

# PLANNING COMMISSION AGENDA DECEMBER 28, 2017



## Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

Jared Pulver

Regular Planning Commission meetings

are held on the second and fourth

Thursdays of every month

Meetings begin at 5:30 PM

## City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380



## Planning Commission

# Agenda

**Public Hearing**  
**December 28, 2017**

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-17-082 / LDS-17-088** Final Orders of a request for a revision to the Mountain Top Village area of the Vista Pointe Planned Unit Development (PUD) and for a tentative plat to create 41 single family residential lots, 39 multi-family residential lots and common areas on approximately 25.05 acres zoned SFR-4/PD (Single Family Residential/Planned Development Overlay). The PUD revision includes changing the approved 132 condominium units to 132 townhouse style units and adding a clubhouse and pool. Mountain Top Village is generally located north of Vista Pointe Drive, northeast of Park Ridge Drive and west of Bordeaux Avenue at the termini of Whitney Terrace, Evening Ridge Terrace and Deer Ridge Drive. (Ron DeLuca Revocable Trust, Applicant; Mark McKechnie, Oregon Architecture, Agent; Kelly Akin, Planner).

20.2 **LDS-15-121** Consideration of request for a one-year time extension of the approval of Heights at Hondeleau, a 21-lot residential subdivision on a 3.36 net acre parcel located at the eastern terminus of Hondeleau Lane (approximately 200 feet east of the intersection of Springbrook Road and Hondeleau Lane), within the SFR-6 (single family residential, 6 dwelling units per gross acre) zoning district. (Hondeleau, LLC, Applicant; Steven Swartsley, Agent, Kelly Akin, Planner).

**30. Minutes**

30.1 Consideration for approval of minutes from the December 14, 2017, 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.**

**60. Reports**

60.1 Site Plan and Architectural Commission

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

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

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

IN THE MATTER OF PLANNING COMMISSION FILE PUD-17-082 APPLICATION     )  
FOR REVISION TO MOUNTAIN TOP VILLAGE OF THE VISTA POINTE PLANNED     ) **ORDER**  
UNIT DEVELOPMENT SUBMITTED BY RON DELUCA REVOCABLE TRUST     )

ORDER granting approval for a revision to the approved Preliminary PUD Plan, described as follows:

Revision to the Mountain Top Village area of the Vista Pointe Planned Unit Development (PUD) and for a tentative plat to create 41 single family residential lots, 39 multi-family residential lots and common areas on approximately 25.05 acres zoned SFR-4/PD (Single Family Residential/Planned Development Overlay). The PUD revision includes changing the approved 132 condominium units to 132 townhouse style units and adding a clubhouse and pool. Mountain Top Village is generally located north of Vista Pointe Drive, northeast of Park Ridge Drive and west of Bordeaux Avenue at the termini of Whitney Terrace, Evening Ridge Terrace and Deer Ridge Drive.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.245(A), Revision of a Preliminary or Final Planned Unit Development Plan; and
2. The Medford Planning Commission has considered in an open meeting the applicant's request for a revision to the approved Preliminary PUD Plan, described above; and
3. Evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. After consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, approved a revision to the approved Preliminary PUD Plan, described above.

THEREFORE LET IT BE HEREBY ORDERED that the approval for a revision to the approved Preliminary PUD Plan, described above, per the Planning Commission Report dated December 14, 2017.

Accepted and approved this 28th day of December, 2017.

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 TENTATIVE PLAT APPROVAL OF MOUNTAIN TOP VILLAGE OF THE ) **ORDER**  
VISTA POINTE PLANNED UNIT DEVELOPMENT [LDS-17-088] )

ORDER granting approval of a request for tentative plat *Mountain Top Village*, described as follows:

Create 41 single family residential lots, 39 multi-family residential lots and common areas on approximately 25.05 acres zoned SFR-4/PD (Single Family Residential/Planned Development Overlay). The PUD revision includes changing the approved 132 condominium units to 132 townhouse style units and adding a clubhouse and pool. Mountain Top Village is generally located north of Vista Pointe Drive, northeast of Park Ridge Drive and west of Bordeaux Avenue at the termini of Whitney Terrace, Evening Ridge Terrace and Deer Ridge Drive.

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 revision to the Cedar Landing tentative plat for *Mountain Top Village*, as described above, with the public hearing a matter of record of the Planning Commission on December 14, 2017.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Mountain Top Village*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Mountain Top Village*, stands approved per the Planning Commission Report dated December 14, 2017, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated December 14, 2017.

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 28th day of December, 2017.

CITY OF MEDFORD PLANNING COMMISSION

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

ATTEST:

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



## PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: **PUD Revision and Land Division**

Project Mountain Top Village at Vista Pointe  
Applicant: Ron DeLuca Revocable Trust; Agent: Mark McKechnie, Oregon  
Architecture

File no. PUD-17-082/LDS-17-088

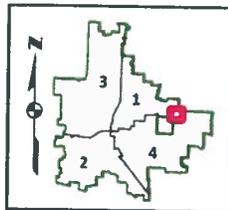
Date December 14, 2017

### BACKGROUND

#### Proposal

Consideration of a request for a revision to the Mountain Top Village area of Vista Pointe Planned Unit Development (PUD) and for a tentative plat to create 41 single family residential lots, 39 multi-family residential lots and common areas on approximately 25.05 acres zoned SFR-4/PD (Single Family Residential/Planned Development Overlay). The PUD revision includes changing the approved 132 condominium units to 132 townhouse style units and adding a clubhouse and pool. Mountain Top Village is generally located north of Vista Pointe Drive, northeast Park Ridge Drive and west of Bordeaux Avenue at the termini of Whitney Terrace, Evening Ridge Terrace and Deer Ridge Drive. (371W22 TL200)

#### Vicinity Map



Subject Site Characteristics

Zoning	SFR-4/PD	Single Family Residential, four dwelling units per gross acre/ Planned Development overlay
GLUP	UR	Urban Residential
Use	Vacant	

Surrounding Site Characteristics

<i>North</i>	Zone:	Jackson County EFU (Exclusive Farm Use)
	Use:	Pacific Power transmission towers, vacant
<i>South</i>	Zone:	SFR-4/PD
	Use:	Forest Ridge at Vista Pointe, single family residences
<i>East</i>	Zone:	SFR-4/PD
	Use:	Ridge at the Highlands PUD, vacant
<i>West</i>	Zone:	SFR-4/PD
	Use:	Forest Ridge at Vista Pointe, single family residences

Related Projects

PUD-03-124 Vista Pointe Planned Unit Development

Applicable Criteria

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

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

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

D. Approval Criteria for Preliminary PUD Plan: The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

1. The proposed PUD:
  - a. preserves an important natural feature of the land, or
  - b. includes a mixture of residential and commercial land uses, or
  - c. includes a mixture of housing types in residential areas, or

- d. includes open space, common areas, or other elements intended for common use or ownership, or
  - e. is otherwise required by the Medford Land Development Code.
2. The proposed PUD complies with the applicable requirements of this Code, or
    - a. the proposed modified applications of the Code are related specifically to the implementation of the rationale for the PUD as described in Section 10.235(B)(3)(a), and
    - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
    - c. the proposed modifications to the limitations, restrictions, and design of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
  3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
    - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
    - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
    - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.
  4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
  5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(7)(c), the applicant shall alternatively demonstrate that either:
    - 1) demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
    - 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
      - a. Public sanitary sewerage collection and treatment facilities.
      - b. Public domestic water distribution and treatment facilities.
      - c. Storm drainage facilities.
      - d. Public streets.

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

prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

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

#### **Medford Land Development Code §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.

## ISSUES AND ANALYSIS

### Background

As per the 1993 agreement between the City of Medford and Noel Moore, the 166 acre Vista Pointe Planned Unit Development (PUD) site was conveyed in exchange for the developer constructing East McAndrews Road generally from Oregon Hills Subdivision to Foothill Road.

On August 23, 2001, the Planning Commission approved a Master Plan (GF-01-20) that includes a general layout of streets intended to serve Vista Pointe and provide connectivity to streets previously constructed within the existing development of Oregon Hills. As promised during the Master Plan review, in 2003 the applicant submitted a Planned Unit Development application for the entire development and a concurrent tentative plat application for a component of Vista Pointe.

In September 2003, the Preliminary PUD Plan for the 166 acre Vista Pointe was approved by the Planning Commission (PUD-03-124). On appeal, the City Council approved the Preliminary PUD Plan for Vista Pointe on November 20, 2003.

As approved, Vista Pointe PUD can be characterized as a mixture of single-family dwellings, commercial uses, a congregate care facility, a church, and condominiums. Vista Pointe is organized into four subproject areas: Forest Ridge, Mountain Top, Innsbruck Ridge, and Westridge Village (Exhibit C). The table below lists the approved acreage, number of lots, uses as approved in 2003 as well as the status of each of the development areas.

Development Area	Acres	Lots	Uses and Status
Forest Ridge	70	240	Single family residential, largely developed
Innsbruck Ridge	24.3	60	Single family residential, under construction
Westridge Village & East McAndrews Village	41	87	Commercial, office, and congregate care facility. Single family residential under construction
Mountain Top Village	25	45	41 single family lots and 132 condominiums

Medford Land Development Code (MLDC) Section 10.230 allows residential density to be increased by up to 20% over the maximum density permitted by the underlying zoning. The Planning Commission approved a 13.8% density bonus in its original decision, for a maximum of 657 dwelling units.

Several revisions to the Vista Pointe Preliminary PUD Plan have been approved over the years with the most recent being a 2010 decision on the portion east of McAndrews Road now known as East McAndrews Village (formerly part of Westridge Village). The subject application is the first revision to Mountain Top Village.

### Proposed Revisions

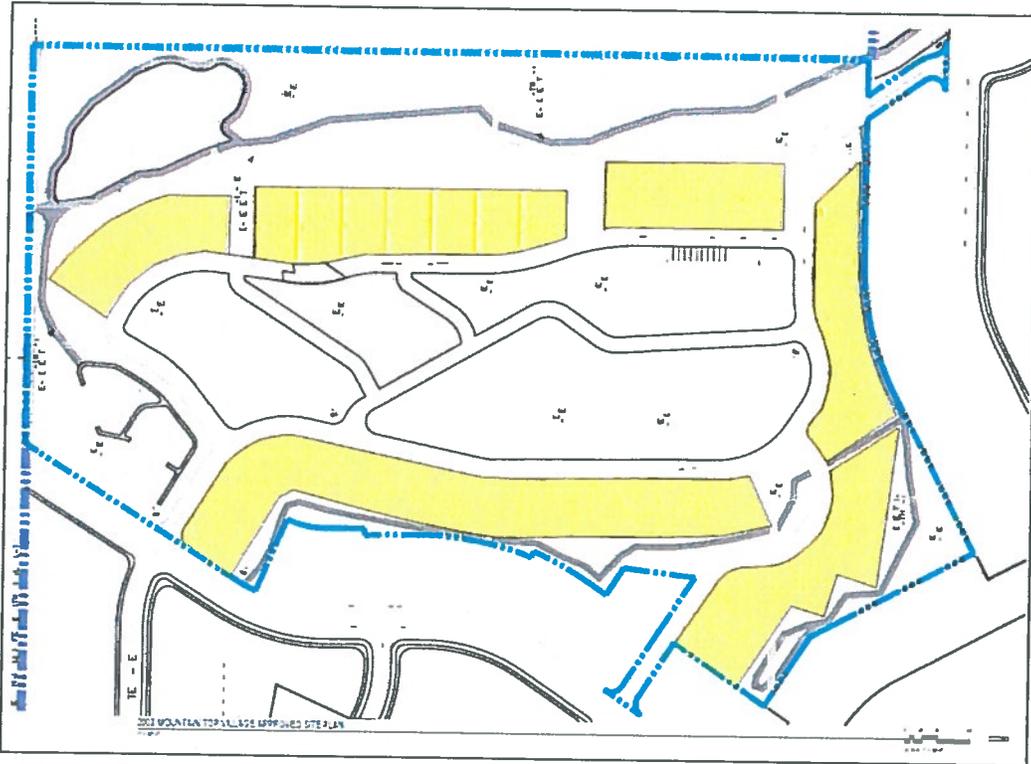
The applicant's Project Narrative describes eight proposed changes to the approved Preliminary PUD Plan (Exhibit FF, p. 2). Each is described below.

#### *1. Individual Lots*

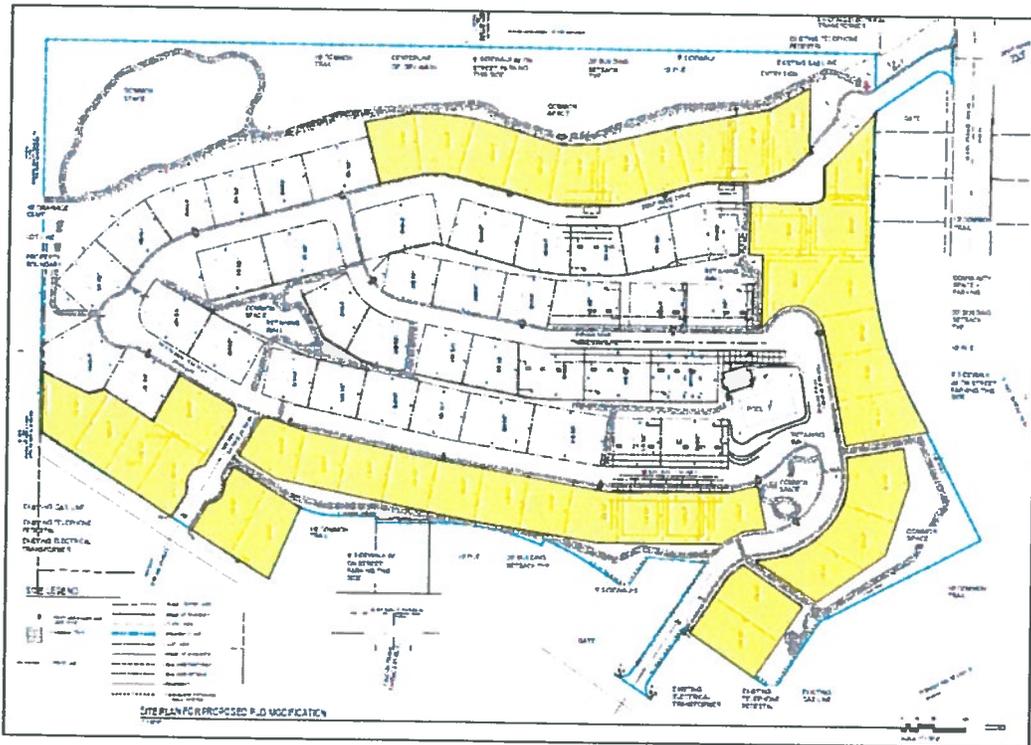
The approved PUD plan includes 41 lots for single family residences. The number of lots proposed has not changed; however, the configuration of the lots has (see next page). The most significant change is the addition of five single family lots at the northeasterly corner of Bordeaux Avenue and Whitney Terrace. These lots replace two approved condominium buildings. The graphics below depict the approved and proposed single family residential lot layouts.

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Approved Preliminary PUD Plan Showing Single Family Lots (North ←)



Proposed Preliminary PUD Plan with Showing Single Family Lots (North ←)



## 2. Multifamily Housing

The 2003 approval allowed 132 multiple family dwelling units in 11 three-story buildings. The applicant is now proposing the same number of units in 24 triplex and 15 four-plex, two-story, townhouse style buildings. (The site plans on the next page compare the approved and proposed building footprints with the number of units per building.) It is important to note that these are not *townhouses* as defined in MLDC 10.012:

*Townhouse/rowhouse dwelling. Attached dwelling units in one or more structures, but having at least three or more dwelling units per structure. A townhouse dwelling can be distinguished from an apartment or multiplex dwelling because each townhouse dwelling occupies an individual tax lot, consists of interior space from ground to roof, and has direct access to individual private outdoor space.*

Perhaps the most significant revision is the change of ownership type for the 132 multifamily units. Originally the 132 units were approved in 11 three-story buildings with four units on each floor for a total of 12 units per building. In 2003 the applicant proposed and the Planning Commission required the units to be condominiums, which allows each unit to be individually owned. The tentative plat shows that each of the 39 buildings will be on its own lot (Exhibit F). The individual units will not be able to be owned separately; rather, ownership will be held by the tri- or four-plex. MLDC 10.230(D)(7) allows any housing type in PUD's.

The applicant notes that the townhouse configuration is more adaptable to the terrain than the three-story condominiums reducing the number and height of retaining walls and required grading. Additionally, the two-story building height is more in keeping with the surrounding single family residences.

**Decision:** The Commission voted to approve the change, stating that the reduced building height and flat roofs proposed will cut the visual impacts of the structures.

