



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT



September 10, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 019-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: September 26, 2008

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Carly Meske, City of Medford

<paa>

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **CITY OF MEDFORD**

Local file number: **ZC-07-273**

Date of Adoption: **8/28/2008**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date:

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Consideration of a request for Preliminary PUD Plan approval, including tentative plat for Skyland Village, a residential planned unit development including 27-detached single family dwelling lots with open space and a private street, and a zone change from SR 2.5 (Single Residential – 2.5 acre minimum) to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) on three parcels totaling 3.91-acres located north of McAndrews Road and east of Western Avenue. 372W24CC TAX LOTS 1500

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **SR 2.5**

to: **SFR-10**

Location:

Acres Involved: **3**

Specify Density: Previous: **1 DU/2.5 ACRES**

New: **10 DU/AC**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☒	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☒ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment.

45-days prior to first evidentiary hearing?

☐ Yes ☒ No

If no, do the statewide planning goals apply?

☒ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☒ No

DLCD file No. 019-08 (NOA)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **CARLY MESKE**

Phone: **(541) 774-2380** Extension:

Address: **200 S. IVY STREET**

Fax Number: **541-774-2564**

City: **MEDFORD**

Zip:

E-mail Address:

CARLY.MESKE@CITYOFMEDFORD.ORG

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

PROF 2

DLCD

Notice of Adoption

DEPT OF

SEP 08 2008

LAND CONSERVATION
AND DEVELOPMENT

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☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☒	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☒ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☐ Yes ☒ No

If no, do the statewide planning goals apply?

☒ Yes ☐ No

DLCD #019-08 (NOA)

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☒ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **CARLY MESKE**

Phone: **(541) 774-2380** Extension:

Address: **200 S. IVY STREET**

Fax Number: **541-774-2564**

City: **MEDFORD**

Zip:

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CARLY.MESKE@CITYOFMEDFORD.ORG

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CITY OF MEDFORD

PLANNING DEPARTMENT

August 29, 2008

Kokanee Investments LLC
P.O. Box 8271
Medford, OR 97501

File No: PUD-07-271/ LDS-07-274/ ZC-07-273

The Medford Planning Commission at its regular meeting of August 28, 2008, adopted the final order containing Findings of Fact relating to the approval of the following request: Consideration of a request for Preliminary PUD Plan approval, including tentative plat for *Skyland Village*, a residential planned unit development including 27-detached single family dwelling lots with open space and a private street, and a zone change from SR 2.5 (Single Residential – 2.5 acre minimum) to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) on three parcels totaling 3.91-acres located north of McAndrews Road and east of Western Avenue.

The final date for filing an appeal is 21 days from the date of the decision. The written appeal and filing fee must be received by the City Recorder no later than 5:00 p.m. on September 18, 2008. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).

The approval is based on the findings and subject to the conditions and time periods set forth in the Planning Commission Report dated August 21, 2008. Unless the above action is taken or a request for extension is submitted, the tentative plat approval will expire in one (1) year (August 28, 2009) and the applicant must now file for final plan approval within three years.

A handwritten signature in black ink, appearing to read "John W. Hoke".

John W. Hoke
Interim Planning Director

kg

Enclosure: Final Order/Commission Report/Legal Description
Section 10.269 of the Land Development Code.

cc: Gregg Adams, PO Box 1337, Medford OR 97501
Interested Party
Affected Agencies



CITY OF MEDFORD

PLANNING DEPARTMENT

10.269 Expiration of Tentative Plat Approval

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

(2) When it is the developer's intent to record and develop a tentatively platted land division in phases, the approving authority may authorize a time schedule for platting the various phases in periods exceeding one (1) year, but in no case shall the total time period for platting all phases be greater than five (5) years without having to resubmit the tentative plan. Phases platted after the passage of one (1) year from approval of the tentative plat will be required to modify the tentative plat as necessary to avoid conflicts with changes in the Comprehensive Plan or this chapter.

[Amd. Sec. 1, Ord. No. 1998-174, Aug. 6, 1998.]

