	3	0	0	0	0	0	0	2	0	0	2	1	0	0	0	1	6
05:00 PM	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
*** BREAK ***																					
05:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
Total	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	2
Grand Total	0	15	1	0	16	0	0	0	0	0	1	13	0	0	14	1	0	1	0	2	32
Apprch %	0	93.8	6.2	0		0	0	0	0		7.1	92.9	0	0		50	0	50	0		
Total %	0	46.9	3.1	0	50	0	0	0	0	0	3.1	40.6	0	0	43.8	3.1	0	3.1	0	6.2	

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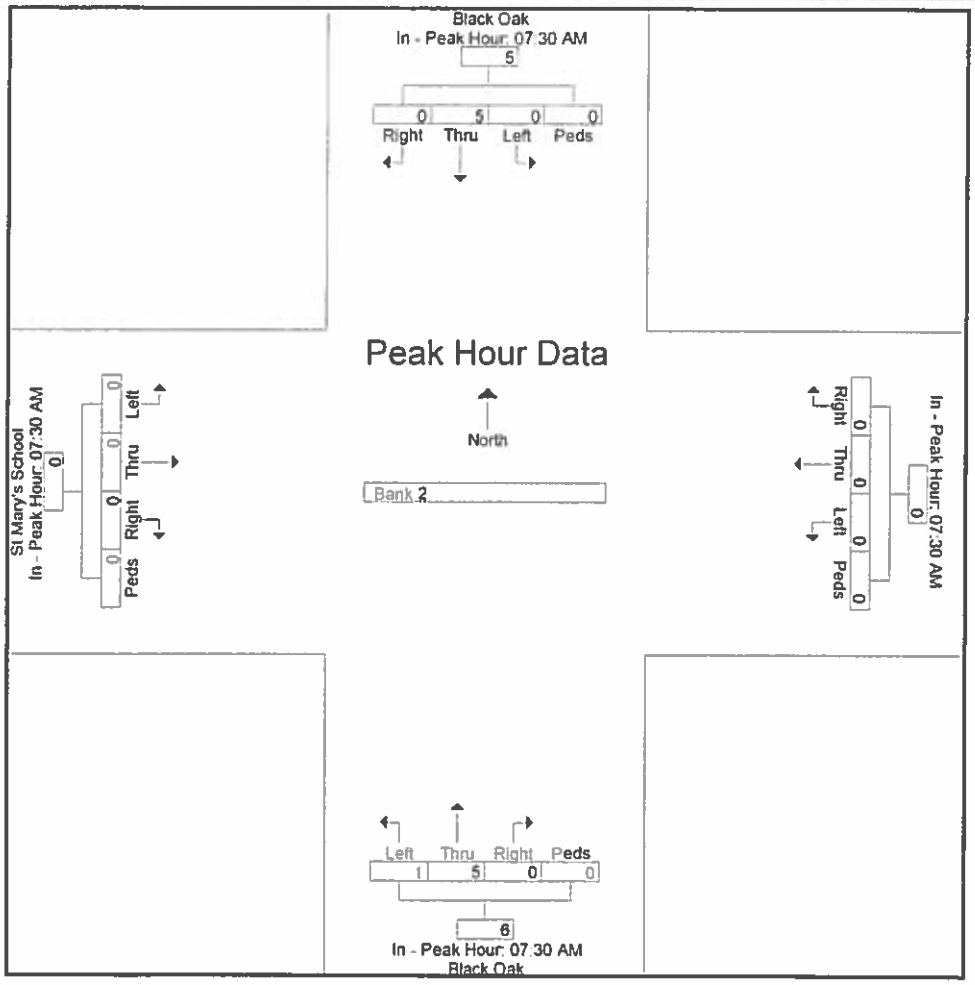
File Name : St Mary's_
Site Code : 00000001
Start Date : 5/5/2016
Page No : 2

	Black Oak From North					From East					Black Oak From South					St Mary's School From West					
Start Time	Left	Thru	Right	Peds	App Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 07.30 AM to 08.15 AM - Peak 1 of 1																					
Peak Hour for Each Approach Begins at:																					
	07 30 AM					07 30 AM					07 30 AM					07 30 AM					
+0 mins.	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	
+15 mins.	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	
+30 mins.	0	3	0	0	3	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	
+45 mins.	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	
Total Volume	0	5	0	0	5	0	0	0	0	0	1	5	0	0	6	0	0	0	0	0	
% App. Total	0	100	0	0		0	0	0	0		16.7	83.3	0	0		0	0	0	0		
PHF	.000	.417	.000	.000	.417	.000	.000	.000	.000	.000	.250	.625	.000	.000	.750	.000	.000	.000	.000	.000	



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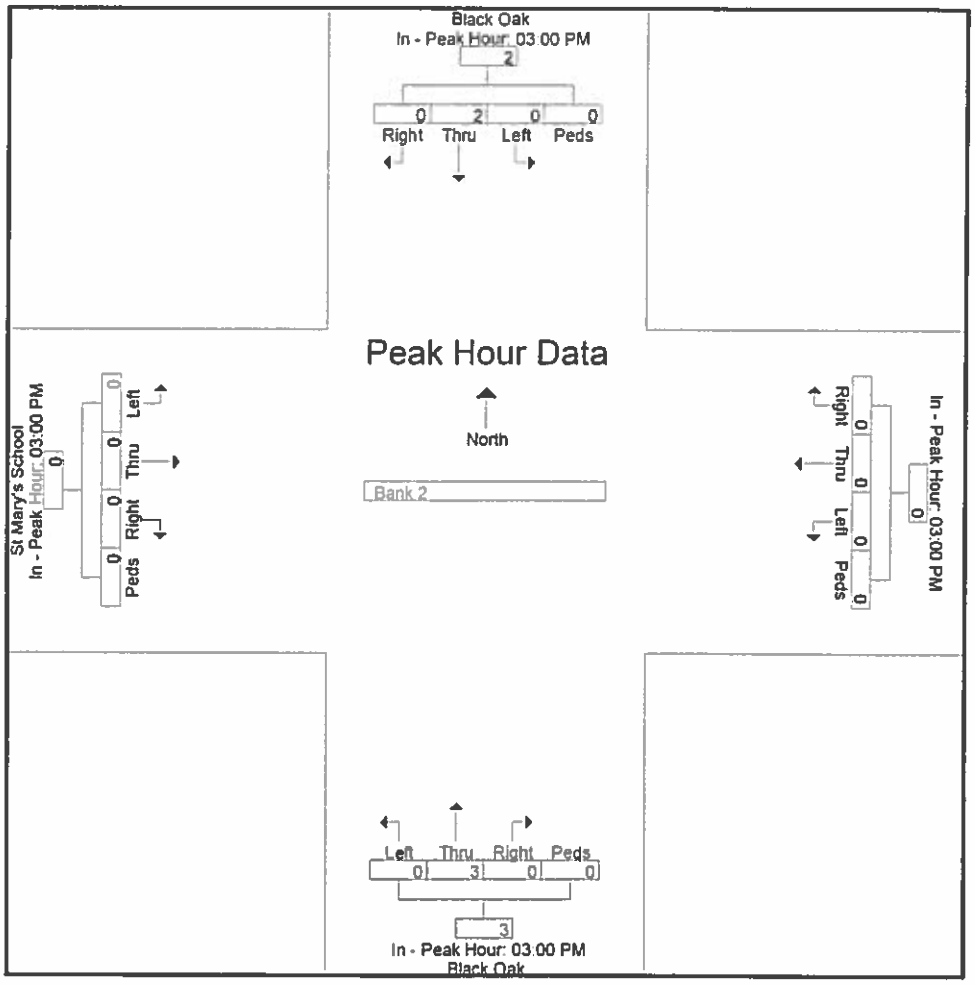
File Name : St Mary's_
Site Code : 00000001
Start Date : 5/5/2016
Page No : 3

	Black Oak From North					From East					Black Oak From South					St Mary's School From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 03:00 PM to 03:45 PM - Peak 1 of 1																					
Peak Hour for Each Approach Begins at:																					
	03:00 PM					03:00 PM					03:00 PM					03:00 PM					
+0 mins.	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	
+15 mins.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
+30 mins.	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
+45 mins.	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	
Total Volume	0	2	0	0	2	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	
% App. Total	0	100	0	0		0	0	0	0		0	100	0	0		0	0	0	0		
PHF	.000	.500	.000	.000	.500	.000	.000	.000	.000	.000	.000	.375	.000	.000	.375	.000	.000	.000	.000	.000	



S.O.Transportation Engineering, LLC

Medford, Oregon 97504

Lane 1: Internal Drop-Off Parking Queue
Lane 2: Black Oak NBL Queue
Weather: Overcast
Vehicle Type: All Vehicles

File Name : St Marys_AM_SD
Site Code : 00000002
Start Date : 5/5/2016
Page No : 1