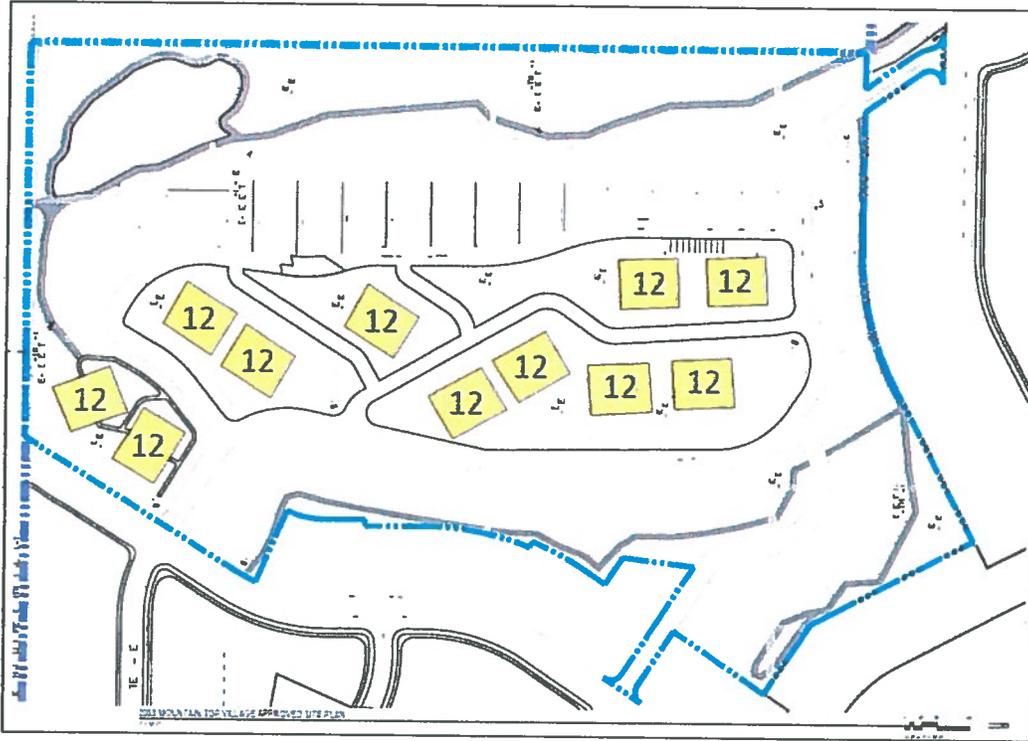
## 3. Modification of the Placement of the Multifamily Units

The current proposal replaces the two condominium buildings fronting on Bordeaux Avenue with a row of single family lots. The redesign provides a buffer between the existing residences and the proposed higher density units.

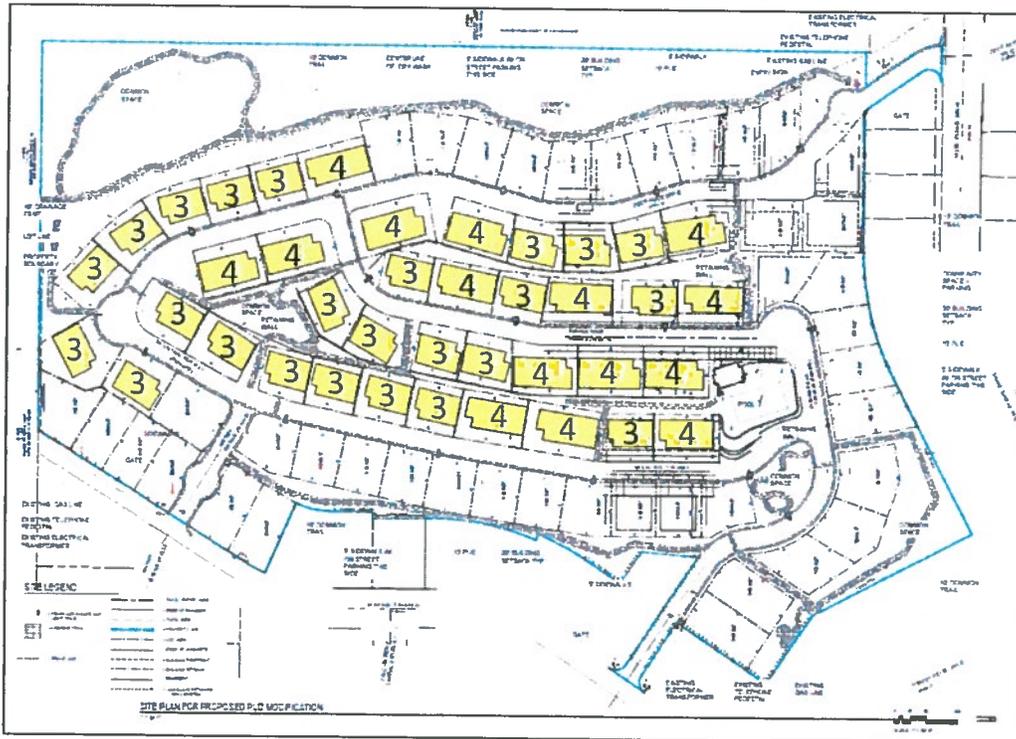
## 4. Internal Streets

Mountain Top Village was originally approved to have private streets. That has not changed with this proposal; however, the configuration of the streets has. The applicant has revised the street layout to better reflect the existing topography and minimize the amount of grading required.

Approved Preliminary PUD Plan Showing Multifamily Building Footprints (North ⇐)



Proposed Preliminary PUD Plan Showing Multifamily Building Footprints (North ⇐)



### *5. Multifamily Unit Parking*

As shown on the approved Preliminary PUD Plan (Exhibit C), parking for the condominiums was uncovered in parking lots. The applicant is now proposing to provide a single car garage for each townhouse unit with an additional space in the driveway for a total of two spaces per unit. This exceeds the 1.5 spaces per unit minimum required in MLDC 10.743. The applicant also proposes to provide on-street parking on one side of the private streets. Eleven parking spaces are provided in front of the community building.

### *6. Street Pavement Cross-section*

The applicant proposes to widen the streets from 24 to 28 feet curb-to-curb to allow for on-street parking (Exhibit U). The private road right-of-way will be 34 feet with sidewalk on one side, generally on the single family residence side of the street.

### *7. Amenities*

The change from 11 condominium buildings to 39 tri- and four-plex buildings has reduced the amount of open space from approximately 8.5 acres to 7.98 acres. The applicant is proposing to add a community building and pool which were not previously considered. These amenities will be available only to residents of Mountain Top.

The trail system was approved as part of the Vista Pointe PUD in 2003. The applicant has modified the system somewhat, providing additional paths and removing some behind existing residences (see approved and proposed plans on the next page). The trails will continue to be open to the public; however, vehicles will not be able to access the trailheads without key card access to the proposed gates.

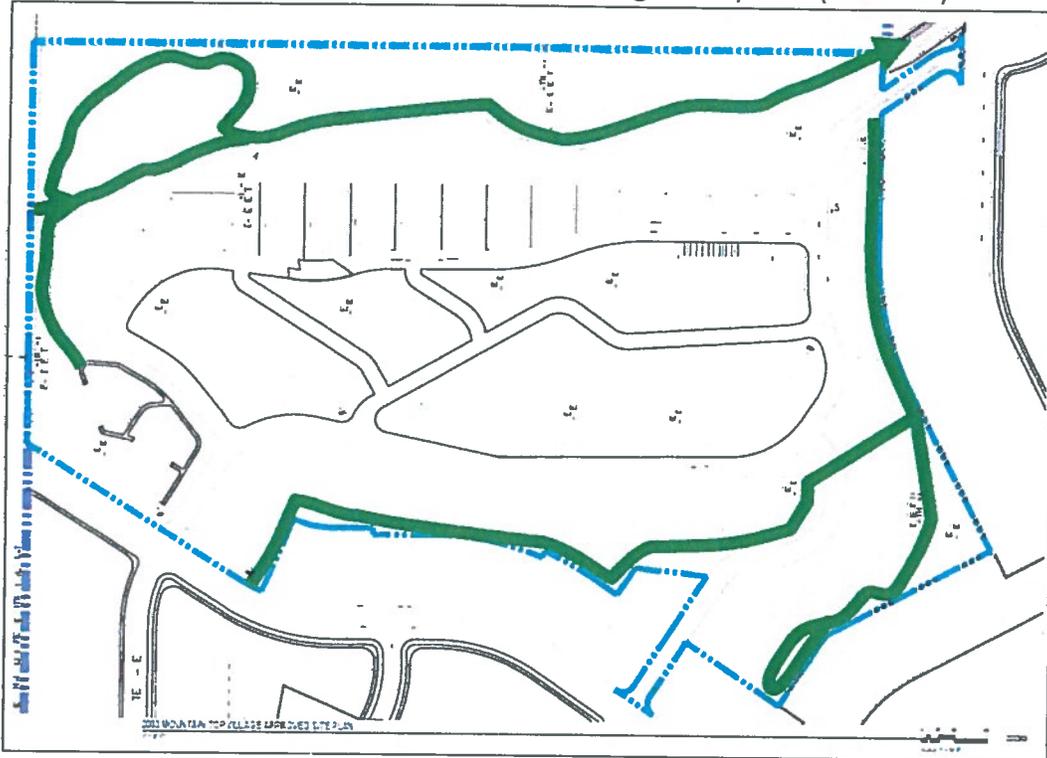
The paths are proposed to be surfaced with all-weather material and constructed to support service vehicles where provided. The trail on the east side of the development will be ten feet to accommodate City vehicles; others will vary from six to eight feet depending on location and terrain.

The increase in building footprints results in an increase in storm drain runoff. The applicant's findings note that the storm drain discharge for Mountain Top Village was calculated in the overall system plan for Vista Pointe (Exhibit FF, p. 12). Storm drainage is captured at existing collection points and ultimately discharged in two ponds designed for the purpose. Water quality treatment occurs at the detention basins. The Public Works Department report notes no additional requirements (Exhibit OO).

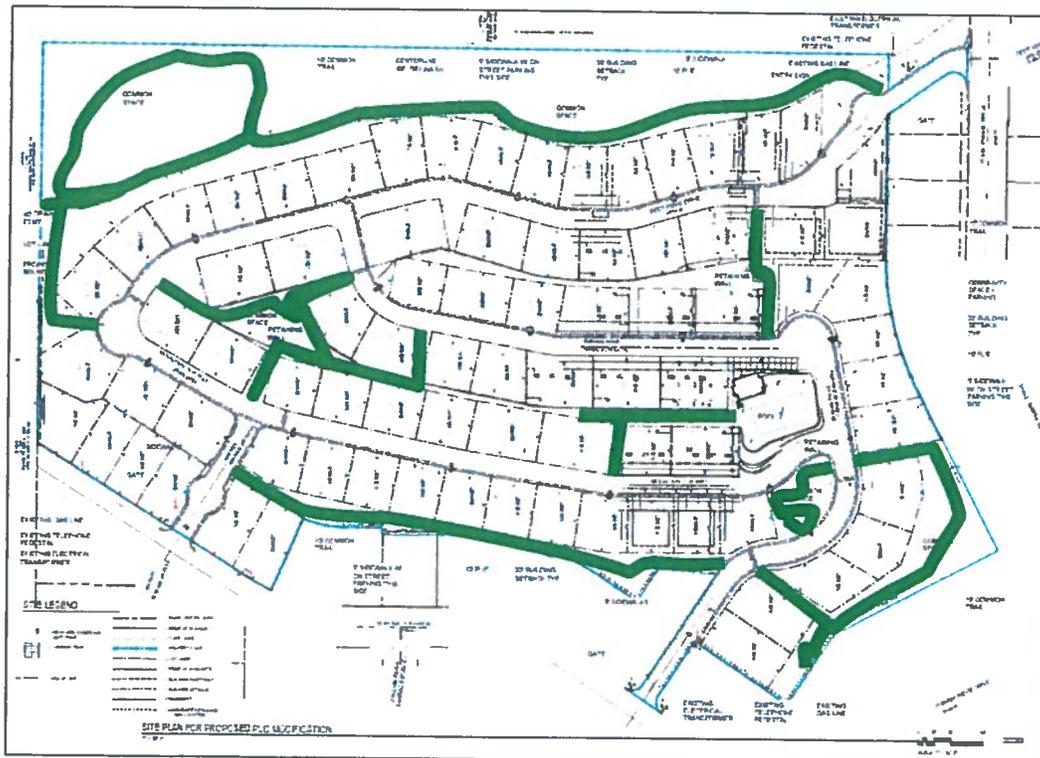
### *8. Sidewalks*

The original plan proposed 5-foot sidewalks and 5-foot planter strips on one side of the private streets. As noted above, the 5-foot sidewalks are proposed to be placed on the single family residential side of the streets, largely because the driveway configuration of the multi-plex buildings will not allow parking. The planter strips are proposed to be eliminated.

Approved Preliminary PUD Plan Showing Trail System (North ⇐)



Proposed Preliminary PUD Plan Showing Trail System (North ⇐)



### *9. Gates*

The applicant proposes to install gates at each of the three entry points which are designed to control vehicular traffic only. Pedestrian access is by means of private sidewalks connected to the public sidewalks at the development entrances. As noted above, residents from outside of Mountain Top will be able to access the trail system.

Control mechanisms on the gates will provide access for emergency and other services, such as the US Postal Service. The gates are recessed from the public rights of way; turnarounds are provided at two of the entries. Because of physical constraints no turnaround is provided at Evening Ridge.

### *10. Phasing*

The applicant proposes to develop the project in eight phases and 17 sub-phases. The community building and pool are proposed in Phase 7, citing safety concerns and the "... added benefit of having more units available to contribute to the funding and upkeep of these amenities." (Exhibit FF p. 12) Staff recommends that the amenities be constructed by the time 50% of the multifamily units are constructed. The trail system shall be constructed in the first adjacent phase.

**Decision:** The applicant requested that the amenities be constructed with 75% of the multi-family units rather than 50%. He explained that the street system needed to be installed and connected to both Vista Pointe Drive and Bordeaux Drive in order for that number of units to be constructed. The Planning Commission approved the request and amended the condition to allow up to 75% rather than 50%.

### *11. Traffic*

Traffic impacts were addressed in the applicant's findings in 2003 (Exhibit MM, p. 19), but a Traffic Impact Analysis (TIA) was not required at the time. The applicant had provided a trip generation summary estimating 11,192 Average Daily Trips (ADT) and a generalized roadway capacity analysis in the findings.

Current PUD application procedures require a determination from the Public Works Department as to whether a TIA is required. Karl MacNair, the City's Transportation Manager, provided an analysis for consideration by Eric Mitton, Deputy City Attorney, and Matt Brinkley, Planning Director. Mr. MacNair concluded that the change from condominium (ownership) units to the townhouse style rental units results in an increase of 111 ADT, which represents a 14% increase to Mountain Top and a 1% increase to the Vista Pointe PUD trip generation overall.

Under MLDC 10.245(1) the Planning Director has the authority "...to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions." In Exhibit NN, Mr. Brinkley exercised the authority granted in this section and waived the requirement to file a new TIA, concluding:

1. Additional (net) traffic estimated to be generated by the PUD as proposed with modifications falls under the threshold whereby a TIA would ordinarily be warranted (under MLDC 10.461[3]);
2. Additional (net) traffic estimated to be generated by the PUD as proposed with modifications can be accommodated by existing public infrastructure.

#### Modifications to Code Standards

MLDC 10.230(2) authorizes modifications to applicable Code requirements when the modifications are related to the rationale of the PUD, result in a more creative and desirable project, and do not materially impair the function of the development as a whole. The applicant notes 11 single family lots that vary from Code standards, which is a reduction to the 18 as previously approved. The applicant also requests relief from the 45% lot coverage and 100 foot lot depth standards for the townhouse lots. Finally, the applicant proposes to reconfigure the private streets so that they do not meet the right-of-way standards for public streets.

The basis for the request is to allow for accessible community open space. The project has over seven acres devoted to open space that is typically not found in a conventional subdivision.

#### Architecture & Site Review

Mountain Top Village is the only subarea of Vista Pointe with multifamily dwelling units. The proposed revisions to Mountain Top are designed to lessen the impacts of these 132 units with thoughtful building placement, use of townhouse style buildings (which are more akin to detached single family residential development), and using two-story structures (which are commonly found in Vista Pointe) instead of three-story structures.

##### *Architecture*

The elevations in Exhibits W and X show a typical unit and a typical four-plex. The architecture is very linear and minimal, with the garage projecting towards the street. Each unit has a flat roof and features a rooftop patio with metal railing on top of the single-car garage. The units are stucco and will sport one of several earth-toned color palettes. Metal canopies with wood finish provide horizontal relief and partially cover the rooftop patios.

The community building is similarly simple, with a metal standing seam hip roof and stucco finish. The structure has been designed to accommodate the topography, which results in a varied roofline.

##### *Floorplans*

The applicant proposes a mix of two and three bedroom units with a typical 890 square foot footprint. (There is an option for a 285 square foot ground floor bedroom which would increase the footprint.) Generally speaking, the triplex footprint will be

approximately 2,670 square feet, and may reach 2,955 square feet. The four-plex footprint will be approximately 3,560 square feet.