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE PUD-07-271/LDS-07-274)
APPLICATION FOR A PLANNED UNIT DEVELOPMENT SUBMITTED) **ORDER**
BY KOKANEE INVESTMENTS LLC)

ORDER granting approval of the preliminary PUD plan , including tentative plat for Skyland Village, a residential planned unit development including 27-detached single family dwelling lots with open space and a private street, and a zone change from SR 2.5 (Single Residential – 2.5 acre minimum) to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) on three parcels totaling 3.91-acres located north of McAndrews Road and east of Western Avenue, as provided for in the City of Medford Land Development Code.

WHEREAS:

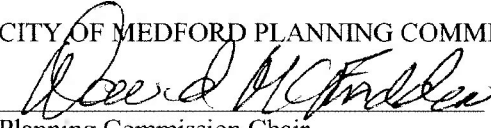
1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.230 Application, Planned Unit Development, and
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for approval of the preliminary PUD plan, including tentative plat for Skyland Village, a residential planned unit development including 27-detached single family dwelling lots with open space and a private street, and a zone change from SR 2.5 (Single Residential – 2.5 acre minimum) to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) on three parcels totaling 3.91-acres located north of McAndrews Road and east of Western Avenue, with a public hearing a matter of record of the Planning Commission on August 14, 2008.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted preliminary plan approval for a Planned Unit Development and directed staff to prepare a final order with all conditions and findings set forth for the granting of the Preliminary Plan approval.

THEREFORE LET IT BE HEREBY ORDERED that the application of Skyland Village stands approved subject to compliance with the conditions stated in the Planning Commission Report dated August 21, 2008.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this application for preliminary plan approval for a planned unit development is hereafter supported by the findings adopted by the Planning Commission contained in the Planning Commission Report dated August 21, 2008.

Accepted and approved this 24th day of August 2008.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-07-273 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY KOKANEE INVESTMENTS LLC)

ORDER granting approval of a request for changing the zoning from SR-2.5 (Single Residential – 2.5 acre minimum) to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) on three parcels totaling 3.91-acres located north of McAndrews Road and east of Western Avenue.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SR-2.5 (Single Residential – 2.5 acre minimum) to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) on three parcels totaling 3.91-acres located north of McAndrews Road and east of Western Avenue; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented hereby adopts the Planning Commission Report dated August 21, 2008, and Legal Description attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 2W 24CC Tax Lot 1500, 1600, & 2000

is hereby changed from SR-2.5 (Single Residential – 2.5 acre minimum) to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district.

Accepted and approved this 24th day of August, 2008.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

PLANNING COMMISSION REPORT

Date: August 21, 2008

Subject: *Skyland Village* (PUD-07-271/LDS-07-274/ZC-07-273)
Kokanee Investments LLC, Applicant (Gregg Adams, Agent)

Background

Proposal

Consideration of a request for Preliminary PUD Plan approval, including tentative plat for *Skyland Village*, a residential planned unit development including 27-detached single family dwelling lots with open space and a private street, and a zone change from SR 2.5 (Single Residential – 2.5 acre minimum) to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) on three parcels totaling 3.91-acres located north of McAndrews Road and east of Western Avenue.

History

On July 29, 2005, a PUD application was submitted for the subject site (PUD-05-185), proposing a “planned senior community” consisting of one detached single family home and 42 townhouses with a private street and a zone change to SFR-10. After various meetings, revisions, and continuances, the applicant withdrew PUD-05-185.

The applicant now proposes to develop the site as a residential subdivision containing 27 detached single-family residences consistent with SFR-10 zoning. The project is being submitted for review as a Planned Unit Development (PUD) with associated tentative plat and zone change. The applicant is proposing a single modification to allow a private street, which may be considered in the context of a (PUD). According to the applicant, the purpose of the PUD is to provide affordable housing. Each unit has a single car garage. The private road serving the development, parking areas, and open space are classified as common areas to be maintained by an association. There are aspects of the development that do not conform to a strict application of the standards of the Medford Land Development Code (MLDC), but may be approved if the Planning Commission finds that the proposed modifications meet the criteria of §10.235(C)(4).

The subject site is further identified as Tax Lots 1500, 1600, and 2000 of Tax Assessor's Map 37 2W 24CC.