Ln.	No.	Joined Queue	Released From Queue	Delay
1	1	7:00:01 AM	7:00:01 AM	0
1	2	7:13:16 AM	7:13:30 AM	14
1	3	7:14:56 AM	7:15:38 AM	42
1	4	7:18:14 AM	7:18:49 AM	35
1	5	7:19:44 AM	7:20:17 AM	33
1	6	7:26:31 AM	7:26:50 AM	19
1	7	7:28:40 AM	7:29:17 AM	37
1	8	7:29:29 AM	7:29:54 AM	25
1	9	7:30:32 AM	7:30:59 AM	27
1	10	7:30:49 AM	7:31:03 AM	14
1	11	7:30:50 AM	7:31:31 AM	41
1	12	7:31:17 AM	7:32:25 AM	68
1	13	7:32:40 AM	7:33:04 AM	24
1	14	7:33:06 AM	7:33:19 AM	13
1	15	7:34:31 AM	7:34:58 AM	27
1	16	7:34:42 AM	7:35:04 AM	22
1	17	7:34:57 AM	7:35:14 AM	17
1	18	7:35:25 AM	7:36:14 AM	49
1	19	7:35:38 AM	7:36:19 AM	41
1	20	7:36:05 AM	7:36:36 AM	31
1	21	7:37:10 AM	7:37:48 AM	38
1	22	7:37:39 AM	7:38:00 AM	21
1	23	7:38:52 AM	7:39:37 AM	45
1	24	7:39:03 AM	7:39:55 AM	52
1	25	7:39:52 AM	7:40:06 AM	14
1	26	7:39:54 AM	7:40:25 AM	31
1	27	7:40:53 AM	7:41:24 AM	31
1	28	7:41:02 AM	7:41:43 AM	41
1	29	7:41:08 AM	7:41:50 AM	42
1	30	7:41:28 AM	7:41:52 AM	24
1	31	7:41:30 AM	7:42:13 AM	43
1	32	7:42:35 AM	7:43:03 AM	28
1	33	7:43:28 AM	7:43:54 AM	26
1	34	7:43:33 AM	7:44:01 AM	28
1	35	7:43:34 AM	7:44:41 AM	67
1	36	7:44:00 AM	7:44:46 AM	46
1	37	7:44:20 AM	7:45:20 AM	60
1	38	7:44:30 AM	7:45:22 AM	52
1	39	7:45:07 AM	7:45:26 AM	19
1	40	7:45:24 AM	7:45:42 AM	18
1	41	7:45:25 AM	7:46:07 AM	42
1	42	7:45:33 AM	7:46:15 AM	42
1	43	7:45:46 AM	7:46:29 AM	43
1	44	7:46:08 AM	7:46:30 AM	22
1	45	7:46:19 AM	7:46:53 AM	34
1	46	7:46:28 AM	7:47:08 AM	40
1	47	7:46:36 AM	7:47:11 AM	35
1	48	7:46:55 AM	7:47:18 AM	23
1	49	7:46:56 AM	7:47:19 AM	23
1	50	7:47:05 AM	7:47:25 AM	20
1	51	7:47:14 AM	7:47:30 AM	16
1	52	7:47:39 AM	7:47:49 AM	10
1	53	7:47:40 AM	7:48:03 AM	23
1	54	7:47:43 AM	7:48:04 AM	21
1	55	7:49:05 AM	7:49:25 AM	20
1	56	7:49:13 AM	7:49:37 AM	24
1	57	7:49:40 AM	7:49:57 AM	17
1	58	7:49:46 AM	7:50:18 AM	32
1	59	7:49:49 AM	7:50:34 AM	45
1	60	7:49:52 AM	7:50:40 AM	48

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Medford, Oregon 97504

Lane 1: Internal Drop-Off Parking Queue
Lane 2: Black Oak NBL Queue
Weather: Overcast
Vehicle Type: All Vehicles

File Name : St Marys_AM_SD
Site Code : 00000002
Start Date : 5/5/2016
Page No : 2

Ln.	No.	Joined Queue	Released From Queue	Delay
1	61	7:50:08 AM	7:50:58 AM	50
1	62	7:50:29 AM	7:51:26 AM	57
1	63	7:51:14 AM	7:51:29 AM	15
1	64	7:51:18 AM	7:51:30 AM	12
1	65	7:51:36 AM	7:52:08 AM	32
1	66	7:52:28 AM	7:52:45 AM	17
1	67	7:52:31 AM	7:53:12 AM	41
1	68	7:52:36 AM	7:53:15 AM	39
1	69	7:52:41 AM	7:53:31 AM	50
1	70	7:52:43 AM	7:53:32 AM	49
1	71	7:52:47 AM	7:53:44 AM	57
1	72	7:52:49 AM	7:53:59 AM	70
1	73	7:53:22 AM	7:54:01 AM	39
1	74	7:54:36 AM	7:55:29 AM	53
1	75	7:54:39 AM	7:55:52 AM	73
1	76	7:55:09 AM	7:56:05 AM	56
1	77	7:55:12 AM	7:56:24 AM	72
1	78	7:55:13 AM	7:56:25 AM	72
1	79	7:55:33 AM	7:56:33 AM	60
1	80	7:55:34 AM	7:57:27 AM	113
1	81	7:56:38 AM	7:57:28 AM	50
1	82	7:56:39 AM	7:57:46 AM	67
1	83	7:57:17 AM	7:57:47 AM	30
1	84	7:57:21 AM	7:57:58 AM	37
1	85	7:57:33 AM	7:58:05 AM	32
1	86	7:57:35 AM	7:58:11 AM	36
1	87	7:57:36 AM	7:58:13 AM	37
1	88	7:57:49 AM	7:58:29 AM	40
1	89	7:57:50 AM	7:59:02 AM	72
1	90	7:57:51 AM	7:59:05 AM	74
1	91	7:58:07 AM	7:59:07 AM	60
1	92	7:58:09 AM	7:59:08 AM	59
1	93	7:58:33 AM	7:59:34 AM	61
1	94	7:58:39 AM	8:00:21 AM	102
1	95	7:59:25 AM	8:00:36 AM	71
1	96	8:00:02 AM	8:00:37 AM	35
1	97	8:00:18 AM	8:00:45 AM	27
1	98	8:00:19 AM	8:00:57 AM	38
1	99	8:00:19 AM	8:01:08 AM	49
1	100	8:01:43 AM	8:02:14 AM	31
1	101	8:01:45 AM	8:02:27 AM	42
1	102	8:02:20 AM	8:02:51 AM	31
1	103	8:02:28 AM	8:03:08 AM	40
1	104	8:02:30 AM	8:03:21 AM	51
1	105	8:02:36 AM	8:03:34 AM	58
1	106	8:03:26 AM	8:03:47 AM	21
1	107	8:04:06 AM	8:04:23 AM	17
1	108	8:04:07 AM	8:04:34 AM	27
1	109	8:04:56 AM	8:05:28 AM	32
1	110	8:05:12 AM	8:05:31 AM	19
1	111	8:05:20 AM	8:05:47 AM	27
1	112	8:05:24 AM	8:05:59 AM	35
1	113	8:05:27 AM	8:06:21 AM	54
1	114	8:05:34 AM	8:06:49 AM	75
1	115	8:06:07 AM	8:07:16 AM	69
1	116	8:06:22 AM	8:07:18 AM	56
1	117	8:06:34 AM	8:07:22 AM	48
1	118	8:07:06 AM	8:07:26 AM	20
1	119	8:07:24 AM	8:08:02 AM	38
1	120	8:07:56 AM	8:08:27 AM	31

S.O.Transportation Engineering, LLC

Medford, Oregon 97504

Lane 1: Internal Drop-Off Parking Queue
Lane 2: Black Oak NBL Queue
Weather: Overcast
Vehicle Type: All Vehicles

File Name : St Marys_AM_SD
Site Code : 00000002
Start Date : 5/5/2016
Page No : 3

Ln.	No.	Joined Queue	Released From Queue	Delay
1	121	8:08:14 AM	8:08:52 AM	38
1	122	8:08:52 AM	8:09:36 AM	44
1	123	8:09:46 AM	8:10:04 AM	18
1	124	8:10:27 AM	8:10:36 AM	9
1	125	8:10:35 AM	8:10:58 AM	23
1	126	8:11:10 AM	8:11:17 AM	7
1	127	8:11:47 AM	8:12:04 AM	17
1	128	8:11:53 AM	8:12:08 AM	15
1	129	8:13:27 AM	8:13:41 AM	14
1	130	8:13:53 AM	8:14:24 AM	31
1	131	8:14:07 AM	8:14:27 AM	20
1	132	8:14:47 AM	8:14:56 AM	9
1	133	8:14:54 AM	8:15:35 AM	41
1	134	8:18:29 AM	8:18:40 AM	11
1	135	8:18:57 AM	8:19:54 AM	57
1	136	8:19:42 AM	8:20:23 AM	41
1	137	8:22:48 AM	8:22:59 AM	11
1	138	8:22:54 AM	8:23:02 AM	8
1	139	8:26:15 AM	8:26:42 AM	27
2	1	7:43:51 AM	7:44:03 AM	12
2	2	7:44:32 AM	7:44:37 AM	5
2	3	7:45:08 AM	7:45:14 AM	6
2	4	7:45:51 AM	7:45:59 AM	8
2	5	7:46:11 AM	7:46:20 AM	9
2	6	7:46:12 AM	7:46:20 AM	8
2	7	7:46:13 AM	7:46:22 AM	9
2	8	7:48:31 AM	7:48:40 AM	9
2	9	7:52:55 AM	7:53:05 AM	10
2	10	7:52:56 AM	7:53:06 AM	10
2	11	7:52:57 AM	7:53:07 AM	10
2	12	7:52:59 AM	7:53:10 AM	11
2	13	7:53:00 AM	7:53:11 AM	11
2	14	7:55:25 AM	7:55:39 AM	14
2	15	7:55:26 AM	7:55:41 AM	15
2	16	7:55:28 AM	7:55:43 AM	15
2	17	7:55:36 AM	7:55:50 AM	14
2	18	7:55:38 AM	7:55:51 AM	13
2	19	7:57:52 AM	7:58:14 AM	22
2	20	7:57:52 AM	7:58:14 AM	22
2	21	7:57:53 AM	7:58:15 AM	22
2	22	7:57:54 AM	7:58:16 AM	22
2	23	7:59:11 AM	7:59:15 AM	4
2	24	7:59:11 AM	7:59:19 AM	8
2	25	8:02:02 AM	8:02:15 AM	13
2	26	8:02:04 AM	8:02:17 AM	13
2	27	8:02:06 AM	8:02:18 AM	12
2	28	8:04:35 AM	8:04:44 AM	9
2	29	8:04:36 AM	8:04:45 AM	9
2	30	8:06:02 AM	8:06:09 AM	7
2	31	8:06:03 AM	8:06:10 AM	7
2	32	8:06:03 AM	8:06:14 AM	11
2	33	8:06:04 AM	8:06:17 AM	13

S.O.Transportation Engineering, LLC

Medford, Oregon 97504

Lane 1: Internal Drop-Off Parking Queue
Lane 2: Black Oak NBL Queue
Weather: Overcast
Vehicle Type: All Vehicles

File Name : St Marys_AM_SD
Site Code : 00000002
Start Date : 5/5/2016
Page No : 4

Summary Information:

7:00:00 AM - 8:27:00 AM	Internal Drop Off	Black Oak NBL
Total Vehicle Count:	139	33
Delayed Vehicle Count:	139	33
Through Vehicle Count:	0	0
Average Stopped Time:	37.06	11.606
Maximum Stopped Time:	113	22
Min. Secs. for Delay:	0	0
Average Queue:	0.99	0.284
Queue Density:	2.16	2.315
Maximum Queue:	7	5
Delay in Vehicle Hour:	0.99	0.2845468
Total Delay:	5152	383

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Medford, Oregon 97504

Lane 1: Internal Drop-off Parking Queue
Lane 2: Black Oak NBL Queue
Weather: Overcast
Vehicle Type: All Vehicles

File Name : St Marys_PM_SD
Site Code : 00000002
Start Date : 5/5/2016
Page No : 1