Second floor options include two or three bedrooms. Occupants of the two bedroom units will enjoy a sizable rooftop deck. The three bedroom option provides a smaller private outdoor space. Second floor areas for the two-bedroom units are 734 square feet; three bedroom units are 875 square feet. Overall, the two bedroom units will total approximately 1,624 square feet and three bedroom units 1,765 square feet.

#### *Landscaping*

The applicant has provided typical landscaping for the townhouse style units in Exhibit EE. The proposed plant list includes Autumn Purple Ash, Chinese Pistache and Mimosa Silk Trees. A variety of shrubs and grasses are also proposed. The plantings are low to moderate water users. The City Arborist recommends that the Autumn Purple Ash be replaced due to susceptibility to pests. A discretionary condition has been added.

#### *Compatibility*

In approving a revision to a Preliminary PUD Plan, the Planning Commission is required to determine that the proposed revision is compatible with the developed portions of the whole PUD. MLDC 10.245(3) states, in part:

*It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.*

The applicant has submitted elevations, color palettes and site plans with sufficient information for the Planning Commission to determine whether the proposal meets this compatibility question. The developed portions of Vista Pointe display a vast array of architectural styles and employ a variety of materials, such as horizontal lap siding, stucco and stone veneer, and multiple roof lines. The applicant has stipulated to meet or exceed the architectural design guidelines in the Forest Ridge CC&R's when developing the single family residences (Exhibit FF, p. 3).

Staff has expressed concern with the proposed architecture to the applicant. The 132 units are identical with the exception of the first floor bedroom option. There are 39 multifamily buildings proposed; the only relief is derived from the topography and proposed color palettes.

State law changed July 7, 2017, requiring municipalities to apply only clear and objective standards for needed housing (the subject application was submitted July 10, 2017). Senate Bill 1051 broadens the definition:

*ORS 197.303(1) As used in ORS 197.307, "needed housing" means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth*

*boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms as defined by the United States Department of Housing and Urban Development under 42 U.S.C 1437a. "Needed housing" includes the following housing types:*

*(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy; ...*

The Land Development Code does not contain development standards for residential developments outside of the Southeast Plan area. Further, the Vista Pointe PUD approval does not provide any guidance or restrictions in this regard. Therefore, staff has determined that this criterion cannot be applied as there are no clear and objective standards against which to judge the application.

#### Agricultural Analysis

There are two parcels that abut the northerly property line within the Jackson County EFU (Exclusive Farm Use) zone district. The applicant provided an Agricultural Analysis pursuant to MLDC 10.801. The analysis incorrectly concludes that the property owned by Pacific Power and Light is exempt from the standards in MLDC 10.801. The standards apply to EFU or EA (Exclusive Agriculture) zoned properties; there is no exemption based on use.

As neither property is actively farmed, passive mitigation is required. The applicant proposes a six foot wood fence along the northerly property line extending from just east of Bordeaux approximately 300 to within 50 feet of the drainage swale and not along the entire approximate 600 foot northerly property line. The developed portion of Mountain Top ends west of the swale; the remainder is open space. The Commission can find that the location of the open space is sufficient mitigation as authorized in MLDC 10.801(D)(4)(c).

#### Tentative Plat (Exhibit F)

Staff has reviewed the tentative plat and determined that it is consistent with the proposed Preliminary PUD Plan. If the Commission approves the revised Preliminary PUD Plan and the proposed modifications, the findings can be made to approve the tentative plat.

#### Agency Comments (Exhibits OO through UU)

Comments were received from City departments, the Medford Water Commission and the Oregon Department of Aviation. The proposed development can be served with utilities upon satisfaction of the conditions listed in each report.

The Parks and Recreation Department Memorandum recommends the replacement of a tree species as noted above (Exhibit RR). The preservation of all existing trees in the east

side common area is recommended, as is minimizing the slope of the trail on the east side of the property.

#### Committee Comments

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

No other issues were identified by staff.

#### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings and conclusions (Exhibits FF and GG) and recommends the Commission adopt the findings with the following modifications:

- Exhibit FF Criterion 4, p. 11, second paragraph – delete the second sentence: *Sidewalks have been placed behind sidewalk landscape strips to make them safer for pedestrians.* The sidewalks on the private streets are proposed to be curb-tight as shown on Exhibit U;
- Exhibit FF Criterion 7, p. 13. The applicant's findings for this criterion should be rejected. The applicant has submitted a concurrent land division application and provided findings for the Land Division Criteria at MLDC 10.270. The criterion has been satisfied;
- MLDC 10.245(3) Revision or Termination of a PUD, Burden of Proof; Criteria for Revisions. The Planning Commission can find that the proposal is for needed housing as defined in ORS 197.303(1). The Land Development Code does not contain development standards for residential developments outside of the Southeast Plan area. Further, the Vista Pointe PUD approval does not provide any guidance or restrictions in this regard. Therefore, this criterion cannot be applied as there are no clear and objective standards against which to judge the application.

#### **ACTION TAKEN**

Adopted the findings as recommended by staff and directed staff to prepare the final orders for approval of PUD-17-082/LDS-17-088 per the Planning Commission Report dated December 14, 2017, including Exhibits A-1 through VV, revised Exhibit QQ-1, adding Exhibits XX, YY, ZZ, AAA and BBB, and amending Condition 1.

#### **EXHIBITS**

- A-1 Conditions of Approval, dated December 14, 2017
- B Plan Set Cover Sheet received December 7, 2017
- C Approved Preliminary PUD Plan for Vista Pointe received December 7, 2017
- D Proposed Site Plan for Mountain Top Village received December 7, 2017

- E Proposed Preliminary PUD Plan for Mountain Top Village received December 7, 2017
- F Proposed Tentative Plat received December 7, 2017
- G Proposed Phasing Plan received December 7 2017
- H Conceptual Grading Plan received December 7, 2017
- I Site Utility Plan received December 7, 2017
- J Conceptual Storm Drainage Plan received December 7, 2017
- K Slope Diagram received December 7, 2017
- L Existing Tree Diagram received December 7, 2017
- M Deer Ridge Entry Site Plan received December 7, 2017
- N Pool Community Building Site Plan received December 7, 2017
- O Evening Ridge Entry Site Plan received December 7, 2017
- P Enlarged Site Plan – West Side received December 7, 2017
- Q Whitney Terrace Entry Site Plan received December 7, 2017
- R Enlarged Site Plan – Northeast Corner received December 7, 2017
- S Enlarged Site Plan – East Side received December 7, 2017
- T Retaining Wall System Cross Sections received December 7, 2017
- U Private Road Cross Sections – Approved and Proposed received December 7, 2017
- V Multifamily Unit Floorplans received December 7, 2017
- W Multifamily Unit Rendering and Color Palette received December 7, 2017
- X Multifamily Unit Typical Elevations received December 7, 2017
- Y Community Room Main Level Floorplan received December 7, 2017
- Z Community Room Elevations received December 7, 2017
- AA Community Room Rendering received December 7, 2017
- BB Site Concept for Townhouses received December 7, 2017
- CC Unit Perspective received December 7, 2017
- DD Landscape Plan – Community Room received September 26, 2017
- EE Landscape Plan – Typical Multifamily Unit received September 26, 2017
- FF PUD Narrative and Findings received December 7, 2017
- GG Tentative Plat Findings received September 26, 2017
- HH Agricultural Assessment received September 26, 2017
- II Jackson County GIS Map received September 26, 2017
- JJ Planning Preliminary Hydrology and Grading Report received September 26, 2017
- KK Ownership Analysis received September 26, 2017
- LL Geotechnical and Geologic Investigation received September 26, 2017
- MM Approved 2003 Vista Pointe PUD Findings of Fact and Conclusions of Law
- NN Memorandum – Request to Waive Submittal Requirements dated November 13, 2017
- OO Public Works Department Staff Report received November 15, 2017
- PP Medford Water Commission Staff Memo received November 15, 2017

- QQ-1 Medford Fire Department Land Development Report received December 13, 2017
  - RR Medford Parks & Recreation Memo received November 17, 2017
  - SS Address Technician Memo received November 15, 2017
  - TT Oregon Department of Aviation Email received November 6, 2017
  - UU Letter from Vista Pointe/Forest Ridge Concerned Neighbors received November 27, 2017
  - VV Density Calculation Form prepared December 7, 2017
  - WW Letter from Michael Crennen received December 8, 2017
  - XX Letter from Ron and June Gress received December 12, 2017
  - YY Letter from Mark Bartholomew, Hornecker Cowling LLP received December 14, 2017
  - ZZ Letter from John Schleining received December 14, 2017
  - AAA Script from John Schleining submitted at public hearing December 14, 2017
  - BBB PowerPoint Presentation from Clark Stevens from public hearing December 14, 2017
- Vicinity map

#### **MEDFORD PLANNING COMMISSION**

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**Patrick Miranda, Chair**

**PLANNING COMMISSION AGENDA:**

**DECEMBER 14, 2017  
DECEMBER 28, 2017**

## EXHIBIT A-1

Mountain Top Village  
PUD-17-082/LDS-17-088  
Conditions of Approval  
December 14, 2017

### DISCRETIONARY CONDITIONS

1. The community building and pool shall be constructed before no more than 75% of the multifamily units have been constructed as authorized in MLDC 10.230(E).
2. The trail system may be constructed in phases. Each reach shall be constructed with the first phase adjacent to it.
3. Comply with the Parks and Recreation Department Memorandum (Exhibit RR):
  - a. The Autumn Purple Ash may not be used due to pest susceptibility. Replacement species shall be approved by the City Arborist.
  - b. The 10 foot common trail on the east side of the property should be constructed with no greater than 10% slope and only minimal sections greater than 7% where necessary. Consider a meandering trail design in steep areas.
  - c. Preserve all existing trees in east side common area.
  - d. Use the City tree planting specification.
4. The Planning Commission authorizes a five-year approval period for the tentative plat as allowed in MLDC 10.269(2).

### CODE REQUIRED CONDITIONS

**Prior to the approval of the Final PUD Plan, the applicant shall:**

5. Provide for the establishment and maintenance of elements to be held in common ownership per MLDC 10.230(E).

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

6. Comply with all conditions stipulated by the Public Works Department (Exhibit OO).
7. Comply with all conditions stipulated by the Medford Water Commission (Exhibit PP).
8. Comply with all requirements of the Medford Fire Department (Exhibit QQ).
9. Comply with all requirements stipulated by the Address Technician (Exhibit SS).
10. The applicant shall comply with the agricultural mitigation requirements in MLDC 10.701(D)(3):
  - a. A wood fence not less than six feet in height shall be installed as described in the Agricultural Impact Analysis (Exhibit HH).

**EXHIBIT A-1**

Mountain Top Village  
PUD-17-082/LDS-17-088  
Conditions of Approval  
December 14, 2017

- b. The deed declaration required in MLDC 10.801(D)(2)(c) shall be recorded and a copy returned to the Planning Department.



# Medford Fire Department

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

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DEC 13 2017

PLANNING DEPT.

## LAND DEVELOPMENT REPORT - PLANNING

To: Kelly Akin

LD Meeting Date: 11/15/2017

From: Greg Kleinberg

Report Prepared: 11/08/2017

Applicant: Ron DeLuca Revocable Trust, Agent: Mark McKechnie, Oregon Architecture

File #: PUD - 17 - 82

Associated File #'s: LDS - 17 - 88

### Site Name/Description:

Consideration of a request for a revision to the Mountain Top Village area of Vista Pointe Planned Unit Development (PUD) and for a tentative plat to create 41 single family residential lots, 39 multi-family residential lots and common areas on approximately 25.05 acres zoned SFR-4/PD (Single Family Residential/Planned Development Overlay). The PUD revision includes changing the approved 132 condominium units to 132 townhouse style units and adding a clubhouse and pool. Mountain Top Village is generally located north of Vista Pointe Drive, northeast Park Ridge Drive and west of Bordeaux Avenue at the termini of Whitney Terrace, Evening Ridge Terrace and Deer Ridge Drive. Applicant: Ron DeLuca Revocable Trust, Agent: Mark McKechnie, Oregon Architecture, Planner: Kelly Akin.

### DESCRIPTION OF CORRECTIONS

### REFERENCE

#### Requirement FIRE HYDRANTS

OFC

508.5

Fire hydrants with reflectors will be required for this project spaced at a maximum of 250' on-center.

Fire hydrant locations shall be as follows: Ten (10) fire hydrants will be required for this project at the following recommended locations: One on Evening Ridge Terrace in front of lot 20; one on Evening Ridge Terrace in front of lot 75; one on Evening Ridge Terrace in front of lot 78; one on the corner of Evening Ridge Terrace/Deer Ridge Drive in front of lot 69; one on Deer Ridge Drive across from lot 31; one on Deer Ridge Drive in front of lot 36; one on Deer Ridge Drive in front of lot 47; one near the corner of Mountain Top Way/Whitney Terrace in front of lot 8; one on Mountain Top Way in front of lot 12; and one on Mountain Top Way in front of lot 17.

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 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

#### Requirement FD ACCESS-10% GRADE REQUIREMENT EXCEEDED

OFC

503.2.7

Lots/Units Affected: All (Note: The developer has proposed to reduce the access road grades to <=10% to remove the alternate method of protection construction standard requirement. The requirement shown below remains in effect until a completed civil plan is submitted and reviewed showing the design access road slopes to justify otherwise).

CITY OF MEDFORD

EXHIBIT # QA-1

File # PUD-17-082 / LDS-17-088



# 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: Kelly Akin

LD Meeting Date: 11/15/2017

From: Greg Kleinberg

Report Prepared: 11/08/2017

Applicant: Ron DeLuca Revocable Trust, Agent: Mark McKechnie, Oregon Architecture

File #: PUD - 17 - 82

Associated File #'s: LDS - 17 - 88

### Site Name/Description:

The determination has been made that this project does not meet fire apparatus access requirements as set forth in the Oregon Fire Code section 503. The Building Official has been advised that an alternate method of protection construction standard (home fire sprinkler system) will be required in lieu of the deficiency. Ref: OAR 918-480-0125

The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as approved by the Fire Chief.

A minimum size 3/4" x 3/4" water meter is normally required to supply the required water flow for a residential fire sprinkler system. Consult the Medford Water Commission for additional information.

### Requirement PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION OFC 503.4

Parking shall be posted as prohibited along both sides of the 24' wide streets. Parking shall be posted as prohibited along one side of the 28' wide streets. Parking shall be posted as prohibited along both sides of the access roads within 40' of the gate islands.

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).

For privately owned properties, posting/marketing 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



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## LAND DEVELOPMENT REPORT - PLANNING

To: Kelly Akin

LD Meeting Date: 11/15/2017

From: Greg Kleinberg

Report Prepared: 11/08/2017

Applicant: Ron DeLuca Revocable Trust, Agent: Mark McKechnie, Oregon Architecture

File #: PUD - 17 - 82

Associated File #'s: LDS - 17 - 88

### Site Name/Description:

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 TURN AROUND-UNFINISHED STREET                      OFC                      503.2.5C**

If all the access roads are not accessible due to phasing of this project , then temporary Fire Department turn-arounds for shall be provided for each phase that meets the following Fire Code requirement:

Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 75' intervals along the fire lane and at fire department designated turn-around's.

### **Requirement WILDFIRE HAZARD ZONE MITIGATION MEASURES                      OFC                      IWUIC**

This development is located in a "Wildfire Hazard Zone". A minimum fire resistant rated Class A or B rated roof is required.

In addition, it is recommended that the following measures be taken to reduce the possibility of home ignition during a wildfire:

Fire Resistant Structure Planning including:

- Ignition-resistant siding/exterior wall covering material
- Exterior venting that prevents the intrusion of embers and flames and has maximum 1/8" grid wire corrosion-resistant mesh
- Boxed-in eaves and overhangs
- Non-combustible rain gutters with screening
- Solid skirting around the bottom of decks
- Non-combustible fencing attached to house

Landscaping Planning including:

- 0-5 feet perimeter non-combustible zone (concrete or non-combustible ground covering)



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To: Kelly Akin

LD Meeting Date: 11/15/2017

From: Greg Kleinberg

Report Prepared: 11/08/2017

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File #: PUD - 17 - 82

Associated File #'s: LDS - 17 - 88

### Site Name/Description:

Utilize fire resistant vegetation (See Oregon State University's "Fire Resistant Shrubs and Trees in SW Oregon")

Fully grown tree crown positioning to provide a minimum 10' horizontal clearance to chimneys or any part of structure

Fully grown tree crown positioning to provide a minimum 15' clearance to other fully grown tree crowns

Consider ladder fuels (vegetation like taller shrubs below trees that will spread fire into tree crown)

**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.**

December 7, 2017

Michael Crennen  
4872 Bordeaux Avenue  
Medford, Oregon 97504

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<sup>KAC</sup>  
PLANNING DEPT.