Subject Site Zoning, GLUP Designation and Existing Uses

Zoning District: County SR-2.5 and City SFR-10
GLUP Map Designation: UR (Urban Residential)
Current Use: Vacant

Surrounding Property Zoning, GLUP Map Designation, and Uses

North: *Zone* Light Industrial (LI)
 GLUP General Industrial (GI)
 Use City of Medford Service Center

South: *Zone* SFR-10
 GLUP Urban Residential (UR)
 Use Santo Community Center: City of Medford

East: *Zone* SFR-10 and I-L
 GLUP UR and GI
 Use Residential and City of Medford Service Center

West: *Zone* SFR-10
 GLUP UR
 Use Residential

Applicable Criteria

Medford Land Development Code Sections (Exhibit G):

§10.230 Planned Unit Development – General Provisions
§10.235 Preliminary PUD Plan – Application Procedures
§10.227 Zone Change Criteria
§10.745 Location of Parking Facilities

Issues/Analysis

Clarifications

In reference to the applicant's findings of fact (Exhibit H), staff provides the following points of clarification:

- The name Skyland Drive has been changed to Chadsford Drive. All maps accurately depict the correct name;
- The east-west public street shall be named Katie Mae Drive as is indicated on the plans, the findings (Exhibit H) refer to Katie Mae Drive as Noble Way;
- Exhibits 1-9 are referred to throughout the findings (Exhibit H); however, Exhibits 4-7 were not submitted with this application;
- Site Plan and Architectural Commission review is not required for the approval of detached single family dwelling units;

- The proposed street width of 22-24 feet is accurately delineated on all proposed plans; and
- One car garages are proposed on each lot.

Narrative/Purpose

The applicant provides a Narrative on page 3 of Exhibit H, describing the purpose of the proposed PUD. The purpose of this proposal is to provide, "an affordable, quality community" (Exhibit H, p. 4). One-story detached single family homes are proposed to be, "conducive to the lifestyle of handicapped, aged, or small families" (Exhibit H, p. 4).

Approval Criteria

The first approval criteria of the PUD ordinance, Section 10.235(C), requires that the proposal meet one of five criteria. The applicant contends this proposal complies with the fourth criteria, Section 10.235(C)(1)(d), in that the proposal provides *common open space* via the parking lots, street trees, and the frontage landscaping and open space along McAndrews Road.

Lots/Density/Phasing

Through various revisions to the proposed plan, the applicant now proposes 27 single family residential lots. The findings indicate 28 lots. All plans indicate the accurate number of lots: 27. As per the density calculation of §10.708 (Exhibit N) the proposed 27 dwelling units lots falls within the required density range of 24-41 dwelling units (or 66% of the maximum density for the project site). The applicant proposes to develop this PUD in one phase.

Modification - Private Street Width

The applicant proposes a modification to the street width of Chadsford Drive. Chadsford Drive is proposed as a private street, to be maintained by the homeowners association of this "affordable, quality community" (Exhibit H). Chadsford Drive is proposed at widths varying from 22-feet to 24-feet. Planter strips are proposed along both sides of Chadsford Drive, and a 5-foot wide sidewalk is proposed along only the west side from Western Avenue. The applicant provides three reasons why a private street is proposed (Exhibit H, p. 12). Said reasons include, but are not limited to: existing surrounding development; project site width; and requirement for bufferyards. The applicant finds the narrow street provides a higher quality of life by allowing an increase in landscaping, a decrease in congestion on the street, and a higher level of pedestrian activity (Exhibit H, p. 14).

As per §10.430(3), the proposed Chadsford Drive is most closely designed like a "residential lane." A residential lane is a facility upon which a maximum of eight dwelling units front and take access. It is a short street with parking on one side, a single travel lane, and does not exceed 450-feet in length. A residential lane has a 30-foot right-of-way width, and a 24-foot paved section. The proposed private street varies between 22 and 24-feet in width, provides frontage and access for 24 dwelling units, and is

approximately 480-feet in length. By comparison, if Chadsford Drive were a public street, the Medford Land Development Code would require a width of 28-feet, with 5-foot sidewalks and 8-foot planter strips on both sides. The Public Works Department provides improvement requirements for the proposed right-of-way (Exhibit J).

Decision: The Fire Marshal identified that the plans do not indicate a temporary Fire Department turnaround. The Fire Marshal explained that the required location for said turnaround shall be at the western terminus of Katie Mae Drive. The Planning Commission included a condition requiring the applicant provide a temporary turn around for Fire Department access at the western terminus of Katie Mae Drive.