Ln.	No.	Joined Queue	Released From Queue	Delay
1	1	3:00:01 PM	3:00:46 PM	45
1	2	3:10:58 PM	3:13:17 PM	139
1	3	3:11:00 PM	3:15:27 PM	267
1	4	3:11:10 PM	3:15:32 PM	262
1	5	3:12:50 PM	3:16:05 PM	195
1	6	3:12:57 PM	3:16:29 PM	212
1	7	3:14:55 PM	3:17:26 PM	151
1	8	3:15:01 PM	3:17:32 PM	151
1	9	3:16:27 PM	3:18:06 PM	99
1	10	3:17:17 PM	3:18:08 PM	51
1	11	3:17:29 PM	3:19:28 PM	119
1	12	3:19:32 PM	3:19:40 PM	8
1	13	3:20:00 PM	3:22:11 PM	131
1	14	3:20:59 PM	3:22:12 PM	73
1	15	3:21:21 PM	3:23:58 PM	157
1	16	3:21:27 PM	3:24:30 PM	183
1	17	3:21:38 PM	3:25:09 PM	211
1	18	3:21:46 PM	3:25:25 PM	219
1	19	3:22:49 PM	3:25:47 PM	178
1	20	3:23:34 PM	3:25:48 PM	134
1	21	3:24:27 PM	3:28:02 PM	215
1	22	3:24:33 PM	3:29:08 PM	275
1	23	3:24:38 PM	3:29:56 PM	318
1	24	3:25:42 PM	3:30:14 PM	272
1	25	3:25:46 PM	3:30:16 PM	270
1	26	3:26:45 PM	3:30:44 PM	239
1	27	3:28:40 PM	3:31:36 PM	176
1	28	3:29:42 PM	3:31:37 PM	115
1	29	3:29:43 PM	3:31:45 PM	122
1	30	3:29:43 PM	3:32:48 PM	185
1	31	3:30:13 PM	3:33:21 PM	188
1	32	3:31:14 PM	3:34:10 PM	176
1	33	3:32:08 PM	3:34:23 PM	135
1	34	3:33:11 PM	3:35:02 PM	111
1	35	3:33:24 PM	3:36:03 PM	159
1	36	3:34:07 PM	3:37:14 PM	187
1	37	3:35:16 PM	3:37:27 PM	131
1	38	3:37:51 PM	3:38:11 PM	20
1	39	3:39:16 PM	3:39:23 PM	7
1	40	3:42:26 PM	3:42:49 PM	23
1	41	3:42:55 PM	3:44:02 PM	67
1	42	3:43:15 PM	3:44:20 PM	65
1	43	3:43:40 PM	3:47:45 PM	245
1	44	3:44:48 PM	3:48:27 PM	219
1	45	3:50:36 PM	3:50:51 PM	15
1	46	3:50:45 PM	3:51:03 PM	18
1	47	3:51:41 PM	3:53:21 PM	100
1	48	3:54:32 PM	3:54:52 PM	20
1	49	3:55:35 PM	3:56:03 PM	28
1	50	3:55:36 PM	3:56:43 PM	67
1	51	3:57:19 PM	3:57:59 PM	40
1	52	4:00:00 PM	4:00:09 PM	9

S.O.Transportation Engineering, LLC

Medford, Oregon 97504

Lane 1: Internal Drop-off Parking Queue
Lane 2: Black Oak NBL Queue
Weather: Overcast
Vehicle Type: All Vehicles

File Name : St Marys_PM_SD
Site Code : 00000002
Start Date : 5/5/2016
Page No : 2

Summary Information:

3:00:00 PM - 4:01:00 PM	Internal Drop-off
Total Vehicle Count:	52
Delayed Vehicle Count:	52
Through Vehicle Count:	0
Average Stopped Time:	138.50
Maximum Stopped Time:	318
Min. Secs. for Delay:	0
Average Queue:	2.00
Queue Density:	3.19
Maximum Queue:	8
Delay in Vehicle Hour:	2.00
Total Delay:	7202

Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED
OCT 19 2016
PLANNING DEPT.

LD Date: 10/19/2016
File Number: CUP-16-109
Reference: CUP-10-060

PUBLIC WORKS DEPARTMENT STAFF REPORT
St. Mary's School

Project: Consideration of a conditional use permit for St. Mary's School including the revision of the master plan to include a multi-phase project on the 23.4 acre parcel.

Location: Located on the west side of Black Oak Drive, approximately 700 feet south of Barnett Road, within a SFR-4 (Single-Family Residential – 4 units per acre) zoning district. Phase 1 proposes the reconfiguration of the existing front parking lot and drop-off area and the creation of a new student parking lot adjacent to the northern end of the track and football field. Phase 2 proposes the construction of a new two-story, 17,452 square foot dormitory building for international students. Phase 3 proposes the construction of a new two-story, 24,564 square foot Common Building and Plaza which will require the demolition of four older buildings. Phase 4 comprises the construction of a new 4,400 square foot Administration Building to be located between the Commons Plaza and the school drop-off area. A future phase comprises the completion of a loop road surrounding the built portion of the campus.

Applicant: St. Mary's School of Medford Inc., Applicant (CSA Planning, Ltd., Agent). Praline McCormack, Planner.

NOTE:

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

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

- Submittal and approval of plans for site grading and drainage, and detention.
- Completion of all public improvements, if required. The applicant may provide security for 120% of the improvements prior to issuance of building permits. Construction plans for the improvements would need to be approved by the Public Works Engineering Department prior to acceptance of [illegible]
- Items A – D, unless noted otherwise.

CITY OF MEDFORD
EXHIBIT O 1/2

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

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

A. STREETS

1. Dedications

Black Oak Drive is classified as a Major Collector street within the Medford Land Development Code (MLDC), Section 10.428. Dedications of additional public right-of-way and a 10-foot Public Utility Easement (PUE) have been completed per 2011-034200 and 94-26509. There is sufficient width of land along the frontage of this development to comply with the half width of right-of-way, which is 37-feet. **No additional right-of-way is required.**

Larson Creek Multi-Use Path (Segment II): The proposed two-mile Larson Creek Multi-Use Path extends east from Bear Creek to North Phoenix Road. Segment II of the path passes through this development at the northwest portion and extends from Ellendale Drive to Black Oak Drive. The Multi-Use Path in this location is still in the Design phase. Based on early conceptual layouts, see Exhibit 'A', additional area will be needed to complete the path through this Parcel. Therefore, during any phase of construction which will occur adjacent to the creek, the Developer's Engineer and Contractor shall coordinate with the City Engineer to define the limits of the additional area required by the City of Medford and provide an easement for its use. The property owner shall be offered fair compensation for the additional area.

2. Public Improvements

a. Public Streets

Black Oak Drive is currently improved with pavement, curb, gutter, sidewalk and street lights. **No additional improvements are required.**

b. Street Lights and Signing

No additional street lights or signage 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.

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3. Access to Public Street System

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

4. Transportation System

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering LLC, dated July 12, 2016, titled "Conditional Use Permit Traffic Evaluation" for St. Mary's School located at 816 S. Black Oak Drive. The report proposes modifications to the CUP last modified in 2010 but does not propose increasing the student enrollment beyond the 550 students approved in 2010.

The study reports that there is no significant impact to the transportation system and proposed improvements should improve on-site circulations, increase on-site parking capacity, and reduce queue lengths.

Traffic Engineering recommends approval at the current maximum enrollment of 550 students.

5. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

Nexus to a legitimate government purpose

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

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

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

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

Larson Creek Multi-Use Path (Segment II):
The future Larson Creek Multi-Use Path is part of the Medford Comprehensive Plan as a Bicycle System Strategy and a Pedestrian System Strategy to overcome barriers to both forms of circulation. It is also identified in the Transportation System Plan Element as an implementation item under Goal 4/Policy 4-A to facilitate the increased use of bicycle transportation.

Because a mechanism exists to fairly compensate the applicant for the easement for the future Larson Creek Multi-Use Path, the conditions of MLDC, Section 10.668 are satisfied.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one separate individual service lateral to the site or ensure that the site is served by an individual service lateral. All unused laterals adjacent and stubbed to the development shall be capped at the main.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the project's impacted site with sufficient information to determine the direction of runoff to the existing or proposed drainage system, and also showing elevations of the proposed drainage system (if applicable), shall be submitted with the first building permit application for approval. Any new or reconstructed area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

All private storm drain lines shall be located outside of the public right-of-way and/or any public utility easements (PUE).

The Developer shall address all floodway, floodplain and riparian area issues with the proper Agencies and acquire all necessary permits for work within the floodway, floodplain or riparian areas. For the main channel of Larson Creek, a drainage and

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hydrology study must be prepared by a licensed Civil Engineer. The study must establish the 10, 25 and 100-year flood plain boundaries and 100-year base flood elevations. Water surface elevations for the 10 and 25 year events shall also be provided on the plans or separate report. No fill shall be allowed within the FEMA floodplain without a Flood Plain Permit from the Planning Department.

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

Stromwater quality and detention facilities shall be required in accordance with MLDC Section 10.481 and 10.729.

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. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the developer's design engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Wetlands

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

6. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. General Conditions

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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. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

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 (SDCs)

Buildings in this development are subject to street, sanitary sewer treatment, collection and stormdrain SDCs. All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs

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SUMMARY CONDITIONS OF APPROVAL

St. Mary's School
CUP-16-109

A. Streets:

1. **Street Dedications to the Public:**
   - **Black Oak Drive** – No street dedications are required for this development.
   - PUE has been dedicated, no additional PUE required.

2. **Improvements:**
   Public Streets
   - **Black Oak Drive** – No additional improvements are required.

   Lighting and Signing
   - No additional street lights or signage are required.

   Other
   - Easement/Dedication for Larson Creek Trail.

B. Sanitary Sewer:
- Ensure or construct separate individual sanitary sewer connection.
- Cap remaining unused laterals at the main.