City of Medford Planning Department  
[Planning@ci.medford.or.us](mailto:Planning@ci.medford.or.us)

RE: Mountain Top Village, File No. PUD-17-082 / LDS-17-088

Attn: Matt Brinkley

I am writing to express my opposition to the proposed Mountain Top Village for a number of reasons including the following critical issues which have yet to be adequately addressed:

1. The neighbors in the adjacent Vista Point subdivision have made repeated requests for a copy of the referenced Traffic Study that was supposedly done during the PUD permitting process that included the Mountain Top Village area. However, neither the City nor Developer have ever provided a copy of this document which leads me to believe that either a Traffic Study was never actually completed, or that there are some deficiencies noted in the study that someone is trying to hide. It is unacceptable to refer to documents that are supposed to be public records and fail to produce them.
2. Two of the three planned entrances to Mountain Top Village are only 22 ft. wide from face of curb to face of curb. Evening Ridge is one of the three entrances to MTV and already has existing homes in the Vista Point subdivision that border this street and is used for on street parking in front of residents' homes. This reduces the effective width of this street to about 12 ft. which is wide enough for only one lane of traffic. It doesn't appear that the narrowness of the streets entering Mountain Top Village has been considered in approving a multi-family development of this density.
3. I understand that the City has a goal to include high density, multi-family housing in the permitting of new residential developments. But I think that goal is misguided when the highest density housing is placed at the end of the road on the outer edge of the city limits and where there isn't easy access to public transportation, bike paths, or close enough for people to walk to school or work. This situation only increases vehicle trips per day many of which have to travel through lower density single family residential neighborhoods. This seems contrary to common sense and good land use planning.



Michael Crennen

December 11, 2017

Planning Commission  
Lausmann Annex  
200 South Ivy Street  
Medford, Oregon 97501

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Re: PUD-17-082/LDS-17-088

The following reflects our opposition to the Mountain Top development plans. Our opposition is based on a number of factors. This includes misinformation the city resulting in a drastic difference between stated city zoning of Mountain Top land and that presented to the Planning Commission. We were denied information on several studies we were told had been performed.

Common sense says that parking within the development will be highly problematic given the resultant density within the 25 acre plot and resulting traffic through the Forest Ridge section of Vista Point. This is on top of the traffic to be generated by the Innsbruck Ridge development.

In addition this communication sites a number of procedures, policies and standards that should be modified to better serve residents within Medford.

#### Procedural Items of Concern

##### City Zoning Information

When Vista Point was being developed, there were no homeowners to comment on the plans presented. Nearly all current homeowners purchased their homes years after these plans. I and many others did their due diligence seeking information about the yet undeveloped land within Vista Pointe. We checked Medford city records zoning information for Vista Pointe before deciding to purchase a house in the development. We checked the zoning of empty lots on Brownridge Tr. and lot 200 (now called Mountain Top). Both areas showed the lots zoned as SFR-4 (Lot 200 showed zoning as SFR-4 as recently as April 2017 – see attached). A reasonable person would not expect the city information to be false. If this was wrong should not the owner have informed the city of the error? **Why should we now be subject to the results of the city's misinformation or error?** One can only wonder what the reason would be for this misinformation, but it seems to be a common practice by the city of Medford. Is it to hide information that could dissuade potential buyers from moving into an area? What is the legality of such action by the city? **What is being proposed for Mountain Top has no resemblance to SFR-4 as the proposed plan is nearly 7 residences per acre.**

##### Unavailable Studies Associated With Approval of the Original PUD

We were first informed of plans for Lot 200 in February 2017. This was the first hint of plans diverging from the city zoning information. During a meeting led by a member of the project and coincidentally a Planning Commission member we were told that a

number of analyses had by performed during PUD procedure These included traffic study, sewer, water, water runoff, emergency access and school impacts. Since our concerns included many of these issues and wanting to better understand what was actually entailed in these studies/approvals, we sought to gain access to many of them for our review. We have yet to see any of these public records. We sought help from the City Planning Director, Transportation Sub-Committee, and Council Members to get copies of the various studies/analyses for review. We were unsuccessful across the board. In fact, we got absolutely no response from those responsible for the traffic study and our city council member. We believe they did not want to address an issue that would come before them in the future for action. **However, we were not seeking their views or attempting to press our views on them, but only for help in getting public information so we could assess whether what had been done during these studies/analyses satisfied our potential concerns.** This is obstruction and is not good government to withhold information from its citizens. Are we to conclude that these studies were not done or that they contained information that would be in opposition to the original approvals?

#### Planning Commission Conflicts of Interests

During the familiarization meeting in February 2017 referenced above, the lead presenter representing the developer was also a member of the Planning Commission. This individual stated that they were proposing a change to the PUD done around 2003 and that if we did want to oppose the development or question particular aspects of the development, they had every right to beginning construction based on the original PUD immediately. Now this was not true and should have been known to the individual and raises questions about the process as a whole. Once it was known that the individual was a member on the Planning Commission, there seemed to be a definite conflict of interest here – being both paid by the developer for his services and also being on the Planning Commission that would review the application. This seemed to surprise him, but he acknowledged the conflict and stated he would recuse himself from any Commission action.

Yet, because many of the members of the Commission are themselves directly involved construction or supporting developments in one form or another, one must wonder how the dynamics within the Commission play a role in approval of actions. For example, if one member does not support at development that another is involved in (recused or not), what will happen when this member wants a project he is involved in to be approved. **We have an “I’ll scratch you back, if you scratch mine” situation.**

#### Notification of Planning Commission Meeting

Many Planning Commission meetings affect more than just those within 200 feet of a proposed development. Mountain Top is a prime example. This high density development will dump all its traffic ultimately on to Vista Pointe Drive. Also Bordeaux and Park Ridge will see a significant amount of additional traffic. These streets are all

within the Forest Ridge Phase of Vista Pointe. This is addition to significant traffic from the Innsbruck Ridge development where Fawnhills connects with Vista Point Drive as that is where all Innsbruck Ridge's community mail boxes are located. It appears that the limited 200 feet notification policy is geared to limit comments on such developments and the city could correct that appearance by expanding the notification scope. **At a minimum notification should include all residential streets that lead to a major artery like McAndrews.**

### Specific Areas of Concern

#### Traffic Safety

Where was the traffic study? We are concerned about the traffic safety issues generated by the Mountain Top and Innsbruck Ridge developments. All the traffic from Mountain Top will flow onto Vista Pointe Dr. About 2/3rds of the traffic from Mountain Top will flow through Bordeaux and Park Ridge Dr. before reaching Vista Pointe Dr. A majority of the traffic from the Innsbruck Ridge development will flow on to Vista Pointe Dr. if only because all the community mail boxes are located near the intersection of Fawnhills Circle and Vista Pointe Dr.

We desired to see the scope of the traffic studies performed. Were studies done separately without recognizing the combined effect on Forest Ridge? Were traffic controls considered to mitigate potential traffic and safety issues? What about emergency vehicles access? If the traffic study only addressed the impact on East McAndrews' capacity, we would consider this to be inadequate. **Lack of such information makes it difficult to comment and provide specific traffic concerns and suggest changes that would enhance safety.** What is addressed in the recently released staff review appears only partially address the impact of Mountain Top.

#### Schools and Other City Impacts

This development strays far beyond the SFR-4 zoning advertised by the city. The high density development is likely to adversely affect local schools' ability to handle the increase in registered students. What planning has been done to mitigate this impact?

Sewer, water and storm runoff capacities are other areas concern we have not seen evidence of being addressed. **Why were the studies not available with the 2003 PUD that was "approved?" Yet we were told they had been performed.**

The proposed architecture is inconsistent with the diverse styles of house in the Forest Ridge section of Vista Pointe. Vista Pointe was developed with many different contractors building homes within that section. The proposed Mountain Top development's townhouses are likely to be identical in design. **It would help if the exteriors were varied to be more consistent with Forest Ridge.**

## Mountain Top Parking Capacity

Mountain Top claims that there would be 2.5 parking spaces available for each of the townhouses (i.e., for each townhouse residence: one car garage, one car driveway and ½ a car curb parking). Any accommodation for guest parking is not addressed. Many residences in Medford have 2 or more cars and many who have one or more garage spaces use at least one garage space for storage. While this may meet some standard, this seems to be unworkable and will result in frustration of those who would live within the community. Does this plan meet city standards considering that street parking will be allowed only on one side of the street? If it does, again **a change in policy should be considered.**

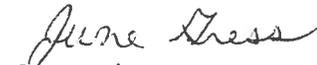
## Townhouses

During the familiarization meeting in February, we were told that the condominiums were being replaced with townhouses. This meant that they would be on their own plot of land and could be owned by the resident. The owner would be responsible for the interior and exterior of the townhouse and the yard. Now we learn that these are not townhomes since they will not be on their own property (plot of land). **This makes it highly unlikely that these will ever be owned by the resident but instead will be rental units or condominiums, not Townhomes.**

## Covenants, Conditions and Restrictions

Mountain Top development is described as a phase of the Vista Pointe. How does this impact the CC&Rs that will apply to Mountain Top? **For example will they be required to adhere to the Forest Ridge CC&Rs with modifications for such things as dues to pay for road repair and major maintenance and other common responsibilities? Who will enforce parking restrictions and who may issue complaints about violation of the CC&Rs?**

Sincerely,

Ron and June Gress  
4465 Park Ridge Dr  
Medford, OR 97504



MLI



Property

Find address or place



Medford Land Information

OPTIONS

Results

4195 FALCON RIDGE TERR

MAPLOT: 371W22200

SITEADDRESS: 4195 FALCON RIDGE TERR

FEEOWNER: DELUCA REVOCABLE TRUST ET A

ACCOUNT: 10504927

[County Account Details](#)

[County Sales Details](#)

[County Tax Details](#)

[View Assessor Plat Map](#)

[View Data](#)

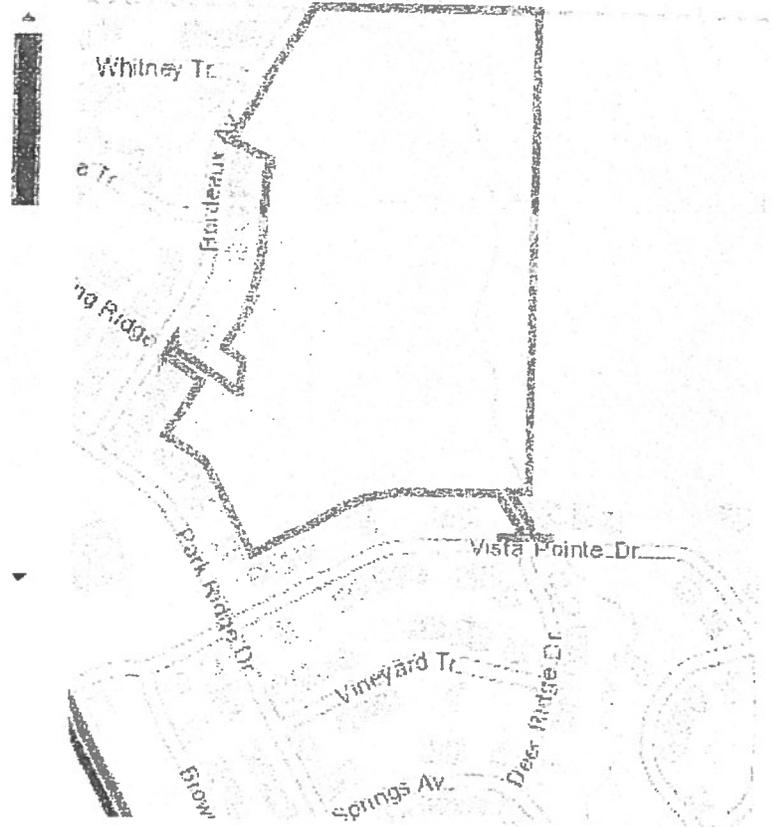


Improvement Value: \$0.00

Land Value: \$2,272,540.00

Site Address: 4195 FALCON RIDGE TERR

Clear Results



600ft

42.348 -122.807 Degrees



MLI



Property

Find address or place



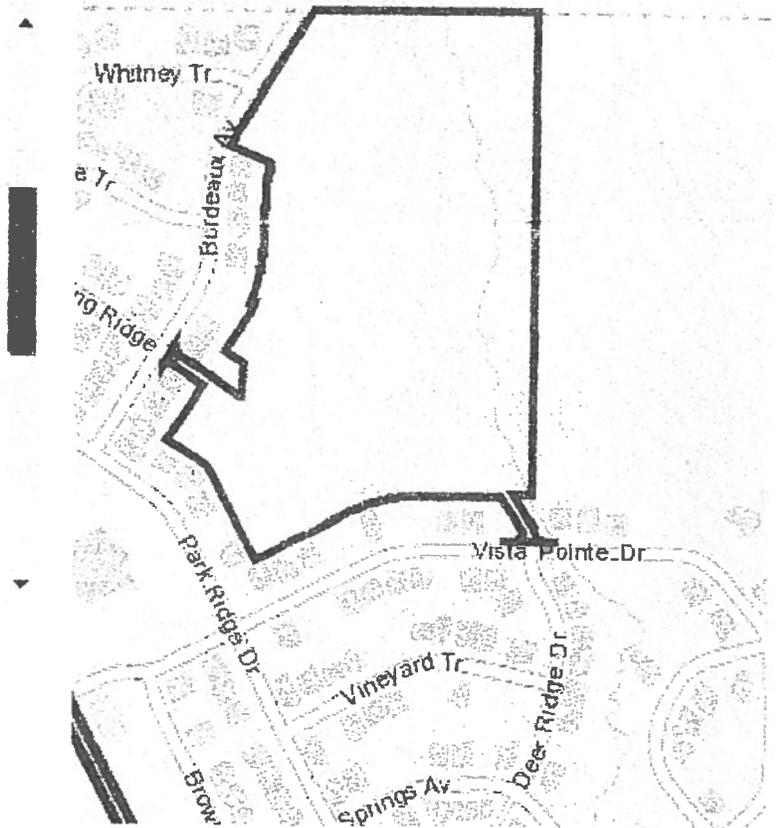
Medford Land Information

OPTIONS

Results

Land Value: \$2,272,540.00  
 Site Address: 4195 FALCON RIDGE TERR MEDFORD, OR 97504  
 Dwelling Units:  
 Acres: 25.05  
 Year Built:  
 Owner Address: 228 MORNINGLIGHT DR , 975208607  
 Tax Code: 4901  
 Zoning: SFR-4  
 Fire District: MF  
 Comprehensive Plan: UR  
 Zoning Overlay: PD  
 Building Permits: 4-2313

Clear Results



600ft

42.347 122.808 Degrees

HORNECKER COWLING LLP

Attorneys at Law

John Blackhurst  
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Melisa A. Button\*  
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14 North Central Ave., Ste. 104  
Medford, OR 97501  
(541) 779-8900  
Fax: (541) 773-2635  
www.roguelaw.com

\*Also admitted in California

RECEIVED

DEC 14 2017

PLANNING DEPT.  
OF COUNSEL

R. Ray Heysell

RETIRED

Robert L. Cowling  
John R. Hassen

Gregory T. Hornecker 1933-2009  
B. Kent Blackhurst 1922-2007  
Ervin B. Hogan 1927-2000

December 14, 2017

Medford Planning Commission  
c/o Planning Department  
200 South Ivy Street  
Lausmann Annex Room 249  
Medford, OR 97501

**RE: PUD-17-082/LDS-17-088**

Dear Planning Commissioners:

This firm represents Ron DeLuca, trustee for applicant Ron DeLuca Revocable Trust. We are writing to clarify the inaccurate statements submitted by Daniel Joseph and/or Vista Pointe/Forest Ridge Concerned Neighbors. It appears that Mr. Joseph has submitted opposing arguments multiple times, the most recent submittal is date-stamped November 27, 2017.

It is important to restate the fact that the proposal before you is an unequivocal improvement for the community compared to the existing approved development. With regard to Mr. Joseph's letter, he raises various points that are incorrect.

**1. Streets are not Narrowed.** Mr. Joseph claims that the proposal calls for narrower streets. That is untrue. The existing approval provided for 24-foot wide streets, while the current proposal calls for 28-foot wide streets.

**2. On-street Parking.** Mr. Joseph questions the availability of on-street parking. Again, the current proposal represents a significant improvement over the approved plan, because the new, wider streets permit on-street parking. The existing approval did not provide for any on-street parking. Applicant has submitted plans identifying 75 on-street parking spaces, which demonstrate the locations of on-street parking, while taking into account curb cuts.

## HORNECKER COWLING LLP

December 14, 2017

Page 2

**3. Garage parking.** Mr. Joseph speculates that residents will use their garage for parking, thus using up available spaces and adding to scarcity for on-street parking. We note that the code requires 1.5 off-street spaces for each of the townhome units. Applicant is providing 2 spaces for each unit, a 33% increase beyond minimum standards. Presumably, parking standards take into account the fact that not every resident keeps their garage clear for vehicle parking. At the same time, not every resident owns multiple vehicles. That said, Applicant is willing to stipulate to a condition that any and all applicable CC&Rs or lease agreements require that residents keep the garage clear to permit vehicle parking.