Parking

The applicant provides findings on page 9 of Exhibit H stating each single family dwelling unit will have a "double car garage." Additionally, a driveway will be provided to accommodate two additional off-street parking spaces, for a total of four off-street parking spaces per lot. However, all plans (Exhibits C-F) indicate a dwelling unit footprint equipped with a single car garage and single vehicle width driveway. The applicant has indicated that, as per the Preliminary PUD Plan (Exhibit B), only a one-car garage is proposed. An additional space is provided for one other car, in the front yard setback. In addition to the proposed one off-street parking spaces per lot, the applicant provides 28 additional parking spaces throughout the project site. These parking spaces are identified as "guest spaces" (Exhibit H, p. 9). On-street parking is not permitted on Chadsford Drive.

As per §10.743, *Off-Street Parking Standards*, all single family dwelling units are required to have two off-street parking spaces. Required parking is not permitted within required yards. The applicant proposes two off-street parking spaces per lot: one on each individual lot; and one in common parking lots throughout the site. As per §10.745, *Location of Parking Facilities*, all parking spaces shall be on the same lot as the main structure it serves or on an abutting lot. However, upon demonstration by the applicant that parking on the same lot or abutting lot is not available, the approving authority may authorize the parking spaces to be on any lot within 250 feet walking distance of the structure being served upon written findings of compliance with the following provisions:

- (1) There is a safe, direct, attractive, lighted and convenient pedestrian route between the parking area and the use being served;
- (2) There is assurance in the form of deed, lease, contract or other similarly recorded document that the required spaces will continue to be available for off-street parking use according to the required standards.

The applicant did not provide said findings. As such, a condition is included requiring each lot have two off-street parking spaces as per §10.745.

Notes: At the public hearing, the applicant submitted findings addressing the criteria of §10.745, Location of Parking Facilities, herein included as Exhibit T. The Commission found these findings acceptable, and approved the applicant's request for off-street parking, consistent with §10.745.

Open Space and Landscaping

The applicant proposes a total of 0.36 acres of common area (Exhibit H, p. 4). Page 8 of Exhibit H contains a table identifying all common areas: Chadsford Drive (incorrectly referred to as Skyland Drive); street lighting; frontage landscaping along McAndrews Drive and Western Avenue; and open space.

Along McAndrews Road, the applicant proposes a 10-foot wide, 8-foot vertical separation feature. As per §10.797, *Street Frontage Landscaping Requirements*, this 8-foot separation feature shall include a wall or berm for a minimum of half the required height and either a fence, wall, berm, or landscaping (as is proposed) to complete the total height required in order to buffer the lots from the adjoining street. The separation feature shall create a solid visual screen. The Planning and Parks and Recreation Departments have reviewed the applicant's proposed landscape plan and find it acceptable as submitted. A condition is included requiring the installation of the 8-foot vertical separation feature as per §10.797.

Type A bufferyards are required along those portions of the site that abut I-L zoning. The proposed landscape plan (Exhibit E) depicts said bufferyards, consistent with §10.790-10.795. Section 10.795(3) allows the Planning Commission to approve the location of the fence anywhere within the 10-foot wide bufferyard. As the required location of the fence on the less intensive side would create maintenance issues, staff recommends the Commission approve the 6-foot cedar fence on the property line, with a 10-foot landscaped bufferyard on the interior of the fence, as is shown on the landscape plan.

Pedestrian Walkways

The Commission added a condition requiring a pedestrian walkway from the southern end of Chadsford Drive, south to McAndrews Road. The pedestrian walkway shall be consistent with §10.772-775. Such a condition is included.

Zone Change

A portion of the subject site currently has a County zoning district of SR-2.5. The applicant proposes to change this county zoning designation to a City SFR-10 zoning district. The applicant provides findings in Exhibit I describing compliance with the applicable zone change criteria. The proposed zone change, SFR-10, is consistent with §10.227(1)(b) in that the property abuts land zoned SFR-10. Should the Commission approve this zone change, conditions are included for approval of the zone change.

Tentative Plat

The applicant proposes to partition the subject site into 27 detached single family lots, consistent with the development standards for SFR-10 zoning districts. Should the Commission approve this land division, conditions are included.