C. Storm Drainage:
- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers certification of stormwater facility construction.
- Provide DSL signoff if wetlands are present.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

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

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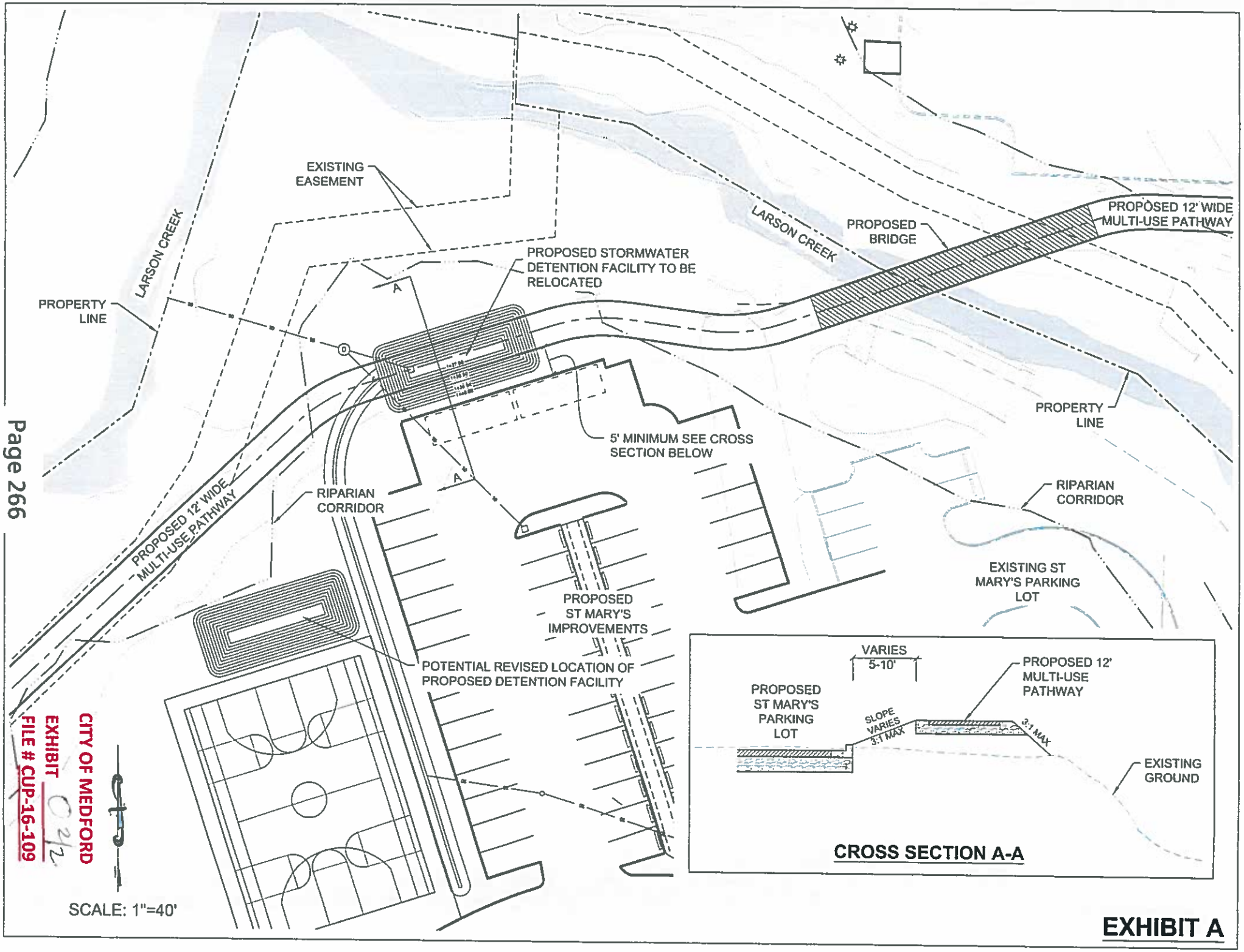


CITY OF MEDFORD
EXHIBIT C 2/2
FILE # CUP-16-109

Medford Fire Department

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

RECEIVED
OCT 19 2016
PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Praline McCormack

LD Meeting Date: 10/19/2016

From: Greg Kleinberg

Report Prepared: 10/11/2016

Applicant: St. Mary's School of Medford Inc., Applicant (CSA Planning, Ltd., Agent).

File #: CUP - 16 - 109

Site Name/Description: St. Mary's School

Consideration of a conditional use permit for St. Mary's School including the revision of the master plan to include a multi-phase project on the 23.4 acre parcel located on the west side of Black Oak Drive, approximately 700 feet south of Barnett Road, within a SFR-4 (Single-Family Residential - 4 units per acre) zoning district. Phase I proposes the reconfiguration of the existing front parking lot and drop-off area and the creation of a new student parking lot adjacent to the northern end of the track and football field. Phase 2 proposes the construction of a new two-story, 17,452 square foot dormitory building for international students. Phase 3 proposes the construction of a new two-story, 24,564 square foot Common Building and Plaza which will require the demolition of four older buildings. Phase 4 comprises the construction of a new 4,400 square foot Administration Building to be located between the Commons Plaza and the school drop-off area. A future phase comprises the completion of a loop road surrounding the built portion of the campus; St. Mary's School of Medford Inc., Applicant (CSA Planning, Ltd., Agent). Praline McCormack, Planner

DESCRIPTION OF CORRECTIONS		REFERENCE
Requirement FIRE HYDRANTS	**OFC**	**508.5**

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows: One additional fire hydrant will be required along the fire access road in front of the Commons building.

Additional hydrants may be required to comply with the requirement of proximity to fire department connections (for fire sprinkler and standpipe systems, the fire department connection shall be located at an approved location away from the building and within 75' of a fire hydrant. The fire department connection shall be located on the same side as the fire department access route.).

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

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

Requirement FD APPARATUS ACCESS ROAD DESIGN **OFC** **503.2.1**

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under

CITY OF MEDFORD
EXHIBIT P
FILE # CUP-16-109

section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.
(See also OFC 503.4; D102.1)

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

Requirement AERIAL APPARATUS ACCESS **OFC** **D105**

Required along the west side of the existing Naumes Center and the Commons building.

SECTION D105-AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility
and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

Requirement PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION **OFC** **503.4**

Parking shall be posted as prohibited along the fire lanes.

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

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

Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Praline McCormack

LD Meeting Date: 10/19/2016

From: Greg Kleinberg

Report Prepared: 10/11/2016

Applicant: St. Mary's School of Medford Inc., Applicant (CSA Planning, Ltd., Agent).

File #: CUP - 16 - 109

Site Name/Description: St. Mary's School

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):

Alternative #1:
Curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals.

Alternative #2:
Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot intervals.

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

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

A brochure is available on our website or you can pick up one at our headquarters.

Requirement FIRE DEPARTMENT APPARATUS ACCESS-GATES **OFC** **503.1**

Access control devices must be approved by Medford Fire Department. All gates shall have approved locking devices. Manual gates shall have a lock connected to a long length of chain. Automatic gates shall be equipped with an approved emergency services activated opening device (radio frequency microphone click from fire engines opens gate).
OFC 503.1; 503.4; 503.5; 503.6

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

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

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

BOARD OF WATER COMMISSIONERS

Staff Memo

MEDFORD WATER COMMISSION

TO: Planning Department, City of Medford

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

RECEIVED
OCT 19 2016
PLANNING DEPT.

SUBJECT: CUP-16-109

PARCEL ID: 372W26B TL 1200

PROJECT: Consideration of a conditional use permit for St. Mary's School including the revision of the master plan to include a multi-phase project on the 23.4 acre parcel located on the west side of Black Oak Drive, approximately 700 feet south of Barnett Road, within a SFR-4 (Single-Family Residential – 4 units per acre) zoning district. Phase I proposes the reconfiguration of the existing front parking lot and drop-off area and the creation of a new student parking lot adjacent to the northern end of the track and football field. Phase 2 proposes the construction of a new two-story, 17,452 square foot dormitory building for international students. Phase 3 proposes the construction of a new two-story, 24,564 square foot Common Building and Plaza which will require the demolition of four older buildings. Phase 4 comprises the construction of a new 4,400 square foot Administration Building to be located between the Commons Plaza and the school drop-off area. A future phase comprises the completion of a loop road surrounding the built portion of the campus; St. Mary's School of Medford Inc., Applicant (CSA Planning, Ltd., Agent). Praline McCormack, Planner.

DATE: October 19, 2016

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

CONDITIONS

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

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. Applicant or their civil engineer shall coordinate with MWC engineering staff for:
   a. Engineered Plans for proposed Water meter installation location.
   b. Engineered Plans for proposed Fire Service and vault installation location.

4. Dedication of a 10 foot wide (minimum) access and maintenance easement to MWC over all proposed water facilities located outside of public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.

Continued to next page

CITY OF MEDFORD
EXHIBIT Q 1/2
FILE # CUP-16-109

Continued from previous page

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 .

COMMENTS

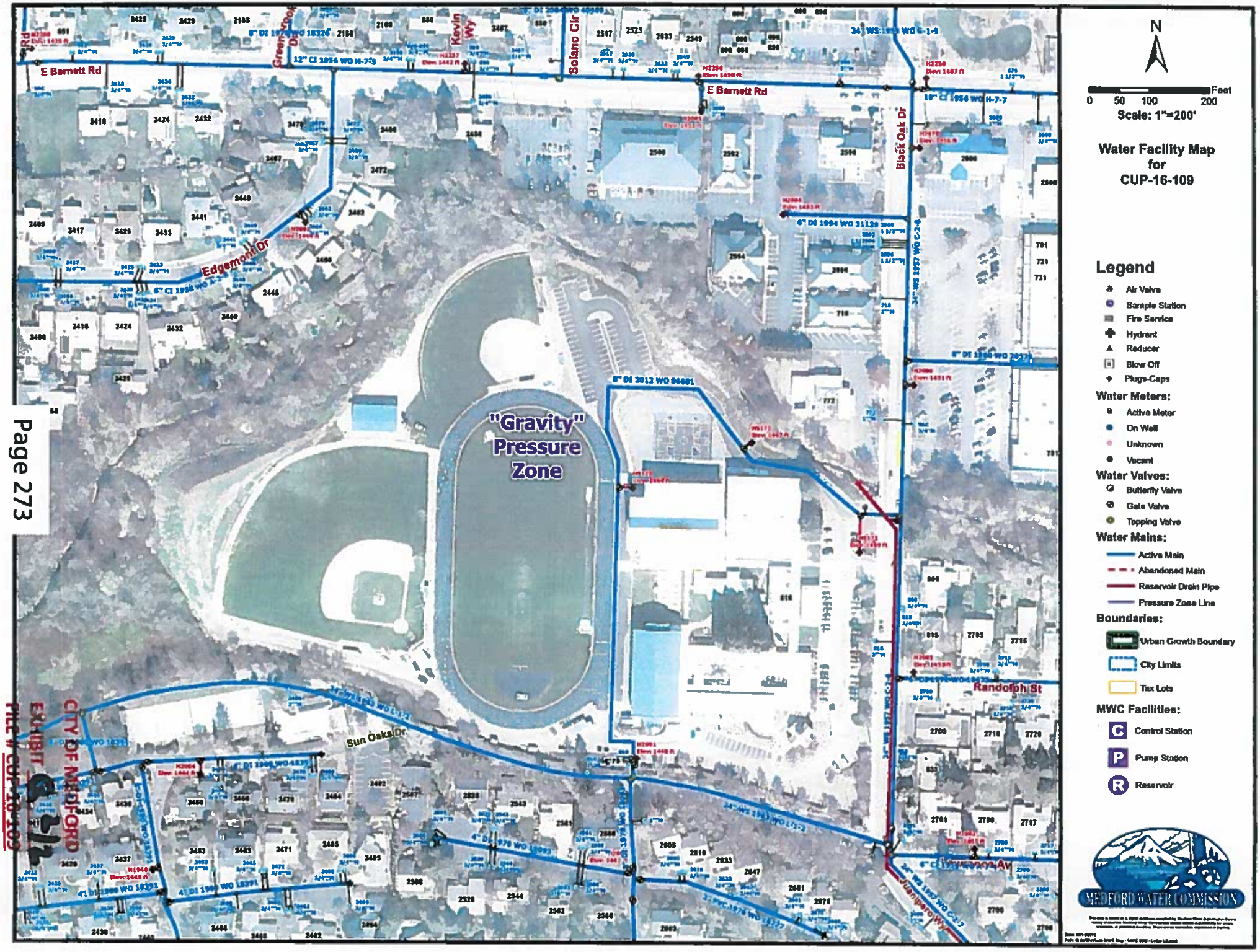
1. Off-site water line installation is not required.