**4. Emergency access.** Mr. Joseph states that the narrow streets present a public safety issue if motorists disobey rules and park on both sides of the street. That is true. However, it would also be true if motorists blocked any street, in violation of rules or laws. The Medford Fire Department reviewed the proposal and did not express any public safety concerns. We believe that public safety access to the development is superior to most other developments, because the proposal provides for three separate means of ingress and egress. In the unlikely event that a street is obstructed, first responders will be able to use alternative means of access.

**5. Evening Ridge Terrace.** Mr. Joseph claims that the entrance to Evening Ridge Terrace is 22 feet from curb to curb. That is incorrect. It is 24 feet from curb to curb, which meets Code standards. Right-of-way is platted at 30 feet. That leaves room for two 12-foot drive aisles and a 6-inch curb on each side, the same width as streets in the development. There is an existing sidewalk along the north side of Lot 202 of the Vista Pointe subdivision. It appears to be on private property. If so, then with that Owner's permission the internal Mountain Top Village sidewalk can connect to it.

**6. Additional Parking.** Mr. Joseph requests an additional 50 spaces for parking. This is an arbitrary request, without basis in the Code. The proposal already includes substantially more parking than is required in the Code.

**7. Traffic Study.** Mr. Joseph states that a traffic impact analysis should be required. Mr. Joseph's does not cite any authority for such a requirement. The revision to the approved plan will result in 111 average daily trips. The increase over the approved plan is negligible and falls under the threshold at which the Code would require a TIA. The Medford Planning Director, Engineering Department, and Deputy City Attorney reviewed the request and determined that a TIA was unnecessary.

**8. Storm Water.** Mr. Joseph expressed some vague concerns regarding storm water. The master plan for Vista Pointe, including Mountain Top Village, provides for storm drainage collection and detention. Public Works reviewed the proposal and offered no additional requirements.

**HORNECKER COWLING LLP**

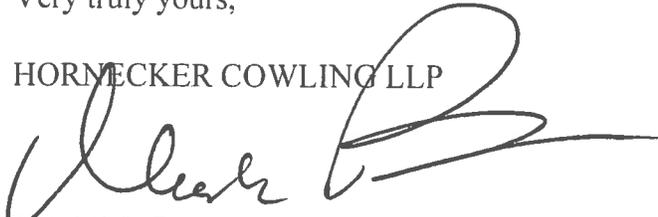
December 14, 2017

Page 3

Thank you for your attention to this matter.

Very truly yours,

HORNECKER COWLING LLP

A handwritten signature in black ink, appearing to read 'Mark S. Bartholomew', with a long horizontal flourish extending to the right.

MARK S. BARTHOLOMEW

MSB:snc  
cc: Ron Deluca

H:\USER\FILES\26017-002\LT Medford Planning 12 14 17 docx

December 12, 2017

Planning Commission  
City of Medford  
200 S Ivy Street  
Lausmann Annex  
Medford, OR 97501

**RECEIVED**  
DEC 14 2017  
PLANNING DEPT.

Re: Mountain Top of Vista Pointe & the Daniel Joseph Letter

Dear Planning Commission,

Our company originally owned, designed and built the Vista Pointe project. I personally had a meeting with Daniel Joseph to answer his questions and explain some of his misconceptions about Mountain Top. For those two reasons I think that his letter received by the planning commission is both misleading and disingenuous.

First, I do agree with his quote, "While in general their current proposal is seen as an improvement on either the original PUD or that presented". Then Mr. Joseph states that "there will be two parking spaces (1 garage and 1 driveway) for every one of the 132 townhouses. That is also true and meets all code parking requirements. He then goes on to state that the streets were narrowed. In fact, the current streets are wider than in our original plan. Mr. Joseph states that "there will be almost no on street parking available to these townhouses". When we had our meeting, I pointed out to him that there will be 75 additional street parking spaces, not "almost no parking". In the original plan the streets were narrower than the current plan and allowed no on street parking. The current plan allows 75 on street parking spots. Mr. Joseph states "many home owners use their garages for storage, workshops, household overflow and such, thereby negating the premise that all townhouses will in practice have 2 parking spots. Most will likely have only their one driveway parking spot". This statement is very misleading and disingenuous in that I explained to Mr. Joseph that Mr. Deluca forbids residents using the garages for this purpose. This is documented in lease agreements and or CC&Rs. Daniel knows that his claim is not correct.

The original condominiums were all 3-bedroom units and the current unit mix will have both 2 and 3-bedroom units. The original proposal had 3 story - 12 plex units with no garages and large parking lots situated away from the buildings. The current proposal has 2 story units with an attached garage for each unit and additional parking close by. The large parking lots (in the original plan) required people to walk much further with groceries, etc. Mr. Joseph asks the questions, "the number of units remains the same" and "there is no density of residents considered in either case. Are these 1, 2 or 3-bedroom structures? Are they all the same number? How does this compare with the undefined number planned for the approved PUD"? When Mr. Joseph and I talked, and I told him that the previous units were all 3-bedroom units and the current mix included 2 and 3-bedroom units. In other words, Mr. Joseph knows that there are less bedrooms in the current plan. According to my research these townhouses will have more parking per unit than any other townhouse project ever approved in Medford.

Emergency vehicles have plenty of access with 3 entrances and 23 turn outs. All 3 of the entrances allow no parking on either side of the street allowing for emergency vehicles. Mr. Joseph states that

“these are private streets, enforcement would only be done within and by Mountain Top community.” This is also not correct. I told Mr. Joseph that the City of Medford and fire department also has the right for parking enforcement along with the Mountain Top’s association enforcement. Mr. Joseph says that the Evening Ridge Terrace entrance has no parking restriction now and that the adjacent home owners use the private street for parking. Because of a mistake years ago, that entrance was inadvertently deeded to Lots 82 and 83. I had to go back and repurchase my entrance from both lot owners. Both the property owners are absolutely clear that this property is private property and will be used as an entrance to Mountain Top. They both agreed to this when I repurchased the property. I told this to Mr. Joseph before he submitted his letter. Mr. Joseph states “we strongly believe that an additional and distinct parking access for 50 vehicles should be incorporated into the development”. There is simply no justification to increase parking that already exceeds the code. Mr. Joseph suggests this after our discussions and knowing that the project meets all the city code parking requirements.

Mr. Joseph refers to CSA Planning doing a study of some sort that supports some of his comments but after talking with CSA Planning myself I do not believe this is correct. Mr. Joseph says that he has concerns regarding water, sewer, and storm drains. I told Mr. Joseph in person that when the original engineering was completed by CEC Engineering and approved by the City of Medford that the water lines, sewer lines and storm drain system were sized and built to accommodate Mountain Top. All engineering facilities were approved and constructed under city supervision and all services were brought to the subject property because we planned on building out the project. We spent over a million dollars to account for the Mountain Top upsizing. When we first designed Mountain Top we put houses in Vista Pointe on Vista Pointe Drive, Park Ridge and Bordeaux as a buffer. All of these houses back up to Mountain Top. In addition, we placed a second row of single family houses in Mountain Top that back up and adjoin the houses in Vista Pointe as an additional buffer. The exception was at the very top of Bordeaux where we had two 3 story - 12 plex’s. The current plan removes the 3 story - 12 plex’s from Bordeaux and puts in single family houses on Bordeaux. The developer has agreed to have all the houses fronting onto Bordeaux meet all of the standards of the Vista Pointe CC&Rs and Architectural Review standards of all of the other houses on Bordeaux including the minimum of 2,000 square feet of living space. Also behind the single-family houses fronting Bordeaux they will build 2 story units behind the houses, not 3 story. This makes the project blend into the Bordeaux street scape.

Mr. Joseph states “It seems inconsistent with the nature of the proposal to have any structures outside of the gates.” Mr. Deluca is going out of his way to have single-family houses on Bordeaux blend into the street scape. Would Mr. Joseph rather have townhouses back up to Bordeaux or the 3 story condominiums or single-family houses? I know the other members of the community would prefer single-family houses. Mr. Joseph states “that the lot sizes and locations of these proposed single-family houses would make them inconsistent with the existing residences”. That statement is simply not true. The developer has stipulated to having all of the houses on Bordeaux meet all the standards of the other houses on Bordeaux. In my meeting with Mr. Joseph I told him all of this and he knows that what he is saying is not correct.

Mr. Joseph states “(4). The proposed revision shows a parking lot and sales office on a residential lot outside of the Mountain Top plat”. I told Mr. Joseph that all of his concerns regarding (4) were removed from consideration and that the developer took lot 33 in Vista Pointe completely out of their project. All of (4) has been removed.

In summary, the current plan before you is significantly better than the original plan that we got approved. The original plan had 3 story units with no garages, no on-street parking and large parking

lots. The current plan has 2 story units with attached garages with parking in the driveway and on the streets. The current plan is much more convenient for the residents and provides ample parking that far exceeds code. The original plan had 3 story units on Bordeaux and the new plan has single family houses that meet all architectural review standards of all the other houses on Bordeaux. All utility services were designed, approved and installed to service Mountain Top under City of Medford supervision. The original design of Vista Pointe included a city park, church, office buildings, commercial, assisted living, multi-family, single family houses and executive lots. In other words, a complete planned community. The de minimis changes to the original plan of Mountain Top make the project much better for the Vista Pointe planned community. There is no request to add additional units but only a request to make the project significantly better. Your approval tonight will help complete the vision of this wonderful planned community. For these reasons I would hope the planning commission would not only approve the project as proposed but also thank Mr. Deluca and Mr. McKechnie for doing such an excellent job in making Mountain Top the best project of its kind to be built in Medford. Please give me standing in this proceeding.

Sincerely,

John Schleining  
3140 Juanipero Way, Suite 201  
Medford, OR 97504

My name is John Schleining. My office address is 3140 Juanipero Way, Medford and our company originally owned, designed and built the Vista Pointe Planned Community including McAndrews Road. We designed Vista Pointe Planned Community to include a city park, a church, office buildings, commercial, retail, an assisted living community, multifamily houses (Mt Top), large single-family lots and larger executive lots. Please note that we could have had the single-family lots as large as they are without the inclusion of multi-family.

The original Mt Top design and approval had 11 twelve plex's for 132 units with 3 stories, no garages and detached outdoor parking, plus 41 single-family lots. We designed the Vista Pointe project with a row of single-family lots and houses on Vista Pointe Drive, Park Ridge and Bordeaux which backed up to Mt Top and provided a significant buffer. Next, we designed Mt Top with a second row of single family lots and houses that adjoins the back of the Vista Pointe lots which provided a 2<sup>nd</sup> significant buffer. We could have put in more multifamily units directly adjacent to the Vista Pointe lots, but we wanted to have a very significant buffer of 2 rows of houses going up the hill. The exception was at the very top of Bordeaux where we had two 3 story 12 plex condominiums on Bordeaux. All of the condominiums were 3 bedrooms and 2 baths.

CITY OF MEDFORD  
EXHIBIT # AAA  
File # PUD-17-082 / LDS-17-088

*presented at meeting  
on 12-14-17.*

The engineering was designed by CEC Engineering and approved by the City of Medford. The water lines, sewer lines and the entire storm drain system were designed and built to accommodate Mt Top. All engineering facilities were approved and constructed under the City of Medford's supervision and were brought to the Mt Top property because we planned on building out the project. We spent over a million dollars to account for the Mt Top upsizing.

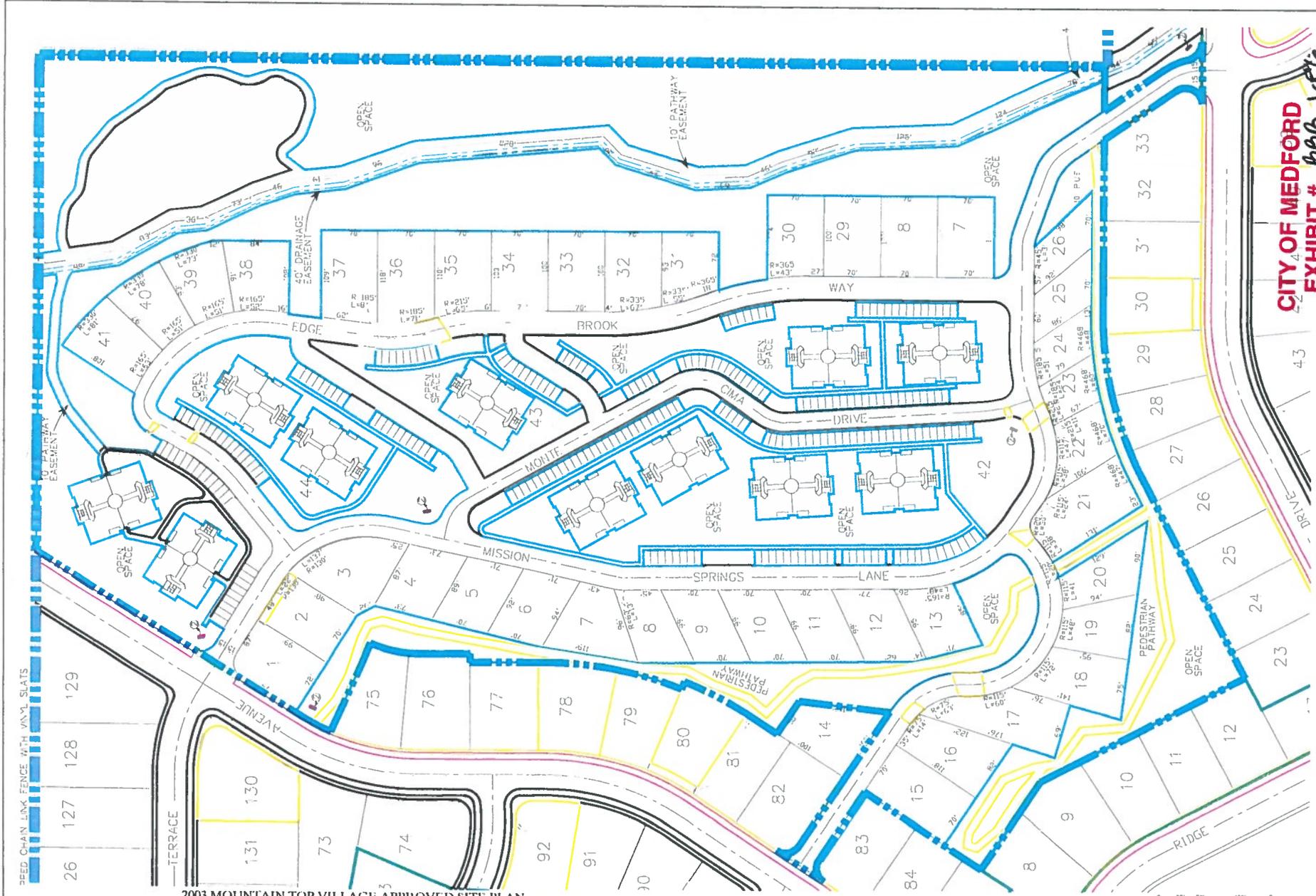
The property was purchased from the City of Medford and part of the purchase price was to design and build McAndrews Road which cost in excess of 5 million dollars. When the 4 lane McAndrews arterial street was completed it was built to a standard that could support at least 3 Vista Pointe projects.

The proposal before you this evening is a vast improvement over the original design. The 2 rows of single-family buffer are retained. The same number of units are retained. Instead of having 3 story units, they now have 2 story units. Instead of having no garages, they now have attached garages. Instead of having large parking lots away from the units, they now have parking in the driveways. Instead of having no street parking they now have 75 street parking spaces. Instead of having 3 story units at the top of Bordeaux they now have single family homes fronting on Bordeaux that will meet all of the standards of the CC&Rs and Architectural Review of the rest of the houses

on Bordeaux. In addition, the units behind the single-family houses will be 2 story and not 3 story. All of these changes to the original plan of Mt Top make the project significantly better in all ways for the Vista Pointe Planned Community.

Your approval tonight will help complete the vision for this wonderful Planned Community. I would hope that the Planning Commission not only approves the upgraded project as proposed but also thanks Mr. Deluca and Mr. McKechnie for doing such an excellent job in making Mt top the best project of its kind to ever be built in Medford.

THANK YOU



2003 MOUNTAIN TOP VILLAGE APPROVED SITE PLAN  
1" = 50'-0"

**CITY OF MEDFORD**  
**EXHIBIT # 606**

**FILE # PUD-17-082 / LDS-17-088**



Mountain Top Village  
PUD Modification  
Medford, Oregon

REVISIONS	DATE	BY

APPROVAL SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PLOT DATE: 12/11  
 PHASE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 SHEET: \_\_\_\_\_



# Untitled Map

Write a description for your map.