Applicant's Stipulations

The applicant includes three stipulations on page 18 of Exhibit H, including but not limited to: a homeowners association; private street design; and private street construction. A condition is included requiring the applicant to comply with said stipulations.

Conclusion

The applicant proposes to create an *affordable, quality community while maximizing the usability of an infill piece of property* – a community that is *conducive to the lifestyle of handicapped, aged, or small families* (Exhibit H, p. 3-4). A homeowners association is proposed to maintain and repair all common areas including the private street, street trees, common open areas, and parking areas. Staff questions the appropriate link between the “affordability” of this proposed community and the practicality thereof. A narrow private street without street parking, parking lots at inconvenient locations, and the responsibility of maintenance of common areas are not creative and imaginative, and therefore do not meet the intent of the PUD, §10.235(C)(2). However, conditions are included bringing this proposed development to the minimum standards of the *Medford Land Development Code*.

Decision: Testimony from the applicant was heard at the hearing which identified the intent of the PUD. After hearing the testimony, the Planning Commission determined that the proposal meets §10.230(A). The Planning Commission also found that: the proposed common open space, in the form of landscaped areas; and the proposed one-story detached single family homes adequately address §10.230(A).

ACTION TAKEN

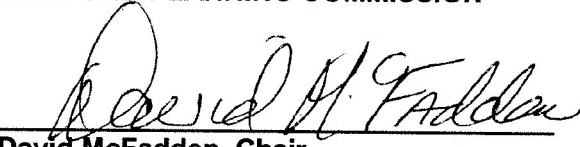
Directed staff to prepare a final order for approval of PUD-07-271/LDS-07-274/ZC-07-273 as per the Commission Report dated August 21, 2008, including Exhibits A through T.

EXHIBITS

- A Conditions of Approval dated July 30, 2008;
- B Preliminary PUD Plan received July 7, 2008;
- C Tentative Plat received July 7, 2008;
- D Conceptual Grading & Drainage Plan received July 7, 2008;
- E Conceptual Utility & Lighting Plan received July 7, 2008;
- F Landscape Plan received July 10, 2008;
- G Approval Criteria dated November 21, 2007;
- H Applicant's *Findings of Fact* (PUD & land division) received April 23, 2008;
- I Applicant's *Findings of Fact* (zone change) received November 21, 2007;
- J Public Works Department Staff Report received June 11, 2008;
- K Medford Water Commission Staff Memo received June 11, 2008;
- L Medford Fire/Rescue Land Development Report received June 11, 2008;
- M Rogue Valley Sewer Services Memorandum received June 11, 2008;

- N Parks and Recreation Department Memorandum received July 31, 2008;
- O Jackson County Tax Assessor's Map with site indicated;
- P Aerial Map with site indicated;
- Q Zoning Map and General Land Use Plan Map with site indicated;
- R Density Calculation dated July 14, 2008;
- S Citizens Planning Advisory Committee received August 13, 2008;
- T Applicant's Supplemental Findings Addressing §10.745 received August 14, 2008;
Vicinity Map

MEDFORD PLANNING COMMISSION


David McFadden, Chair

PLANNING COMMISSION AGENDA: **JULY 10, 2008**
 AUGUST 14, 2008
 AUGUST 28, 2008

NOTES

*Include reference to the file number of this proposed development (PUD-07-271/
LDS-07-274/ZC-07-273) in all subsequent submittals to City of Medford Departments.*



CITY OF MEDFORD

PLANNING DEPARTMENT

EXHIBIT A
PUD-07-271/LDS-07-274/ZC-07-273
CONDITIONS OF APPROVAL
JULY 30, 2008

ZONE CHANGE

CODE REQUIREMENTS

1. Prior to issuance of the first building permit, the applicant shall comply with Item A in the Public Works Department Staff Report received June 11, 2008 (Exhibit J).

LAND DIVISION

CODE REQUIREMENTS

2. Prior to Final Plat approval, the applicant shall comply with:
 - a. Items B-F of the Public Works Department Staff Report received June 11, 2008 (Exhibit J);
 - b. The Medford Water Commission Staff Memo received June 11, 2008 (Exhibit K);
 - c. The Medford Fire/Rescue Land Development Report received June 11, 2008 (Exhibit L);
 - d. The Rogue Valley Sewer Service Memorandum received June 11, 2008 (Exhibit M).