2. On-site water facility construction is required. (See Condition 3 above)

3. Static water pressure is expected to be below 60 psi at this location within the water distribution system.

4. MWC-metered water service does exist to this property. There is an existing 2-inch meter located along Black Oak Drive for the east half of the campus. There is also two additional 2-inch meters located south of the existing Upper School building that serves the west half of the campus, and another for the irrigation system and the campus.

5. Access to MWC water lines is available. There is an existing 24-inch water line in Black Oak Drive and another 24-inch water line in Sun Oaks Drive south of this parcel.


N
Feet
0 50 100 200
Scale: 1"=200'
Water Facility Map
for
CUP-16-109
Legend
Air Valve
Sample Station
Fire Service
Hydrant
Reducer
Blow Off
Plugs-Caps
Water Meters:
Active Meter
On Well
Unknown
Vacant
Water Valves:
Butterfly Valve
Gate Valve
Tapping Valve
Water Mains:
Active Main
Abandoned Main
Reservoir Drain Pipe
Pressure Zone Line
Boundaries:
Urban Growth Boundary
City Limits
Tax Lots
MWC Facilities:
Control Station
Pump Station
Reservoir
MEDFORD WATER COMMISSION
"Gravity" Pressure Zone
E Barnett Rd
Edgemont Dr
Black Oak Dr
Randolph St
Sun Oaks Dr
Juanipero Way
Solano Cir
Kevin Wy
Greenwood Dr
CITY OF MEDFORD
EXHIBIT
FILE # CUP-16-109

City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

RECEIVED
OCT 17 2016
PLANNING DEPT.

Subject	St. Mary's School Project
File no.	CUP-16-109
To	Engineering Department & Applicant
From	Carla Angeli Paladino, Interim Principal Planner CAP
Date	October 17, 2016

SITE CHARACTERISTICS

- SFR-4 zoning district
- Larson Creek along northern property boundary
- Base Flood Elevations established; No regulatory floodway
- Significant wetlands on site
- Portions of property within 100 and 500 year floodplains
- Riparian Corridor along Larson Creek
- FIRM panel 41029C 1979F effective May 3, 2011

FLOODPLAIN PERMIT REQUIREMENTS

Maps & Improvements

The submittal does not provide maps that identify the environmental constraints and the existing and proposed site improvements. Please submit maps that show the riparian corridor, significant wetlands, special flood hazard areas, base flood elevations, and the existing and proposed site improvements including structures.

Floodplain Regulations

The property is located within an AE Zone where base flood elevations are identified but the regulatory floodway is not. Municipal Code Section 9.706(C) indicates in this situation the floodway is the channel of the stream. Encroachments are prohibited in the channel or floodway unless the provisions in 9.706(B) are met. Please demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water-surface elevation of

CITY OF MEDFORD
EXHIBIT R 1/3
FILE # CUP-16-109

the base flood more than one foot at any point within the community. If the proposed project increases the base flood elevation more than one foot than the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before the project may be permitted.

Floodplain Permit

Submit a floodplain application and fee ($75) along with submittal requirements identified in Section 9.705 (C).

Elevation Certificates are required prior, during, and post construction for each building.

Submit copies of all necessary permits from other governmental agencies from which approval is required prior to start of construction.

Expiration of Floodplain Permit

A floodplain Development Permit shall become invalid unless work is started within 180 days after its issuance. Extensions for periods of not more than 180 days each shall be requested in writing.

ATTACHMENTS

- Floodplain Development Permit Application
- Floodplain Development Supplemental Checklist for streamside properties

City of Medford **Floodplain Development Permit Application**	OFFICE USE ONLY ☐ EC ☐ No-Rise ☐ CLOMR ☐ Attachments ☐ Approved ☐ Denied ☐ Subject to COA

Property Information

Address:			Map and Taxlot #:
			FIRM Map & Panel No.:
Flood Zone:	☐ Floodway	BFE:	Minimum Lowest Floor Elevation:

Applicant Information (Property owner on current deed of record)

Last Name:	First Name:
Street Address:	Mailing Address:
Phone:	E-mail:

Project Information

Project Description (Please be specific; attach additional pages if necessary):

Section A. Structural Development (Check all that apply)

Type of Structure	Type of Structural Activity
☐ Residential (1 to 4 units)	☐ New structure
☐ Residential (more than 4 units)	☐ Existing structure
☐ Mixed Use (residential and non-residential)	☐ Replacement of existing structure
☐ Non-residential (commercial, accessory) ☐ Elevated ☐ Floodproofed (attach certification)	☐ Relocation of existing structure[1] ☐ Addition to existing structure[1] ☐ Remodel to existing structure[1]
☐ Manufactured Home ☐ Located on individual lot ☐ Located in manufactured home park	☐ Other: Valuation Information Est. market value of existing structure: $ Cost of proposed construction: $

Section B. Other Development Activities (Check all that apply)

☐ Tree, vegetation and/or debris removal		☐ Drainage improvement (including culvert work)
☐ Excavation	Qty (cu yds):	☐ Stream bank stabilization
☐ Fill placement	Qty (cu. yds):	☐ Roadway or bridge construction
☐ Grading (attach project grading plan)		☐ Watercourse channel modification
☐ Fence or wall construction		☐ Dredging
☐ Swimming pool installation		☐ Mining
☐ Other development activity (specify):		

Signature

By signing below, I agree to the terms and conditions of this permit and certify to the best of my knowledge the information contained in this application is complete, true and accurate.

(PRINTED name)	(SIGNED name)	(Date)
(PRINTED name)	(SIGNED name)	(Date)

[1] If the value of an addition or remodel to a structure equals or exceeds 50% of the market value of the structure before the addition or alteration, the project is a substantial improvement and must comply with the minimum development requirements established in Chapter 8.24 of the CPMC. A relocated structure must be treated as new construction.

CITY OF MEDFORD
EXHIBIT R 2/3
FILE # CUP-16-109

City of Medford

Floodplain Development Supplemental Checklist for Streamside Properties

This supplemental checklist will help guide you through the process of planning, permitting and constructing development projects located near streams in high hazard flood zones in the City of Medford.

Remember to complete all items prior to submitting your application.
Incomplete applications will not be accepted.

_____ Survey that delineates location of the floodway, riparian setback, property lines, existing and proposed structures, existing topography, existing vegetation (indicate removal where applicable), adjacent streams, surrounding property boundaries and public facilities (i.e. streets, etc.). *(Note: this replaces the site plan requirement on the primary Floodplain Development Checklist, provided that all required site plan elements are provided on the final survey submitted.)*

_____ Floodway Encroachment Impact Analysis, including "no-rise certification" for projects located in a regulatory floodway. (*Note: this does not apply to projects located outside a regulatory floodway.*)

_____ No Adverse Impact Documentation

_____ Oregon Registered Professional Engineer Documentation that identifies cumulative impacts, when combined with all other existing and anticipated development of the proposed development, including but not limited to:

- _____ Base flood elevations
- _____ Floodplain and floodway boundaries
- _____ Base flood velocity
- _____ Erosion and sedimentation

_____ Oregon Registered Professional Engineer documentation that identifies mitigation activities that restore, enhance and/or replace riparian functions lost through proposed development activity within the riparian buffer area.

_____ Documentation that all affected property owners, if any, have been notified of the potential impacts associated with the proposed development activities and the proposed mitigation measures to alleviate the identified impacts. Notice must specify that the City will accept and consider written comments regarding the development proposal. The notice must provide the City's mailing address and the Floodplain Coordinator's e-mail address.

_____ Proposed riparian enhancement landscaping plan prepared by a qualified professional.

_____ Documentation that all applicable local, state and federal permit approvals have been received prior to floodplain development permit approval.

Proposed development activities will be reviewed to take into consideration the following factors:

- Impacts to flood hazards on proposed use
- Impacts to flood hazards on surrounding properties
- Impacts to riparian functions (i.e. water quality, aquatic habitat, wildlife habitat, aesthetics, etc.)
- Effectiveness of mitigation to alleviate identified impacts
- Achievement of minimum NFIP development criteria
- Comments received by affected property owners

Meeting or exceeding the minimum floodplain development requirements is essential to protect your investment from flood damages, as well as keeping insurance premiums affordable in the community. Contact the Floodplain Administrator if you have any questions or would like more information.

CITY OF MEDFORD
EXHIBIT R 3/3
FILE # CUP-16-109

Memo

RECEIVED
OCT 19 2016
PLANNING DEPT.

To: Praline McCormack, Planning Department

From: Chad Wiltrout, Building Department (541) 774-2363

CC: CSA Planning, Ltd., Agent

Date: October 19, 2016

Re: October 19, 2016 LDC Meeting: Item #2 – CUP-16-109; St. Mary's School

---

Please Note:

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

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

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

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.