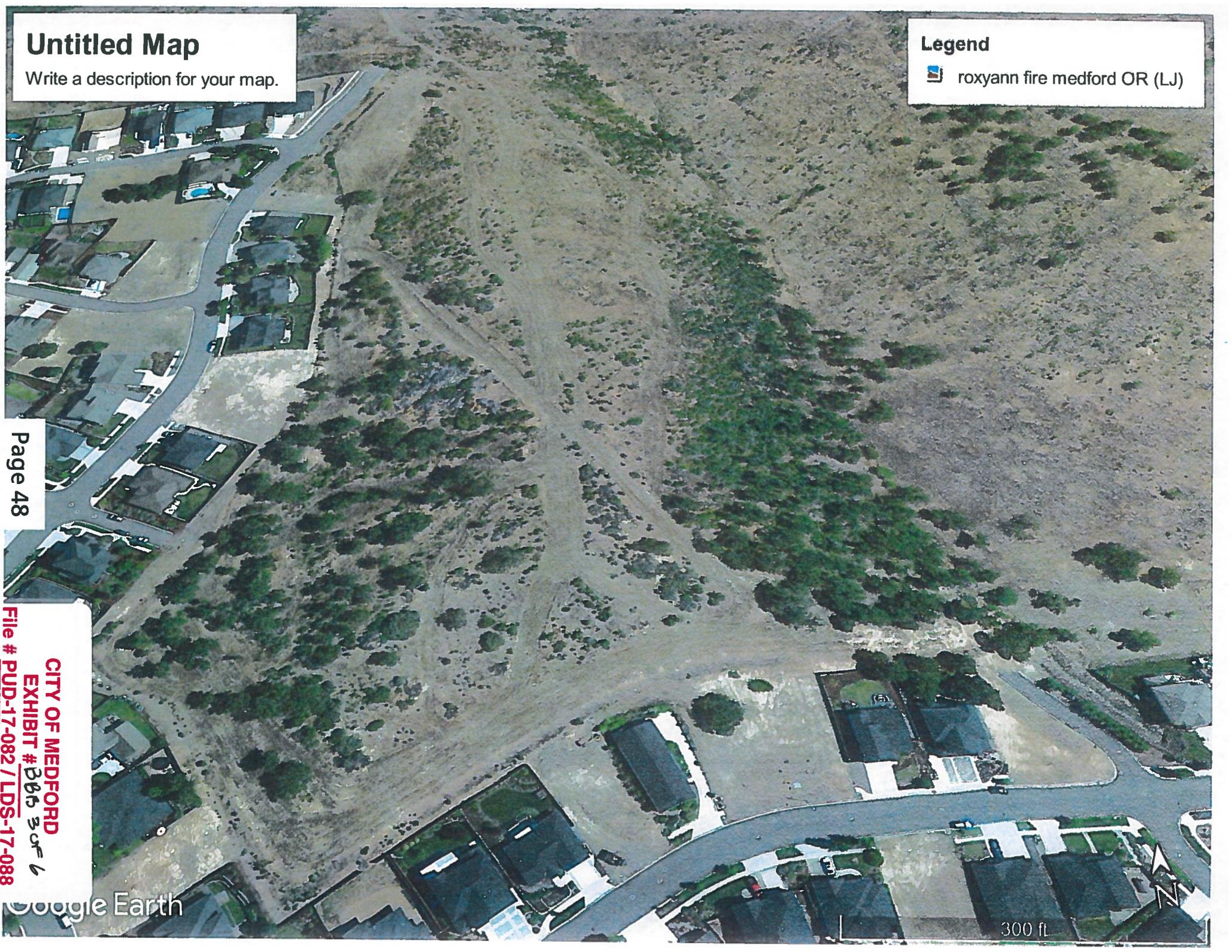
**Legend**  
roxyann fire medford OR (LJ)

Page 48

**CITY OF MEDFORD**  
**EXHIBIT # B85 3 of 6**  
**File # PUD-17-082 / LDS-17-088**

Google Earth

300 ft



# TENTATIVE PLAT FOR MOUNTAIN TOP VILLAGE AT VISTA POINTE

VICINITY MAP  
N.T.S.



**APPLICANT/OWNER**  
RCM DELUCA  
228 MORNING LIGHT DRIVE  
ASHLAND, OREGON 97520  
(541) 944-2111

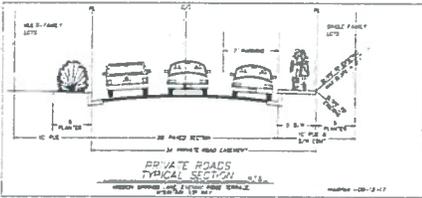
PHASE 1 PHASE 3B PHASE 4B PHASE 6B PHASE 8A  
PHASE 2A PHASE 3C PHASE 5A PHASE 7A PHASE 8B  
PHASE 2B PHASE 3D PHASE 5B PHASE 7B  
PHASE 3A PHASE 4A PHASE 6A PHASE 7C

A PLANNED UNIT DEVELOPMENT  
Located in  
PARCEL NO 3 OF PARTITION PLAT NO P-20-2006  
AND TAX LOT 2000  
IN SECTION 22, T.37S, R.1W, W.M  
CITY OF MEDFORD, JACKSON COUNTY, OREGON

**SURVEYOR**  
HCFBUEHR & ASSOCIATES, INC  
880 GOLF VIEW DRIVE, SUITE 201  
MEDFORD, OREGON 97504  
(541) 779-4641

**AGENT**  
OREGON ARCHITECTURE, INC  
132 WEST MAIN ST #101  
MEDFORD, OREGON 97501  
(541) 772-4372

SCHOOL DISTRICT 543-C  
IRRIGATION DISTRICT M-3  
SANITATION DISTRICT 22-3 (GRSIS) AC  
ZONING SP-1-R  
ESTIMATED USE VACANT  
PROPOSED USE RESIDENTIAL



LOT AREAS			
1 7867 SF	21 7695 SF	41 7234 SF	61 8422 SF
2 6820 SF	22 7528 SF	42 8337 SF	62 8410 SF
3 6597 SF	23 8074 SF	43 6280 SF	63 8444 SF
4 6222 SF	24 8261 SF	44 6067 SF	64 8136 SF
5 7853 SF	25 7207 SF	45 6310 SF	65 8482 SF
6 7853 SF	26 5489 SF	46 6962 SF	66 7229 SF
7 8224 SF	27 5270 SF	47 7305 SF	67 8788 SF
8 6840 SF	28 7648 SF	48 8618 SF	68 8762 SF
9 6122 SF	29 8730 SF	49 7821 SF	69 10180 SF
10 6122 SF	30 8557 SF	50 7878 SF	70 8069 SF
11 6122 SF	31 8378 SF	51 7383 SF	71 6553 SF
12 6324 SF	32 8938 SF	52 5828 SF	72 6481 SF
13 6233 SF	33 8791 SF	53 8243 SF	73 6429 SF
14 6172 SF	34 7121 SF	54 8633 SF	74 8963 SF
15 6824 SF	35 8549 SF	55 8237 SF	75 7981 SF
16 6122 SF	36 6451 SF	56 8242 SF	76 8842 SF
17 6172 SF	37 8510 SF	57 8192 SF	77 8337 SF
18 6133 SF	38 8493 SF	58 8704 SF	78 6251 SF
19 8454 SF	39 8786 SF	59 7953 SF	79 7380 SF
20 8364 SF	40 7267 SF	60 8422 SF	80 5038 SF

COMMON SPACE AREAS			
"A" 3456 SF	"I" 12933 SF	"O" 1429 SF	
"B" 3447 SF	"J" 5642 SF	"P" 1834 SF	
"C" 10371 SF	"K" 2146 SF	"Q" 4234 SF	
"D" 4987 SF	"L" 1473 SF	"R" 1080 SF	
"E" 2228 SF	"M" 8786 SF	"S" 2586 SF	
"F" 3847 SF	"N" 2209 SF	"T" 2146 SF	
"G" 19878 SF	"O" 2269 SF	"U" 7422 SF	

**LEGEND**

- BOUNDARY OF MOUNTAIN TOP VILLAGE AT VISTA POINTE
- 10' SHARED EASEMENT
- 10' WATER LINE EASEMENT
- 10' STORM DRAIN EASEMENT
- 10' PRIVATE SANITARY SEWER CONNECTION
- 10' STORM DRAIN CONNECTION
- 10' PRIVATE WATER LINE CONNECTION
- TOP OF BANK FOR STORM CHANNEL
- CENTER LINE OF STORM
- PUBLIC UTILITY EASEMENT
- LOT BOUNDARY
- 10' PEDESTRIAN PATHWAY (DECOMPOSED GRANITE)
- PROPOSED STREET JOINTS
- EXISTING STREET LIGHTS
- PHASE BOUNDARY LINE
- PRIVATE SANITARY SEWER EASEMENT
- PHASE NUMBERS

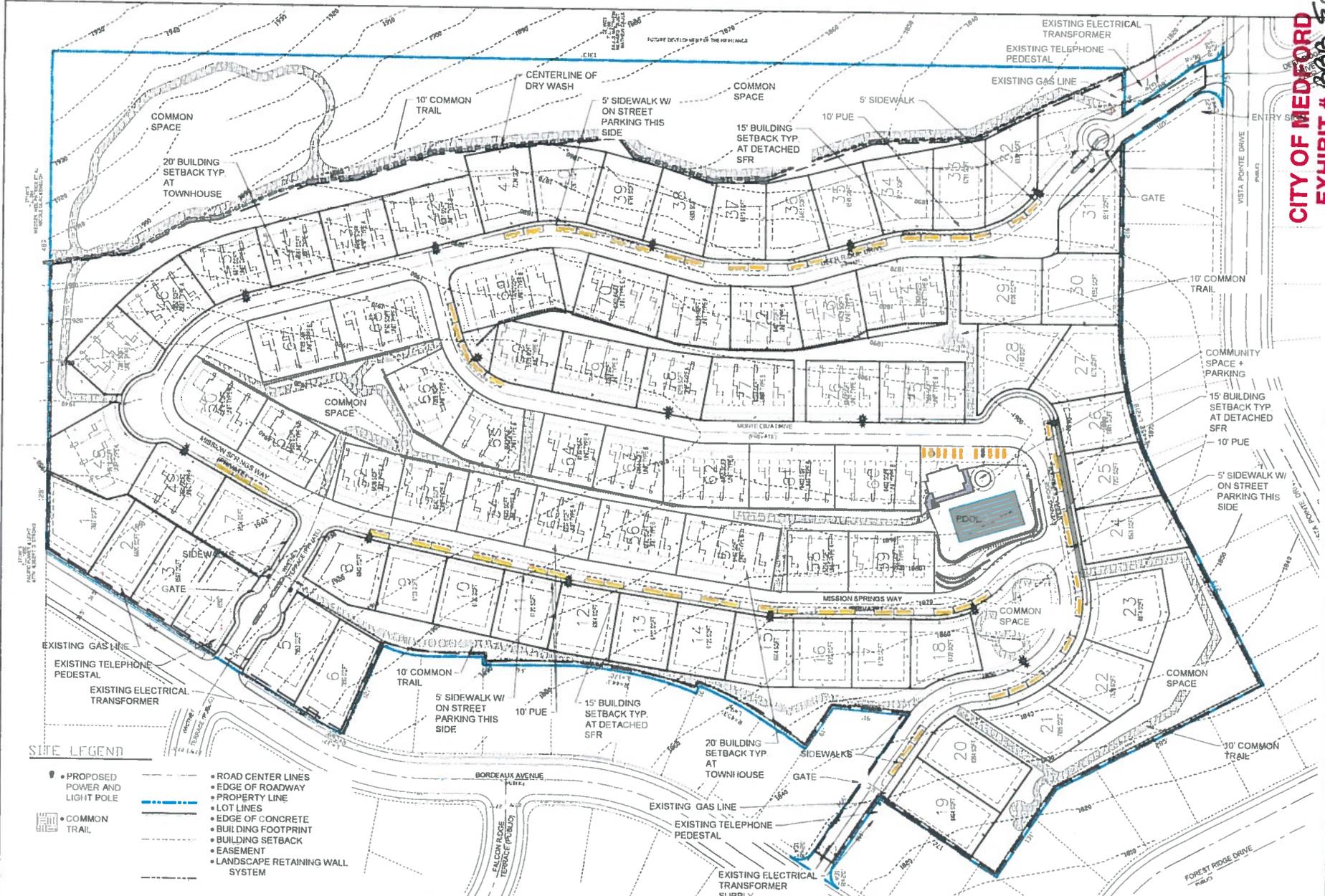


**NOTES:**

1. ALL NOTES WITHIN MOUNTAIN TOP VILLAGE TO BE PRIVATE AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
2. 10' PUBLIC UTILITY EASEMENTS TO BE LOCATED ADJACENT TO P.O.D.
3. SEE FINAL STREET TREE PLAN FOR LANDSCAPE DETAILS.
4. ALL PRIVATE ROADS TO HAVE 5' PLANTED STORM AND 5' BUREAU ADJACENT TO P.O.D.
5. ALL CONTAINERS ARE AT 4' INTERVALS. HOODS CONTAINERS ARE AT 10' INTERVALS.
6. UNDERSTANDING WHICH BOUNDARIES TO BE LOCATED WITHIN THE PHASES IS ESSENTIAL.
7. 10' PEDESTRIAN PATHWAY TO BE CONSTRUCTED WITH 4" DECOMPOSED GRANITE.

REGISTERED PROFESSIONAL LAND SURVEYOR  
LUCIFERSON CORP.  
MEDFORD, OREGON  
DATE: 08/26/2016  
SCALE: AS SHOWN

37 1W 22. 7L #200



**SITE LEGEND**

- PROPOSED POWER AND LIGHT POLE
- COMMON TRAIL
- ROAD CENTER LINES
- EDGE OF ROADWAY
- PROPERTY LINE
- LOT LINES
- EDGE OF CONCRETE
- BUILDING FOOTPRINT
- BUILDING SETBACK
- EASEMENT
- LANDSCAPE RETAINING WALL SYSTEM

SITE PLAN FOR PROPOSED PUD MODIFICATION  
1" = 50'-0"



**CITY OF MEDFORD**  
EXHIBIT # **BBB 5 of 6**  
File # **PUD-17-082 / PDS-17-088**



Mountain Top Village  
PUD Modification  
Medford, Oregon

Approval Signature	Date

PLOT DATE	1/1/11
PHASE	
DRAWN BY	
SHEET	





**STAFF REPORT – EXTENSION OF TIME**

Project Heights at Hondeleau  
Applicant: Hondeleau, LLC; Agent: Steven Swartsley

File no. LDS-15-121

To Planning Commission *for December 28, 2017 hearing*

From Kelly Akin, Assistant Planning Director *KA*

Date December 21, 2017

---

**Request**

Consideration of request for a one-year time extension of the approval of Heights at Hondeleau, a 21-lot residential subdivision on a 3.36 net acre parcel located at the eastern terminus of Hondeleau Lane (approximately 200 feet east of the intersection of Springbrook Road and Hondeleau Lane), within the SFR-6 (single family residential, 6 dwelling units per gross acre) zoning district.

**Background**

The Planning Commission adopted the Final Order granting approval of the project on January 28, 2016. The applicant is requesting an extension of time as allowed under Medford Land Development Code (MLDC) Section 10.269.

**Project Review**

Per MLDC Section 10.269, 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 January 28, 2019 for LDS-15-121 per the Staff Report dated December 21, 2017.

**Exhibits**

- A Letter requesting extension received December 11, 2017
- B Approved tentative plat  
Vicinity Map

TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS

December 11, 2017

City of Medford  
Planning Commission

RE: LDS-15-121  
Heights At Hondeleau

Dear Commission Members:

In regards to the above Subdivision, I request a one year extension of the tentative plat approval so we can comply with the approval conditions. There are no other tentative plat approval changes requested other than the extension of the expiration date.