PLANNED UNIT DEVELOPMENT

DISCRETIONARY CONDITIONS

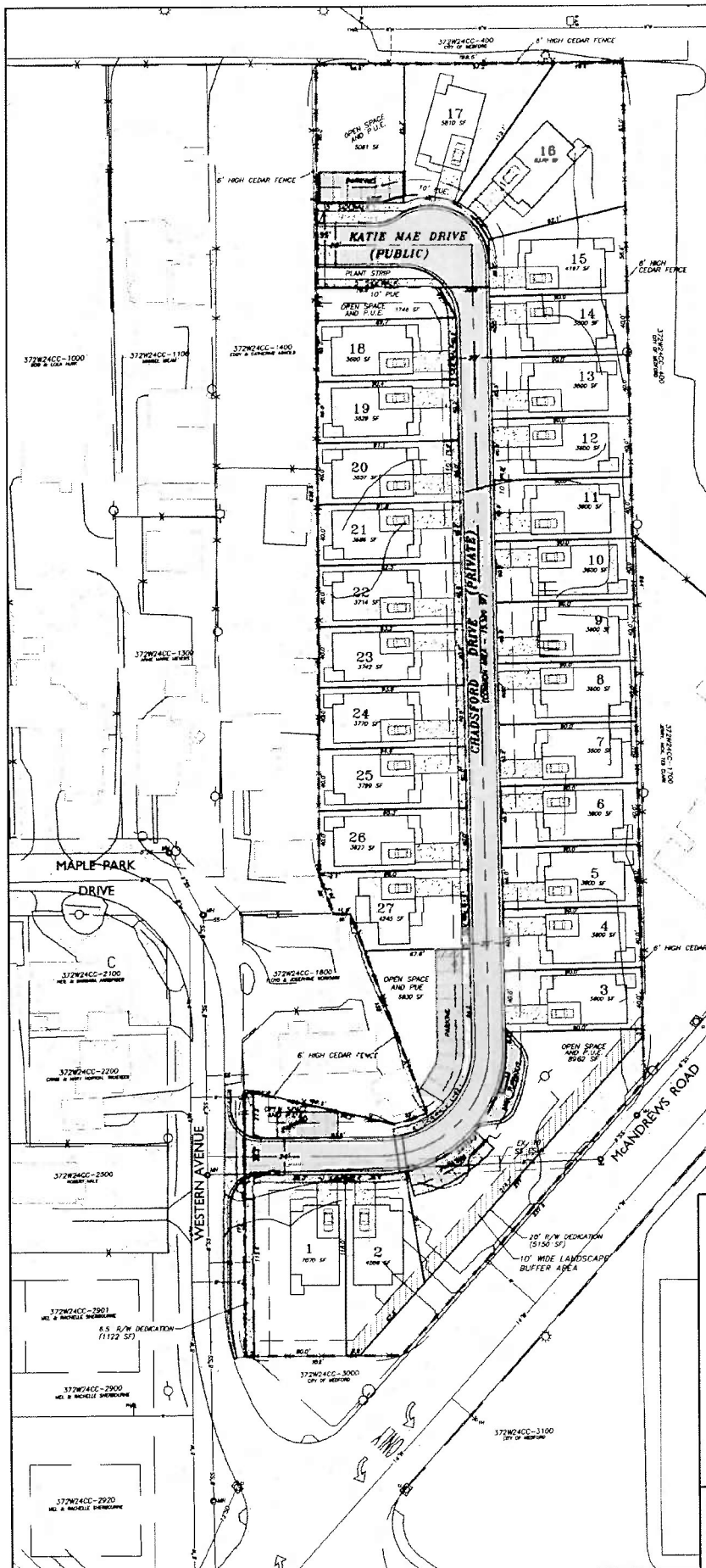
3. Prior to issuance of the first building permit, the applicant shall comply with the stipulations on page 18 of the *Applicant's Findings* (Exhibit H).