3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.

4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

Comments:

5. Proposed construction in proximity to property lines shall comply with table 602 and code section 705 of the Oregon Structural Specialty Code.

6. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.

7. Fire Sprinklers per Chapter 9 of the 2014 OSSC and OFC.

8. This property is located in the 100 year Flood Hazard. Floodplain permit is required through the planning department.

9. ADA requirements per ICC A147.1-2009 Accessible and Usable Buildings and Facilities.

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EXHIBIT S
FILE # CUP-16-109

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OCT 19 2016
PLANNING DEPT.

City of Medford

Landscape & Irrigation Code Information

This page provides information intended to **help in preparing Landscaping and Irrigation System Plans** for development projects submitted to the City for review and approval. New landscaping and irrigation standards became effective December 1, 2013.

Landscaping & Irrigation Standards and Processes **ARE** applicable to the following type of projects:

- Commercial
- Industrial
- Institutional
- Multi-family Residential
- Subdivision Open space/landscaping tracts

Landscaping and Irrigation Standards and processes are **NOT** applicable to the following:

- Single-family lots
- Duplex lots
- Individual townhome lots
- Areas reserved for future site development as part of a larger phased project (unless irrigated landscaping is placed thereon)

The links below provide vital information to the landscape/irrigation plan designer in development and submission of plans and to the landscape/irrigation installation certifier when seeking to obtain a Certificate of Occupancy upon completion of site improvement.

Landscape and Irrigation Plan Processing and Information Packet - February 2014
Provides information on the following:

- Landscaping and irrigation review process overview
- Deferred landscaping improvement
- Landscape/irrigation improvement certification
- Irrigation and Landscape Plan Designer Checklists
- Certification Form required to be filled out and submitted at the completion of project
- Instructions for application of the Irrigation Calculator spreadsheet form (see link below) to be utilized (required) in generation of irrigation calculations that are submitted with irrigation plan
- **LINK:**http://www.ci.medford.or.us/SIB/files/Landscape%20and%20Irrigation%20Plan%20Processing%20and%20Information%20Packet.pdf

Irrigation Friction Loss and Run Time Calculator Spreadsheet - 2/14/14

- **LINK:** http://www.ci.medford.or.us/SIB/files/Sprinkler System Calc 2-14-14.xls

Plant Water Needs for Medford Spreadsheet - 9/24/14

- **LINK:** http://www.ci.medford.or.us/SIB/files/Plants Water Needs (last sent 7-1-14) HMS(1).xlsx

Plants in the same irrigation zone shall have similar watering needs unless irrigated by drip irrigation with emitters sized for individual plant water needs. This link provides a plant list of trees, shrubs, perennials, bulbs, ferns, groundcover, vines and grasses and respective water needs for each identified species. An irrigation zone may contain plants in two adjoining water need classifications (i.e., "Low/Moderate" plant materials can be paired with "Moderate" plant materials, but "Low/Moderate" plant materials cannot be paired in the same zone as "Very Low" or "High" water need plant materials).
--updated 2/18/16

CITY OF MEDFORD
EXHIBIT 1
FILE # CUP-16-109

http://www.ci.medford.or.us/Page.asp?NavID=3066

Praline M. McCormack

From: Nancy H. Abrahamson
Sent: Thursday, October 06, 2016 2:04 PM
To: All Planning
Subject: FW: LDC Agenda for 10/12/16 Meeting.

RECEIVED
OCT 06 2016
PLANNING DEPT.

FYI

From: Andrea Napoli [mailto:anapoli@rvcog.org]
Sent: Thursday, October 06, 2016 2:03 PM
To: Nancy H. Abrahamson
Subject: RE: LDC Agenda for 10/12/16 Meeting.

Hi Nancy,

The RVMPO would like to provide comments on the proposed AC-16-095, Orchard Glenn Estates Phase 3 project as presented in the LDC agenda provided, and CUP-16-109, St. Mary's School.

Orchard Glenn Estates Phase 3: The project location is within an "Activity Center" as identified by the City of Medford as part of the RVMPO Regional Transportation Plan's Alternative Measures. The project appears as if it may help the region to meet the following Alternative Measures:

- *Alternative Measure #2: Percent Dwelling Units w/in ¼ mile walk to 30-min transit service*
- *Alternative Measure #5: Percent of New Dwelling Units in Activity Centers*

St. Mary's School: The project location is within an "Activity Center" as identified by the City of Medford as part of the RVMPO Regional Transportation Plan's Alternative Measures. The project appears as if it may help the region to meet the following Alternative Measures:

- *Alternative Measure #6: Percent of New Employment in Activity Centers*

Alt. Measures 2, 5, and 6 are three of seven measures developed by RVMPO member jurisdictions for reduced automobile reliance as an alternative to the Transportation Planning Rule's per capita Vehicle Miles Traveled (VMT) reduction measure. The RVMPO supports projects that help the region meet the RTP's Alternative Measures.

Thank you,

Andrea Napoli, AICP | Senior Planner
Rogue Valley Council of Governments
155 N. 1st Street | P.O. Box 3275
Central Point, OR 97502
(541) 423-1369
www.rvcog.org | www.rvmpo.org | www.mrmpo.org

CITY OF MEDFORD
EXHIBIT U
FILE # CUP-16-109

From: Nancy H. Abrahamson [mailto:Nancy.Abrahamson@cityofmedford.org]
Sent: Wednesday, October 5, 2016 4:14 PM
To: Andrea Napoli-RVCOG/RVMPO; Angela R. Durant; Bill W. Hoke; Brian W. Robinson; Carla G. Paladino; Cassie J. Neahr; Cathy Harshman - ODOT; Chad E. Wiltrout; Chris C. Olivier; David I. Searcy; Desmond M. McGeough; Don Morehouse - ODOT; Douglas E. Burroughs; Dustin J. Severs; Earl R. Lighthill; Gayle G. Cotone; Greg G. Kleinberg; Heather M. Merrihew; Jennifer L. Ingram; Jim Martin - Centurylink (Qwest); Jodi K. Cope; John McDonald; Karen M. Spoonts; Karl H. MacNair; Kelly A. Akin; Kyle W. Kearns; Mary E. Montague; Pete R. Young; Praline M. McCormack;

4/5

Rodney L. Grehn; Sam D. Barnum; Sarah K. Sousa; Sean Randles; Timothy D. Stevens; Tina M. Garvin; Todd A. Sales; Wade Denny - RVSS; Wei Wang - ODOT; Wendell Smith - Rogue Disposal; Bob Neathamer; Darrell - Hoffbuhr; Gene Abell; Jim Maize; Justin G.; Lori Hollis; Mark Dew; Mike LaNier; Raul Woerner; Scott Sinner; Stephen Terry
Subject: LDC Agenda for 10/12/16 Meeting.

Nancy Abrahamson
Administrative Support Tech.
Medford Planning Department

MEDFORD IRRIGATION DISTRICT

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

RECEIVED
OCT 17 2016
PLANNING DEPT.

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

October 14, 2016

RE: File # CUP-16-109

Project Name: ST. MARY'S SCHOOL OF MEDFORD, INC.

The property located at: 371W32AA /400, 816 BLACK OAK DR, MEDFORD, has 15.10 ac of irrigation rights on the property. We request that they have those rights removed prior to beginning construction. Please have them contact our office @ 541-899-913.

Sincerely,

Carol Bradford, District Manager
Medford Irrigation District

CITY OF MEDFORD
EXHIBIT V
FILE # CUP-16-109

EXHIBIT 4

2012 Aerial

Subject Lot

Tax Lots

Medford Zoning

Zoning Map on Aerial

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SEP 20 2016
PLANNING DEPT.

St Mary's School of Medford, Inc.
37-1W-32AA tax lot 400

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EXHIBIT W
FILE # CUP-16-100

400 200 0 400 Feet

CSA Planning LTD

08-09-2016 Source: JacksonCounty GIS Services; City of Medford GIS

29

EXHIBIT 5

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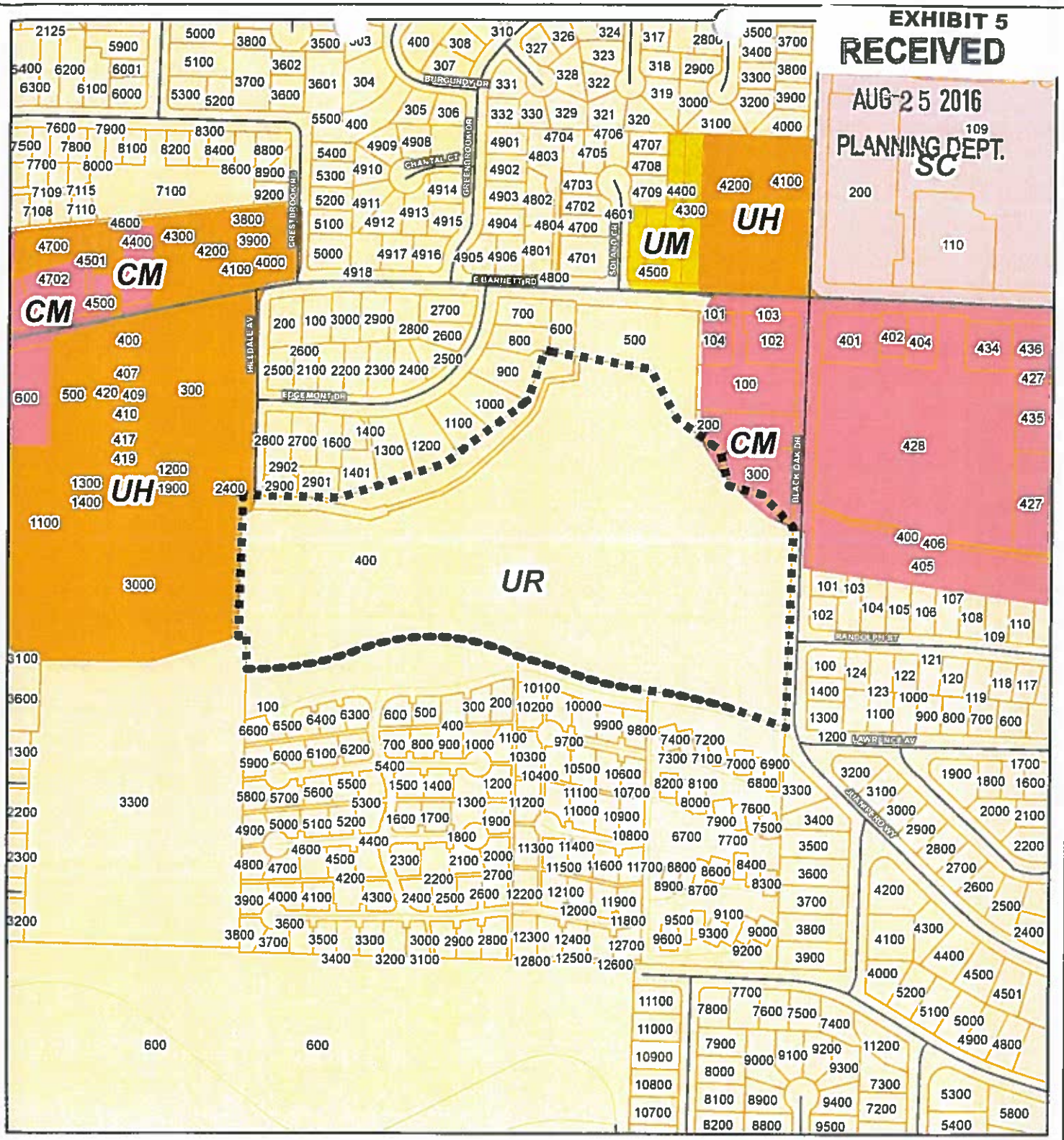
AUG 25 2016

PLANNING DEPT.