Sincerely,

*James E. Hibbs*

James E. Hibbs, PLS

Copy: File 15-150  
Liz Conner



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

CONSULTING LAND SURVEYORS

P.O. BOX 1947  
PHOENIX, OR 97535

FAX  
541-772-8465

ljfriar@charter.net

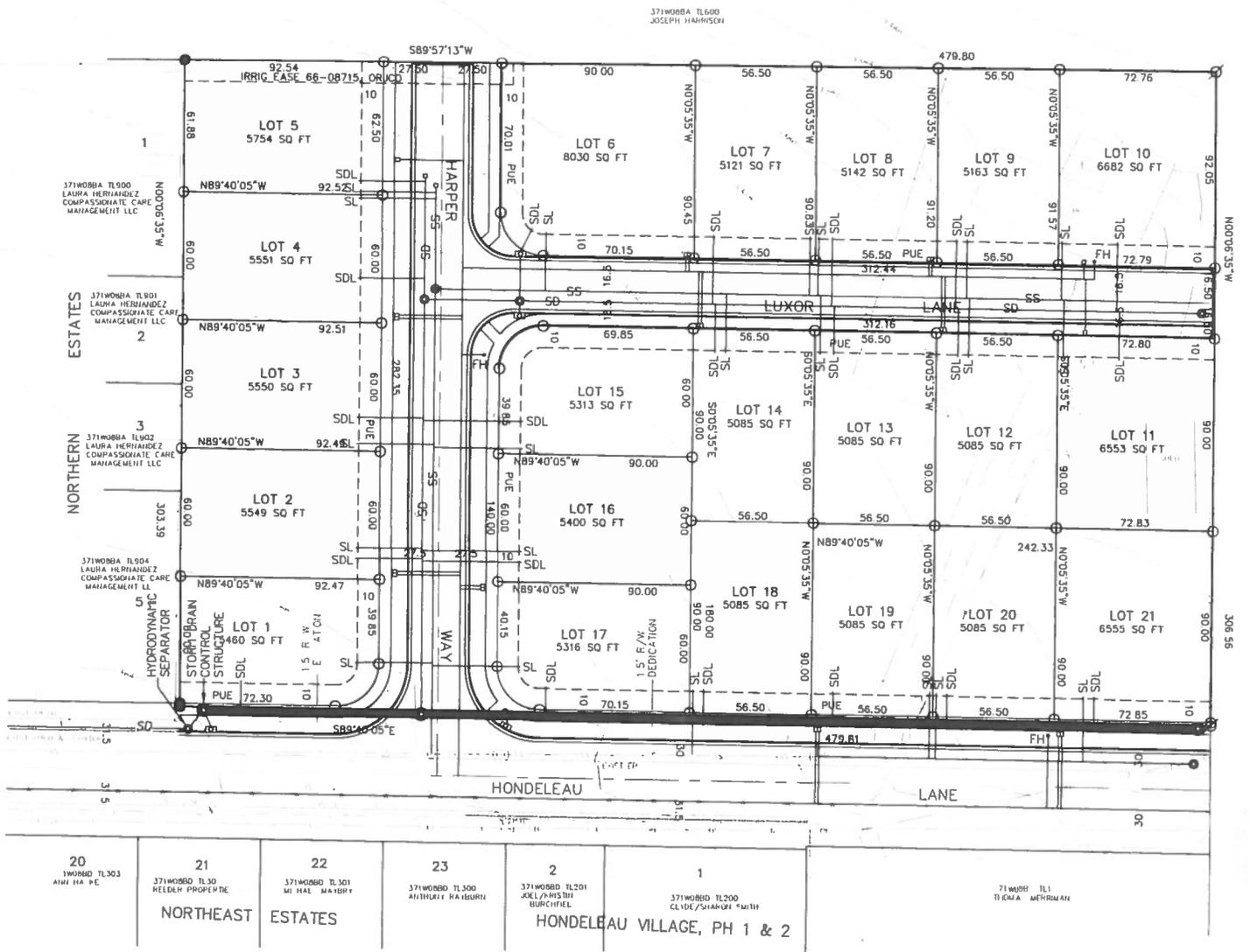
**RECEIVED**

**DEC 11 2017**

**PLANNING DEPT.**

CITY OF MEDFORD  
EXHIBIT # dt  
File # LDS-15-121  
EXTENSION OF TIME





20 371W080 TL303 ANU HA FC	21 371W080 TL30 HEEDER PROPERTY	22 371W080 TL301 MI HAL MAIBRY	23 371W080 TL300 ATIBRETT HARBURU	2 371W080 TL301 JOEL/HISITH BURCHIEL	1 371W080 TL200 CLYDE/SHARON *with	371W080 TL1 TIOMA MERRMAN
NORTHEAST ESTATES			HONDELEAU VILLAGE, PH 1 & 2			

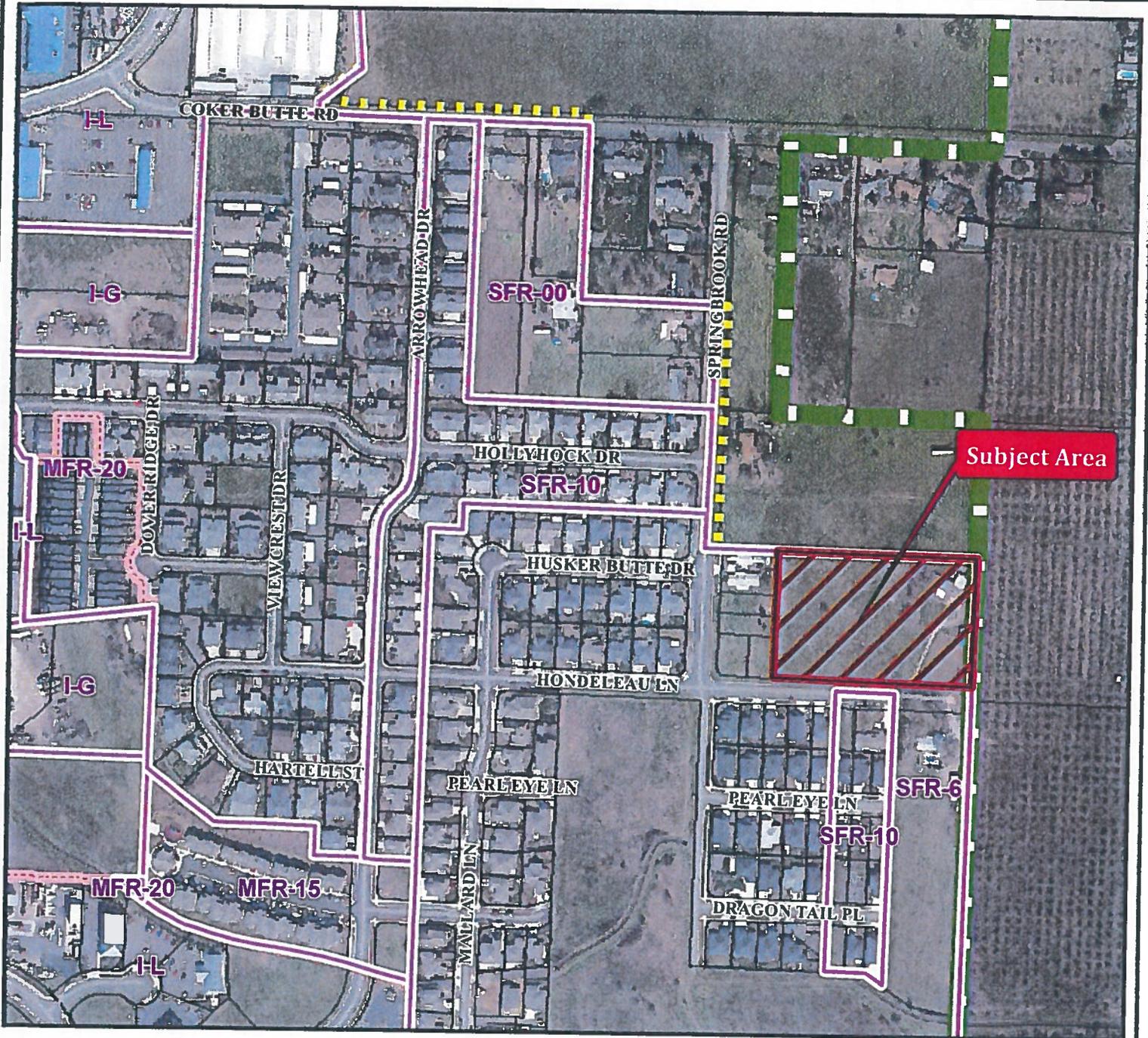
CITY OF AMERFORD  
 EXHIBIT B 2022  
 File # LBS-15121  
 Extension of Time



City of Medford  
**Planning Department**

Vicinity  
 Map

File Number:  
**LDS-15-121**



Subject Area

Project Name:

**Heights at Hondeleau  
 (23 Lots)**

Map/Taxlot:

**371W08BA TL 700**



09/01/2015

Subject Area

Medford Zoning

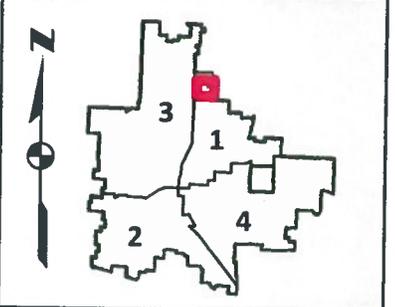
UGB

Tax Lots

PUD

City Limits

Medford UGB with Wards





## Planning Commission

# Minutes

From Public Hearing on **December 14, 2017**

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

### Commissioners Present

Patrick Miranda, Chair  
David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E.J. McManus  
Alex Poythress

### Staff Present

Matt Brinkley, Planning Director  
Kelly Akin, Assistant Planning Director  
Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Greg Kleinberg, Fire Marshal  
Terri Rozzana, Recording Secretary  
Dustin Severs, Planner III  
Steffen Roennfeldt, Planner III  
Liz Conner, Planner II

### Commissioners Absent

Jared Pulver, Excused Absence

#### 10. Roll Call

#### 20. Consent Calendar/Written Communications.

**20.1 GF-17-149** Consideration of a citizen initiated request to amend the Land Development Code to allow residential care facilities with more than 15 residents in all of the Multi-Family Residential (MFR) zoning districts. (John Chmelir, P.E., Cameo Care Management, Applicant; Carla Paladino, Planner).

**20.2 LDS-15-118 / E-16-001** Consideration of request to authorize the maximum five year approval period for West Meadows Village, a 15 lot subdivision on 9.14 acres within the SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) and MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) zone districts, with the PUD (Planned Unit Development) Zoning Overlay, and associated exception application requesting reduced right-of-way dedication and reduced landscape planter strip for the north side of Lozier Court. Subject plat consists of 5 single-family lots, 5 duplex lots, 2 commercial lots and 3 multi-family lots; generally located on the east side of Lozier Lane, on the north and south sides of Meadows Lane. (Young Family Trust; David F. Young, Trustee, Applicant; Richard Stevens and Associates, Inc., Agent; Kelly Akin, Planner).

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

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 7–0-1, with Commissioner McKechnie abstaining.

30. Minutes

30.1. The minutes for November 9, 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – Continuance Request

**50.1 CUP-17-116** Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400). (Gloria Thomas & Cecil de Hass, Applicants; Julie Krason, Agent; Dustin Severs, Planner). **The applicants have requested to continue this item to the Thursday, January 11, 2018, Planning Commission meeting.**

Motion: The Planning Commission continued CUP-17-116, per the applicant's request, to the Thursday, January 11, 2018, Planning Commission meeting.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 8-0.

**Old Business**

**50.2 CUP-17-101** Consideration of a request for a Conditional Use Permit (CUP) to develop a new 5.42 acre neighborhood park located on the north side of Cedar Links Drive approximately 140 feet east of Rosewood Street within the SFR-4 (Single-Family Residential, 4 dwelling units per gross acre) (371W16BC Tax Lot 300) zoning district. (Medford Parks and Recreation Department, Applicant; CSA Planning, Ltd., Agent; Steffen Roennfeldt, Planner).

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.

Steffen Roennfeldt, Planner III, stated that the conditional use permit criteria can be found in the Medford Land Development Code Sections 10.248 and 10.249. The applicable criteria were included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr.

Roennfeldt gave a staff report. Mr. Roennfeldt reported that there is a change to the Public Works staff report; striking the second item under section 2. Public Improvements subsection (e) Access to Public Street System on page 174 and under the Summary Conditions of Approval on page 179 of the agenda packet.

Mr. Mitton requested that since the correction was mentioned would Alex Georgevitch, City Engineer, clarify the stricken condition.

Mr. Georgevitch clarified that after discussing the matter with staff the ADA ramp is not a purview of the Planning Commission. It is a Federal law and Public Works' responsibility to deal with. Public Works has worked with Parks and Recreation and came to an understanding. It is not necessary to be in the Public Works staff report at this time.

The Public Hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Harland reported that this application is a typical park with typical amenities. The plan is self-explanatory. Mr. Harland distributed a memo of minor requests from the Parks and Recreation Department with respect to technical and implementation related matters. The memo will be entered into the record as Exhibit T. Mr. Harland read through them and gave the reason for the requests. The requests are as follows:

- All references to required easements in the conditions of approval shall be in the form of "springing easements" or other legal structure acceptable to the City Attorney's office, to create and easement at such future time as the property is transferred to an entity other than the City of Medford.

Mr. Mitton briefly weighed in. Typically when an easement is called for but there is the same property ownership the City records a covenant so if one of the properties are sold in the future then easement is established at the time. It is common practice.

Mr. Harland continued with the request:

- All references to required security deposits in the conditions of approval shall be limited to 100% of the budgeted amount of those items for the project.
- All reference to conditions of approval that are required prior to the first building permit shall be modified to apply prior to the first building permit for **vertical construction**.
- Please amend the condition that the Public Works Department is requiring the Parks and Recreation Department to bring the illumination along Cedar Links Drive up to meet Major Collector Street illumination standards.
- Please strike the three foot high cedar fence reference on page 31 of the agenda packet.

Mr. Harland reserved rebuttal time.

Vice Chair McFadden asked Mr. Mitton, does he have any problems with the submitted request memo? Mr. Mitton reported that the City sees the first request often. If it is not explicitly spelled out the City works with the developer to make it happen. If the Planning Commission wants to make it explicit there is no harm in doing so. He does not have concerns with the 100% of the budgeted amount. He has no comments on the phasing issue, lighting or the fence.

Commissioner McKechnie asked, where did the cedar fence come from? Would Mr. Roennfeldt speak to the approval required prior to the first building permit for vertical construction? Is there something that would impact them doing it that way? Mr. Roennfeldt reported that regarding the cedar fence could have been in the previous findings. It was not in the current findings. He does not have any issues with the vertical construction.

The Public Hearing was closed.

Motion: The Planning Commission adopted the findings as recommended by staff and directed staff to prepare the Final Order for approval of CUP-17-101 per the staff report dated December 6, 2017, including Exhibits A through T and striking on the Public Works staff report the second item under section 2. Public Improvements subsection (e) Access to Public Street System on page 174 and under the Summary Conditions of Approval on page 179 of the agenda packet.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 8-0.

### **New Business**

**50.3 SV-17-084** Consideration of a request for the vacation of a portion of an existing 35-foot wide Public Utility Easement (PUE) located at 1528 Biddle Road, and contained within a three-lot land partition plat, reducing the PUE bordering the property's northerly boundary along Progress Drive from 15 feet to 10 feet. (ORW Architecture, Applicant/Agent; Dustin Severs, Planner).

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Vice Chair McFadden disclosed that he works for a utility company and is involved with the Public Utility Easement (PUE) with this project but it will not affect his decision.

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

Dustin Severs, Planner III, reported a typographical error in the staff report under project description. It states that the subject PUE is 35-feet wide, that is not accurate. In the submitted exhibit map the width of the PUE is 138 feet. The street vacation criteria can be found in the Medford Land Development Code Section 10.202. The applicable criteria were included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

The Public Hearing was opened.

a. Andrew Owen, ORW Architecture, 2950 East Barnett Road, Medford, Oregon, 97504. Mr. Owen reported that since staff did an excellent presentation he had nothing to add.

Mr. Owen reserved rebuttal time.

The Public Hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are met or are not applicable, forwards a favorable recommendation to the City Council for approval of SV-17-084 per the staff report dated December 7, 2017, including Exhibits A through J.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 8-0.

**50.4 ZC-17-128** Consideration of a zone change from SFR-00 (Single Family Residential – one dwelling unit per existing lot) to SFR-10 (Single Family Residential – ten dwelling units per gross acre) on a 1.61 acre lot located on the corner of Lozier Lane and Lozier Court in southwest Medford (372W26DD Tax Lot 1100). (PDK Properties LLC, Applicant; Scott Sinner Consulting, Agent; Liz Conner, Planner).

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie disclosed that Scott Sinner is his neighbor but it would not affect his review of this case.

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

Liz Conner, Planner II, stated that the zone change criteria can be found in the Medford Land Development Code Section 10.227. The applicable criteria were included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report. Ms. Conner stated that an email was received late today from an adjacent property owner stating their

concern with Lozier Court not meeting the minimum standards for higher density development. They do not want to form and improvement district. The email will be entered into the record as Exhibit I.

The Public Hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Suite G, Medford, Oregon. Mr. Sinner reported that the applicant agrees with the staff report. They meet all the locational standards adjacent to the SFR-10 zoning district. They have demonstrated the Category "A" facilities are available. He has reviewed the email from the neighbor and it is a valid concern at the time of the land division and will address it at that time. Mr. Sinner had a correction to disclose. In the applicant's findings the acreage is 1.61 acres in one place and has a typographical error of 1.31 in the below paragraph that should be 1.61 on page 224 of the agenda packet. The application is consistent with the Transportation System Plan and the Oregon Transportation Planning Rule.

Commissioner McKechnie asked, since Mr. Sinner mentioned the next door neighbor, does he know, he is assuming they are on the north side of Lozier Court, which one of the two parcels? Mr. Sinner reported they are on the south side of Lozier Court.

Vice Chair McFadden asked, does the developer have other properties in the neighborhood? Mr. Sinner replied, yes. They own property on the north side fronting Lozier Court.