CODE REQUIREMENTS

4. Prior to issuance of the first building permit, the applicant shall apply for and receive Final PUD Plan approval, as per §10.240, *Final PUD Plan – Application Procedures*;

CITY OF MEDFORD
EXHIBIT # A
File # PUD-07-271
LDS-07-274, ZC-07-273

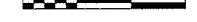
5. Prior to issuance of the first building permit for each single family dwelling unit, two off-street parking spaces shall be provided as per §10.745, *Location of Parking Facilities*;
6. Prior to the issuance of the building permit, the property owner shall sign and record with the Jackson County Clerk's office a Building Site Improvement Agreement, with the original recorded copy returned to the Planning Department, specifying that the following item will be completed within 12 months of the date of the agreement: install landscaping per the approved landscape plan (Exhibit B).



SKYLAND VILLAGE PRELIMINARY P.U.D. PLAN

LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 14, T.17N., R.17E., W.1N. CITY OF MEDFORD, LANE COUNTY, OREGON
37 EW 8400 - TL 1000, 1000, 2000

SCALE: 1"=30'

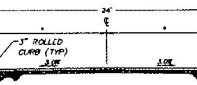


1998 CITY OF MEDFORD PLANNING DATA

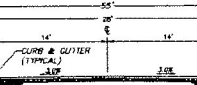
TOPOGRAPHIC CONTROL PROVIDED BY CITY OF MEDFORD
PLANNING AND DEVELOPMENT DIVISION
1411 WEST 10TH STREET
MEDFORD, OREGON 97501
HORIZONTAL DATUM: NAD 83
VERTICAL DATUM: NAVD 83
NATIVE PROJECTIONS
LAMBERT CONICAL, OREGON SOUTH ZONE, METERS
PROJECTED TO LAMBERT CONICAL, OREGON SOUTH ZONE, METERS, FEET

ZONING: SR-10
SCHOOL: 061
TOTAL SITE AREA: 3.31 AC +/- (ADJACENT)
JAMES AREA: 4.20 AC +/- (CALCULATED TO C/L OF ADJACENT STREETS)
OPEN SPACE: 22.17 AC (0.36 ACRES)
COMMON AREA: 15.50 AC (0.36 ACRES)
OWNERS OF RECORD: JAMES OWEN, LLC / C.A. GALPIN
P.O. BOX 132, MEDFORD, OR 97501

NOTE: All street and driveway lots are approximately 12' from Western Avenue to Main Turnout, 11' from Main Turnout to Middle Way, and parking allowed.
NOTE: All street and driveway lots are approximately 12' from Western Avenue to Main Turnout, 11' from Main Turnout to Middle Way, and parking allowed.
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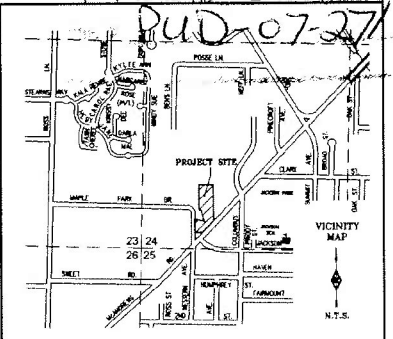
CHADSFORD DRIVE (PRIVATE)



KATIE MAE DRIVE (PUBLIC)