Subject Lot

Tax Lots

GLUP

- CM
- SC
- UH
- UM
- UR

General Land Use Plan (GLUP) Map

St Mary's School of Medford, Inc.
37-1W-32AA tax lot 400

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EXHIBIT X
FILE # CUP-16-109

CSA Planning LTD

400 200 0 400 Feet

Source: JacksonCounty GIS Services; City of Medford GIS

8

EXHIBIT 10

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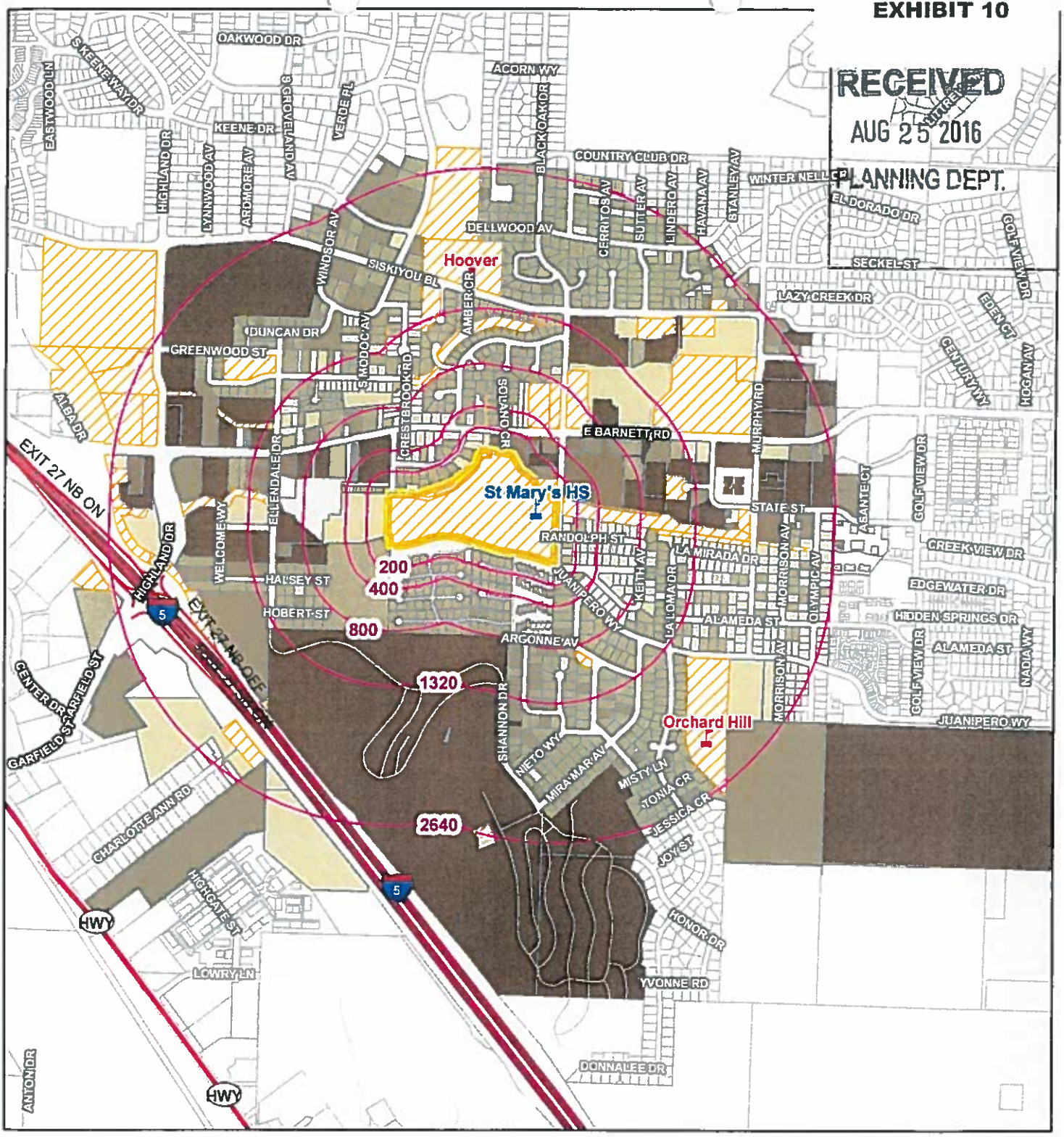
AUG 25 2016
PLANNING DEPT.



Elementary	Assessed Value
Middle	0
High School	1 - 150k
Tax Exempt	150k - 300k
SubjectLot	300k - 750k
	750k - 1m
	1m +

Surrounding Lands By Value

St Mary's High School

CITY OF MEDFORD
EXHIBIT Y
FILE # CUP-16-109

CSA Planning LTD

0.25 0.125 0 0.25 Miles

Source: JacksonCounty GIS Services; CSA Planning, Ltd.

17

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AUG 25 2016
PLANNING DEPT.

1 Front Entry Drive and sign

2 Front (East) Parking Lot looking south

3 Exit Driveway– Looking north along Black Oak Drive

4 Front Entry Courtyard

Legend

2 Photo ID Number

Site Photos

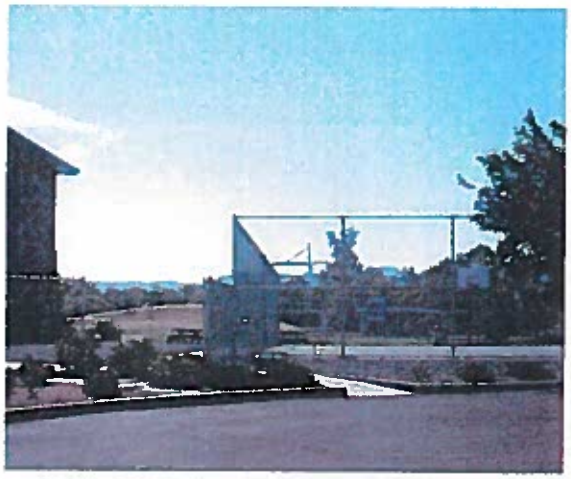
St. Mary's School
Conditional Use Permit

CITY OF MEDFORD
EXHIBIT Z 1/2
FILE # CUP-16-109

5 **Front Walkway (building to be removed)**

6 **Location for new Commons Building– between the Naumes Center on left and the Upper School on right**

7 **North Parking Lot**



8 **Location for new Dormitory**

Legend

2 Photo ID Number

Site Photos

St. Mary's School
Conditional Use Permit

CITY OF MEDFORD
EXHIBIT 2 2/2
FILE # CUP-16-109

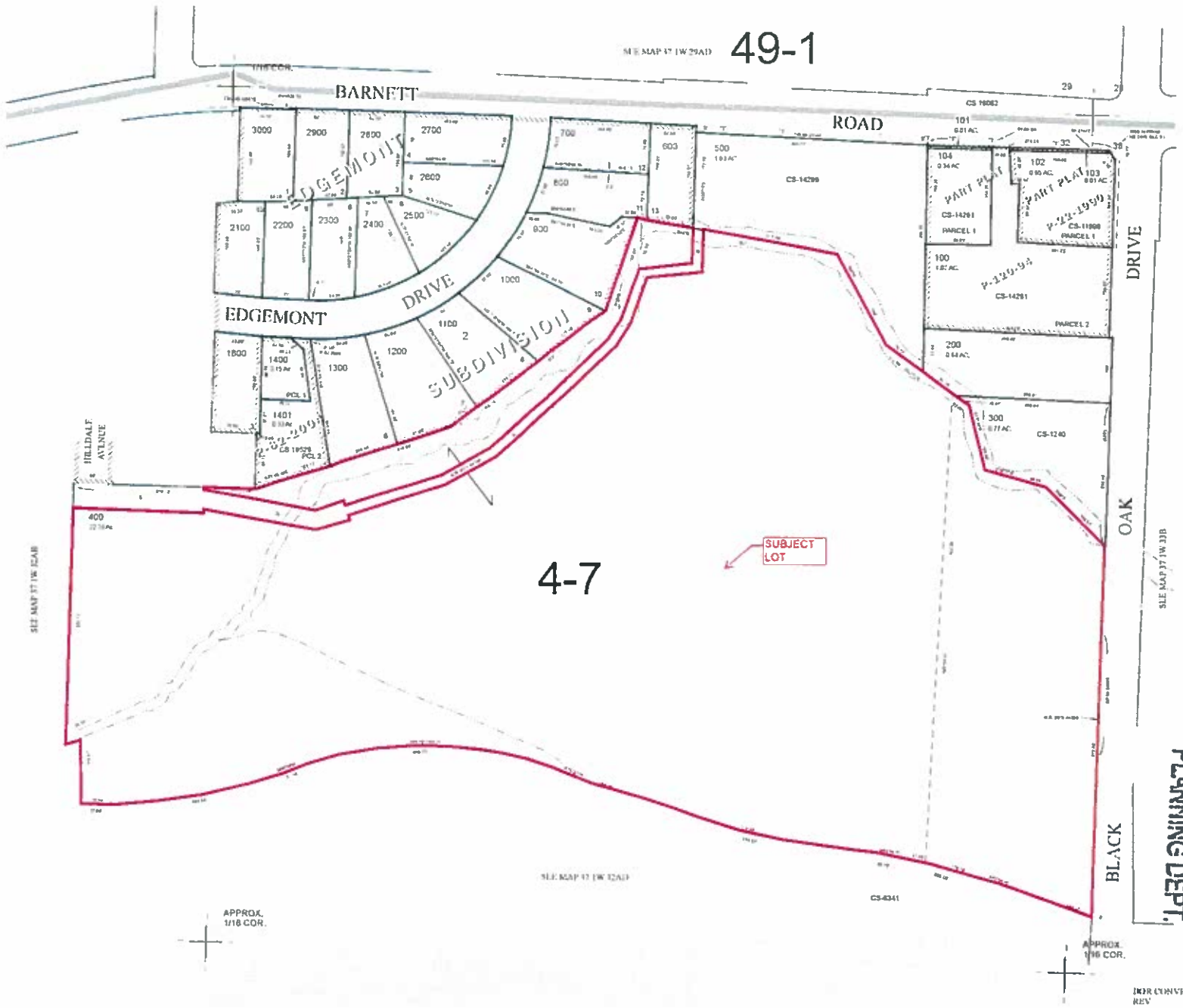
August 25, 2016

N.E.1/4, N.E.1/4, SEC.32, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'

FOR ASSESSMENT AND TAXATION ONLY

EXHIBIT 3

37 1W 32AA
MEDFORD



RECEIVED
AUG 25 2016
PLANNING DEPT.