Mr. Sinner reserved rebuttal time.

b. David Watson, 315 Lozier Lane, Medford, Oregon, 97501. Mr. Watson stated that Lozier Court is not a street. It is less than 18 feet wide. In this proposal how are they going to access the dwellings? Are there going to be improvements on Lozier Court or will they be entering from Lozier Lane? The last meeting he attended the City was going to construct a new street from Meadows Lane to Lozier Court, wrap around his property back to Lozier Lane. His concern is the distance between property lines to Lozier Court to the new access of the dwellings or will they be coming off Lozier Lane?

Vice Chair McFadden stated that the Planning Commission is reviewing the zone change request. They have not been presented details of the rest of the development. Until that comes before the Planning Commission they cannot answer Mr. Watson's questions. He recommended that Mr. Watson keep in contact with Mr. Sinner that may be able to give him updates on the progress of the project. Mr. Watson will received notification when the developer is ready to come forward to the City with the plans of the development.

Mr. Watson stated that with the purchase of the property from the prior owner there was something in the past with acreage to the north and east of his property. Whoever was

to purchase and develop the land would have to increase the rights to Lozier Court. He does not know if that was in the purchase of the 1.61 acres south of his property. He has heard conflicting views. He does not know if this is the appropriate time to bring that up. He is expressing his concerns.

Vice Chair McFadden assumed the owner of the property has done a title search and aware of restrictions that may have been imposed prior. It does not sound like something the City normally would get into. Mr. Watson has brought the topic up. The applicant's agent will review that and make sure they comply with any restrictions. It is outside of the Planning Commission's recommendation tonight.

Ms. Conner pointed out that the staff report and the Final Order that is before the Planning Commission references the parcel as 1.61 acres.

Mr. Sinner reported this is a zone change and further development will address dedication requirements and street improvements. He would be happy to meet with Mr. Watson and discuss his concerns.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Order for approval of ZC-17-128, per the Planning Commission report dated December 14, 2017, including Exhibits A through I.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 8-0.

**50.5 ZC-17-112 / LDS-17-113** Consideration of a zone change and tentative plat for Phases 23-29 plus Reserve Acreage, totaling 168 residential lots on approximately 42 acres in the Southeast Overlay with a combination of SFR-4, SFR-10 and MFR-20 zoning districts, located between E Barnett Road and Cherry Lane at the terminus of Shamrock Drive. (371W27 TL 1000, 1001, 1200, 1202). (Crystal Springs Development Group, Applicant; Neathamer Surveying, Inc., Agent; Liz Conner, Planner).

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Poythress disclosed that on a number of occasions in the past he has disclosed that one of his companies does business with Neathamer Surveying, Inc. as a marketing consultant. He does not believe this will create a conflict of interest.

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

Liz Conner, Planner II, stated the zone change criteria can be found in the Medford Land Development Code Section 10.227. The land division criteria can be found in the Medford Land Development Code Section 10.270. The applicable criteria were included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report. A last minute submittal was received of a revised tentative plat. It addressed Exhibit G in the staff report where the original tentative plat did not show an extension of Starset Street east but Exhibit G did so the applicant combined the two and included a new tentative plat. The new tentative plat will replace Exhibit B with Exhibit B-1.

The Public Hearing was opened.

a. Bob Neathamer, Neathamer Surveying, Inc., 3126 State Street, Suite 203, Medford, Oregon, 97504. Mr. Neathamer reported that based on the submitted application, the prepared staff report, submittals and staff's presentation they believe they have met the requirements for criteria of approval for the zone change and subdivision. They request the Planning Commission to approve both applications.

Mr. Neathamer reserved rebuttal time.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Orders for approval of ZC-17-112 and LDS-17-113, per the Planning Commission Report dated December 14, 2017, including Exhibits A through HH and replacing Exhibit B with Exhibit B-1.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Poythress

Roll Call Vote: Motion passed, 8-0.

**50.6 LDP-17-121 / E-17-120** Consideration of a request for a one-lot partition to legalize the existing lot and a request for an Exception to lot standard requirements regarding lot frontage on a public street on a 1.34 acre parcel located at East McAndrews Road approximately 340 feet southwest of the intersection of E McAndrews Road and Springbrook Road within the SFR-4 zoning district (371W20BD TL 800). (Medford Parks and Recreation Foundation, Applicant; Dan O'Connor, Agent; Steffen Roennfeldt, Planner).

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.

Steffen Roennfeldt, Planner III, stated that the land division criteria can be found in the Medford Land Development Code Section 10.270. The exception criteria can be found in the Medford Land Development Code Section 10.253. The applicable criteria were included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

Commissioner McKechnie asked, is the 25 foot parcel part of this property? Was it there prior to the creation of this lot? Mr. Roennfeldt stated no. It is public unimproved right-of-way and was there prior to the creation of the lot.

The Public Hearing was opened.

a. Dan O'Connor, 823 Alder Creek Road, Medford, Oregon, 97504. Mr. O'Connor gave a quick history stating last year the owner wanted to donate the property to Medford Parks for additional park land at Donahue Frohnmeyer Park. They had a timing issue of the conveyance prior to year end. An attorney representing the other side was under the impression based on research done years ago that it was a legal parcel. It turns out it was not a legal parcel and there is a statute that states if one conveys an unlawful parcel the party receiving the parcel has claims against them for conveying an unlawful parcel. To accommodate the donation they conveyed the land to the Parks Foundation waiving any claims against the donor based on that statute. The conveyance occurred prior to year end last year.

Mr. Roennfeldt had a change to the recommended action from his presentation. It stated to direct staff to prepare the Final Orders. The correction is for the Planning Commission to adopt Final Orders.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and adopts the Final Orders for approval LDP-17-121 and E-17-120, per the staff report dated December 1, 2017, including Exhibits A through Q.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 8-0.

**50.7 PUD-17-082 / LDS-17-088** Consideration of a request for a revision to the Mountain Top Village area of the Vista Pointe Planned Unit Development (PUD) and for a tentative

plat to create 41 single family residential lots, 39 multi-family residential lots and common areas on approximately 25.05 acres zoned SFR-4/PD (Single Family Residential/Planned Development Overlay). The PUD revision includes changing the approved 132 condominium units to 132 townhouse style units and adding a clubhouse and pool. Mountain Top Village is generally located north of Vista Pointe Drive, northeast of Park Ridge Drive and west of Bordeaux Avenue at the termini of Whitney Terrace, Evening Ridge Terrace and Deer Ridge Drive. (Ron DeLuca Revocable Trust, Applicant; Mark McKechnie, Oregon Architecture, Agent; Kelly Akin, Planner).

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie recused himself since he is the agent for this application.

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, Assistant Planning Director, stated that there were several new submittals. Staff sent four to the Planning Commission today. Staff received a revised Fire Department Report that will be entered into the record as Exhibit QQ-1. Greg Kleinberg, Fire Marshal, added a note stating: *"The developer has proposed to reduce access road grades to less than or equal to ten percent to remove the alternate method of protection construction standard requirement. The requirement shown in the report remains in effect until a completed civil plan is submitted and reviewed showing the design access road slopes to justify otherwise."* Staff also received letters from Michael Crennen entered into the record as Exhibit WW and Mr. and Mrs. Gress entered into the record as Exhibit XX; they are neighbors. Staff received a letter from Mark Bartholomew from Hornecker Cowling LLP, representing the applicant entered into the record as Exhibit YY. At the Planning Commission's seats is a letter from John Schleining that will be entered into the record as Exhibit ZZ. The revision or termination of a planned unit development criteria can be found in the Medford Land Development Code Section 10.245(A)(3). The preliminary planned unit development criteria can be found in the Medford Land Development Code Section 10.235(D). The land division criteria can be found in the Medford Land Development Code Section 10.270. The applicable criteria were included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Akin gave a staff report.

Mr. Mitton concurs with Ms. Akin's comments regarding Senate Bill 1051. In the past there would be more specific findings on needed housing. The language as it stands and the evidence in the record is what is needed to establish the needed housing.

The Public Hearing was opened.

a. Clark Stevens, Richard Stevens & Associates, Inc. P. O. Box 4368, Medford, Oregon, 97501. Mr. Stevens reported that his presentation will address the land use components of this application. Oregon Architecture is present to discuss and demonstrate compliance with the design and architecture of the project. Mr. Stevens pointed out the locations of the single family residential dwellings and the townhouses. The project will be in phases. Each phase will build a trail system.

Mr. Stevens commented on the discretionary condition in Exhibit A, Conditions of Approval on page 435 of the agenda packet that states: *"The community building and pool shall be constructed before no more than 50% of the multifamily units have been constructed as authorized in MLDC 10.230(E)"*. The applicant requests at least 75% as the standard for the multifamily units. The purpose is that they want to build phases 1, 2, 3, and 4 first. This will provide street connectivity from Vista Pointe to Bordeaux.

No traffic study was prepared for the original Vista Pointe Planned Unit Development. This was agreed upon between the City and the developers at the time that if they build and construct McAndrews Road from Foothills to Tamarack Drive they will create more capacity than Vista Pointe would ever use. That construction of that arterial roadway also relieved pressure at North Phoenix Road and Hillcrest where it was at a failing situation.

The original developer also had the intent in 2003 that the project was to provide an alternative style of housing. Condominiums and townhouses provides that different style where one does not have maintenance of their yard. It is done by a homeowners association or some other alternative. The multifamily housing provided large lots in different locations on the property. Forest Ridge and Innsbruck Ridge benefited from it plus it provided additional open space.

Commissioner McManus stated that on the proposed trail revisions Mr. Stevens mentioned connectivity. On the south side of Mountain Top Village the trail on the previous version went on the exterior to Deer Ridge. Also, in the previous plan it looked like it had more connectivity. Why the change? Mr. Stevens reported there are a couple of reasons; elevations and two corridor aisle ways.

Mr. Stevens reserved rebuttal time.

b. Daniel Joseph, 4857 Bordeaux Avenue, Medford, Oregon, 97504. Mr. Joseph requested that all letters submitted be available. When the original meeting was held for the community body by Mr. McKechnie it was a surprise. A lot of this information is difficult to access on the City website. They want to make sure what is being developed enhances the community at large. Most of their concerns have been addressed.

c. John Schleining, 3140 Juanipero Way, Medford, Oregon, 97504. Mr. Schleining submitted his comments into the record so that there would be a copy of what he said at the meeting.

Commissioner Mansfield stated that Mr. Schleining indicated that the prices were going to be higher. What is going to be the price range for the purchase of these homes? Mr. Schleining said he does not know. He knows the cost of construction is higher. In Innsbruck Ridge he just sold three homes for over \$1Million.

d. Doug Fine, 4335 Vineyard Terrace, Medford, Oregon, 97504. Mr. Fine's concern is the traffic with Vista Pointe Drive being the main access. He requested that the Planning Commission only accept this project for single family homes in character with the rest of the neighborhood. He heard that the notifications only went out to a fairly small percentage of the Vista Pointe residents. He questions that and wonders if that is legal.

e. Chris Miller, 4342 Vista Pointe, Medford, Oregon. Mr. Miller is concerned with the traffic as well. It appears that the population of the neighborhood will be doubling. The neighborhood only has three access points to McAndrews. Vista Pointe being the main strip is going to become quickly overwhelmed. They already have issues with getting out in the mornings.

f. Jacob McGowan, 4840 Bordeaux Avenue, Medford, Oregon, 97504. It is his opinion that it would put a lot of the neighbors at ease if there were data from a traffic study based on traffic impact of the area.

They have allocated parking based on garage space. There is no way of ensuring individuals will use their garage for their cars. The overflow will be pushed out into the neighborhood. How do they enforce not parking around the entrances which will happen since it is the closest local to where they live?

Mr. McGowan liked Commissioner Mansfield's question earlier and the answer was comparing them to Innsbruck Ridge. That is like comparing apples to grapes.

Ms. Akin responded to some of the questions during testimony. One was the school district and whether or not staff noticed the school district and staff did. Staff sent the same kind of notice the property owners received to referral agencies and the school district was on the list.

Staff sent 297 property owner notices for this public hearing. It was more than just a few residents. Staff noticed what the Code requires.

Mr. McGowan spoke about requiring an analysis for comfort. There are requirements in the Land Development Code that guides staff when they can request for those kinds of analyses. This one did not meet that threshold.

Commissioner McManus stated that with the attached garages, it is two per unit, which is an increase from the 1.5. If that additional parking space is a variable, because they are enforcing it through the CC&Rs. How does that become valid if it is not fixed? Ms. Akin responded that it is fixed. The Code requires the provision and continued provision for parking. It could become a Code Enforcement issue if it comes to that.

Vice Chair McFadden asked, does Greg Kleinberg, Fire Marshal see code provisions proposed to change anything for this type of development to better respond to wild land fires? Mr. Kleinberg reported that after the Oakland Hills fire there was a code provision for more than thirty homes with one access road the developer had to provide another access road. That was one provision set in place by a wild fire disaster. Their biggest and most important thing is to have twenty feet unobstructed access at this point and to have enough access points into a development. If they have twenty-eight foot wide streets with parking on both sides the emergency vehicles get squeezed sometimes. The intention of the twenty feet is so that one fire truck can pass another to set up and deal with something or respond to another emergency. As far as new code provisions being introduced he cannot predict that based on the current wild fires. The most important thing is to have access to maintain the twenty feet. The applicant is proposing to reduce some of the entrance points to below ten percent. That is the Fire Department's threshold where they require sprinklers. If they can do that the requirement will be dropped. It is based on what they do.

Mr. Stevens reported that Vista Pointe was a conference of planned projects with gridded streets and connectivity tying into McAndrews and existing roads. Mr. Stevens was available for questions.

Vice Chair McFadden asked, is there a block length issue with this development? Ms. Akin replied no. She did not address that in the staff report. Ms. Akin talked about the trail system that works in conjunction with the street system. The trail system justifies the breakup in the block length which is permissible under the code. If the block length exceeds, which she is not convinced that it does, by up to twenty percent then one has to provide other pedestrian access points.

The Public Hearing was closed.

Vice Chair McFadden has some concerns about this project. He does not like flat roofs. The flat roof will cut the vertical looks of the building and going from three stories is good. He also likes the size of the lots and coverage. Having open area is valuable. He has come full circle that this is a better plan that was presented before.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Orders for approval of PUD-17-082 and LDS-17-088, per the staff report dated December 7, 2017, including Exhibits A through VV, replacing Exhibit QQ with Exhibit QQ-1 and adding Exhibits WW through AAA, allowing to require the pool at 75%.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Commissioner Foley likes this development. He likes the changes. He likes the concept of the townhomes. He would like to see more of this going forward in different areas.

Vice Chair McFadden reported that there is a lot of power in the CC&R's.

Roll Call Vote: Motion passed, 7-0-1, with Commissioner McKechnie recusing himself.

## 60. Reports

### 60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission has not met since the Planning Commission last met. Their next meeting is tomorrow, Friday, December 15, 2017.

### 60.2 Report of the Joint Transportation Subcommittee.

Chair Miranda reported that the Joint Transportation Subcommittee, also known as the Super Citizen Advisory Committee met on Wednesday November 29, 2017. Chair Miranda reported that there was a lot of good information presented at the meeting. The information presented was concise. They discussed the public outreach program, surveys and the feedback. They discussed the levels of traffic stress. Depending on what mode of travel people are using ensuring traffic stress is mitigated and acceptable for the City to absorb while maintaining safety. There was discussion regarding revised transportation rules, goals and objectives.

### 60.3 Planning Department

Matt Brinkley, Planning Director, reported that urban renewal is exploring a substantial amendment to the urban renewal district. That discussion began this evening with the consultant Elaine Howard who is the consultant for the entire State. That plan will come to the Planning Commission.

The Urban Growth Boundary amendment record is close to being completed for submittal to DLCD. That will be submitted at the time the conclusion of the Housing Advisory Committee regional housing study. They will have an idea how they are going to implement commitments made in the Urban Growth Boundary amendment to provide a range of housing. This was done on a very accelerated pace. Commissioner Foley has

been a participant and witnessed how quickly they have brought a diverse group of stakeholders together to reach a consensus.

The Super Citizen Advisory Committee continued to iron out the details on the visions, goals and objectives. They have had a series of study sessions with the City Council to discuss the big issues in the Transportation System Plan such as level of service and concurrency. They have received over one thousand responses from the public outreach surveys. They will have four ward meetings beginning in January. In those meetings they will be discussing the proposed projects that are specific to each ward.

Kelly Akin, Assistant Planning Director, reported that the Planning Commission’s next study session is scheduled for Monday, January 8, 2018. Discussion will be on the Transportation System Plan.

There is business scheduled for the Planning Commission on Thursday, December 28, 2017 and Thursday, January 11, 2018.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission.

90.1 Vice Chair McFadden reported that he attended the last Planning Commission study session because the discussion was on the Transportation System Plan. He enjoyed the meeting. Carla Paladino, Principal Planner, did an excellent job. They had a great discussion. He urged the Planning Commissioners to attend the study sessions if possible.

100. Adjournment

The meeting was adjourned at 8:32 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder’s office.

Submitted by:

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 Terri L. Rozzana  
 Recording Secretary

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 Patrick Miranda  
 Planning Commission Chair

Approved: December 28, 2017