37 1W 32AA
MEDFORD

DOR CONVERSION SEPTEMBER 21, 1999
REV JULY 11 2012

CITY OF MEDFORD
EXHIBIT AA
FILE # CUP-16-109

GIS DATA
03/30/2015 3:54:27 PM JohnsoVH

RECEIVED
OCT 24 2016
PLANNING DEPT.

OREGON DEPARTMENT OF STATE LANDS

WETLAND LAND USE NOTIFICATION RESPONSE
OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone (503) 986-5200
www.oregonstatelands.us

DSL File Number: WN2016-0430

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Praline McCormack from city of Medford submitted a WLUN pertaining to local case file #:CUP16-109.

Activity location:

township: 37S	range: 01W	section: 32	quarter-quarter section: AA
tax lot(s): 400			
street address: 816 Black Oak Dr			
city: Medford		county: Jackson	
latitude: 42.314907		longitude: -122.837041	

Mapped wetland/waterway features:

☒ The local wetlands inventory shows a wetland on the property.

☒ The property includes designated essential salmonid habitat.

Oregon Removal-Fill requirement (s):

☒ A state permit is required for 50 cubic yards or more of removal and/or fill in wetlands, below ordinary high water of streams, within other waters of the state, or below highest measured tide where applicable.

☒ A state permit is required for any amount of fill, removal, and/or other ground alteration in essential salmonid habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Your activity:

☒ A state permit will not be required for the proposed project because based on the submitted site plan the project appears to avoid impacts to jurisdictional wetlands and waters.

Contacts:

☒ This is a preliminary jurisdictional determination and is advisory only.

Comments: Larson Creek is essential salmonid habitat, so all project activities should stay above the ordinary high water line of the creek. The Local Wetland Inventory mapped wetlands on the west side of

CITY OF MEDFORD
EXHIBIT BB 1/4
FILE # CUP-16-109

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the property, However, based on the submitted site plan, it does not appear that the project impacts occurring on the east portion of the tax lot will impact wetlands.

Response by: Lynne McAllister date: 10/19/2016

CITY OF MEDFORD
EXHIBIT BB 2/4
FILE # CUP-16-109

Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone: (503) 986-5200

This form is to be completed by planning department staff for mapped wetlands and waterways.

Responsible Jurisdiction

	Municipality	Date
◉ City of ○ County of	Medford	9/20/2016
Staff Contact	**Phone**	**Email**
Praline McCormack	5417742397	praline.mccormack@cityofmedford.org

Applicant

Name

St. Mary's of Medford Inc.

Mailing Address

816 Black Oak Drive

Medford

OR

97504

United States

Phone

5417737877

Email

Property Owner

Name

St. Mary's of Medford Inc.

Mailing Address (If different than Applicant Address)

Phone

Email

Activity Location

CITY OF MEDFORD
EXHIBIT BB 3/4
FILE # CUP-16-109

Township	Range	Section	Quarter-quarter Section	Tax Lot(s)
37	1W	32AA		400 You can enter multiple tax lot numbers within this field (e.g. 100, 200, 300, etc.)

To add additional tax map and lot information, please click the "add" button below

Address

Street Address
816 Black Oak Drive
Address Line 2

City
Medford

State/Province/Region
OR

Postal Zip Code
97504

Country
United States

County
Jackson

Adjacent Waterbody
Larsen Creek

Proposed Activity

Local Case File #
CUP-16-109

Zoning
SFR-4 (Single-Family Residential, 4 units per acre)

Proposed

- ☐ Building Permit (new structures)
- ☐ Grading Permit
- ☐ Site Plan Approval
- ☐ Other (please describe)
- ☑ Conditional use Permit
- ☐ Planned Unit Development
- ☐ Subdivision

Project

Consideration of a conditional use permit to allow an expansion of the school including reconfiguration of the front parking lot and drop-off area, creation of a new student parking lot, construction of a new two-story 24,564 square foot Commons Building and courtyard, construction of a new two-story 17,452 square foot dormitory for international students, removal of four older buildings, construction of a new 4,400 square foot Administration Building, and a loop road surrounding the built portion of the campus.

Required attachments with site marked: LWI/NWI, tax map and site plan(s).

CUP-16-109 LWI.pdf	154.65KB
CUP-16-109 tax assessor map.pdf	69.95KB
CUP-16-109 site plan.pdf	94.07KB

Additional Attachments

CITY OF MEDFORD
EXHIBIT BB 4/4
FILE # CUP-16-109

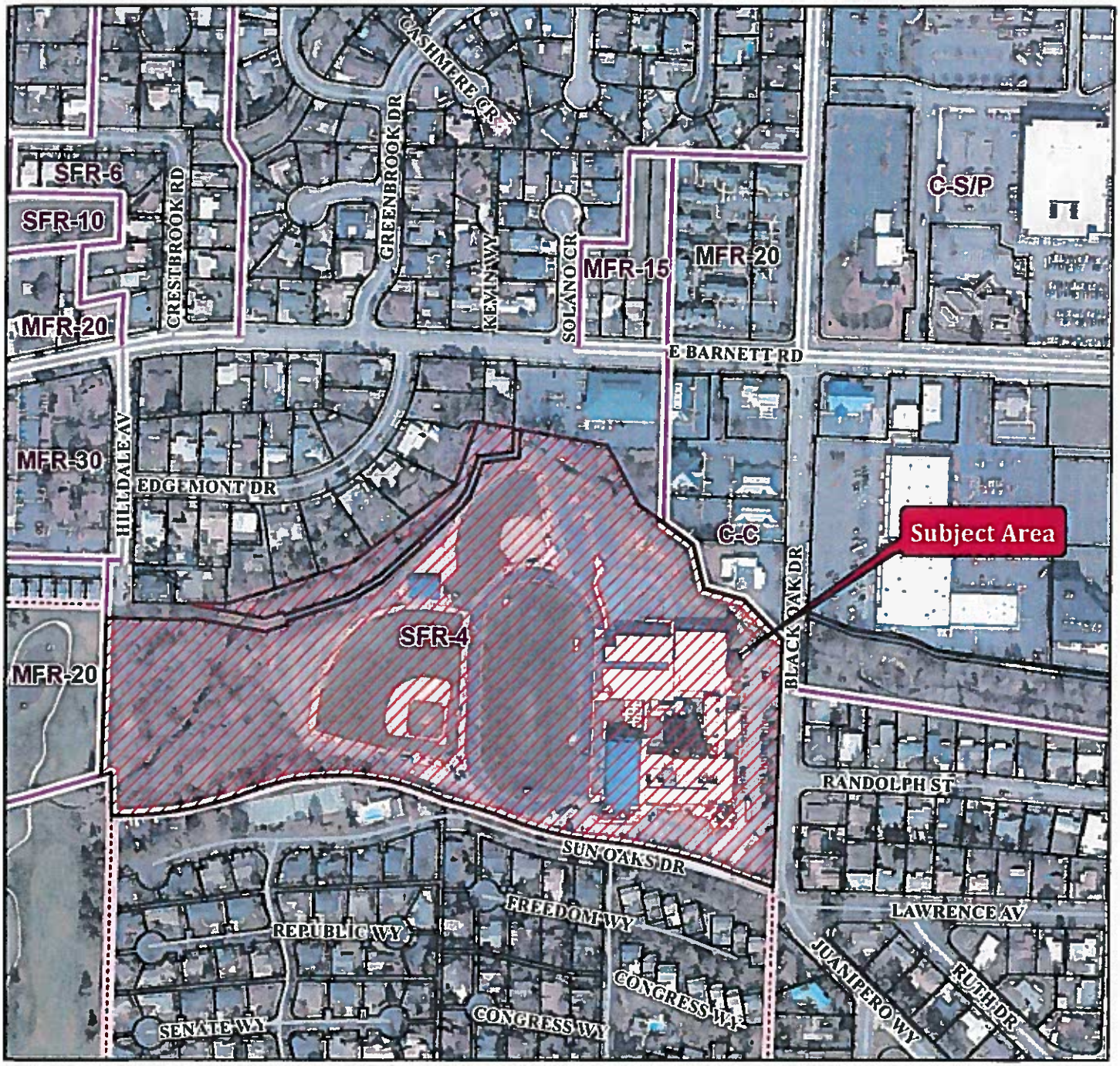
City of Medford

Planning Department

Vicinity Map

File Number:

CUP-16-109



Project Name:

St. Mary's School
Electronic Message Board Sign

Map/Taxlot:

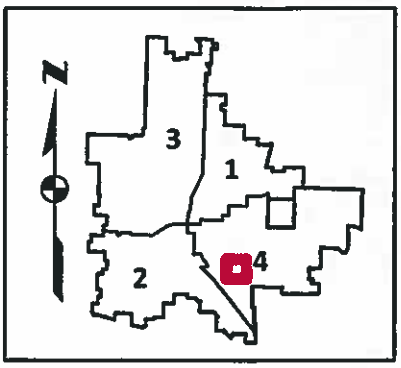
371W32AA TL 400

0 250 500 Feet

09/14/2016

Legend

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



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