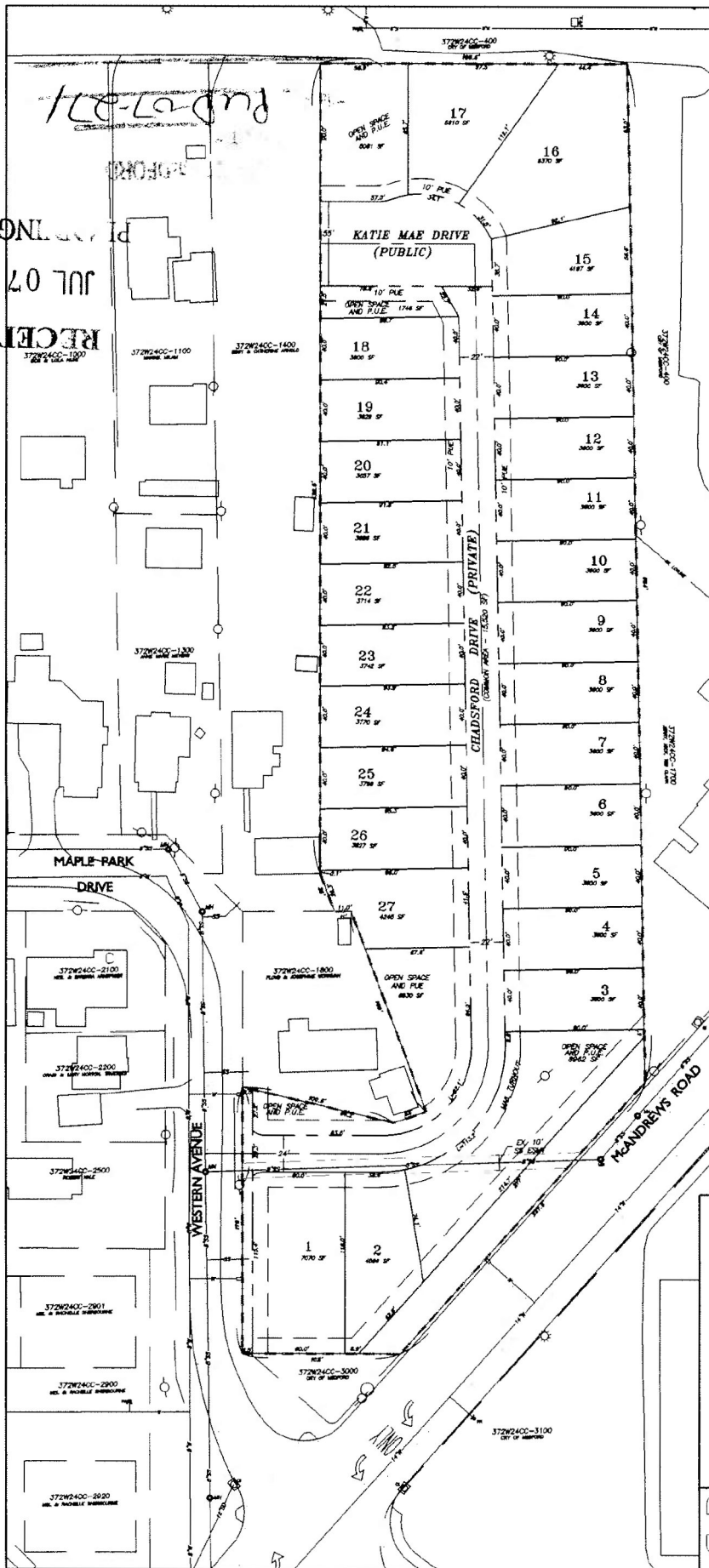
TYPICAL STREET SECTIONS
STREET DESIGN, CURBS, AND SIDEWALKS MAY VARY - SEE ENGINEERING PLANS
NAD TO BOUND

RECEIVED
JUL 07 2008
PLANNING DEPT.



REGISTERED PROFESSIONAL LAND SURVEYOR
RICHARD TEMPLIN LAND SURVEYING
P.O. BOX 1846 898-2032 JACKSONVILLE, OREGON
DEVELOPER:
C.A. GALPIN
P.O. BOX 8371
MEDFORD, OREGON 97501
February 18, 2008
PAGE 1 OF 1

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PLANNING DEPT.



SKYLAND VILLAGE TENTATIVE SUBDIVISION PLAT

LOCATED BY
THE SW 1/4 OF THE SW 1/4 OF SECTION 34, T.18N., R.10W., W.1/2
CITY OF MEDFORD, JACKSON COUNTY, OREGON
BY THE 2400' - TL 1000, 1000, 2000



SCALE: 1"=30'

1908 CITY OF MEDFORD PLANNING DATA

TOPOGRAPHIC CONTROL PROVIDED BY:

CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT

ENGINEERING AND PLANNING DIVISION

411 WEST EIGHTH STREET

MEDFORD, OREGON 97501

HORIZONTAL DATUM: NAD 83

VERTICAL DATUM: NAVD 83

NOTE: ALL DIMENSIONS ARE TO BE ACCORDANCE WITH THE CITY OF MEDFORD

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CONSTRUCTION CONSULTANTS
P.O. BOX 1724, WESTFORD, OREGON 97143
TEL: (503) 739-3300 FAX: (503) 739-3300

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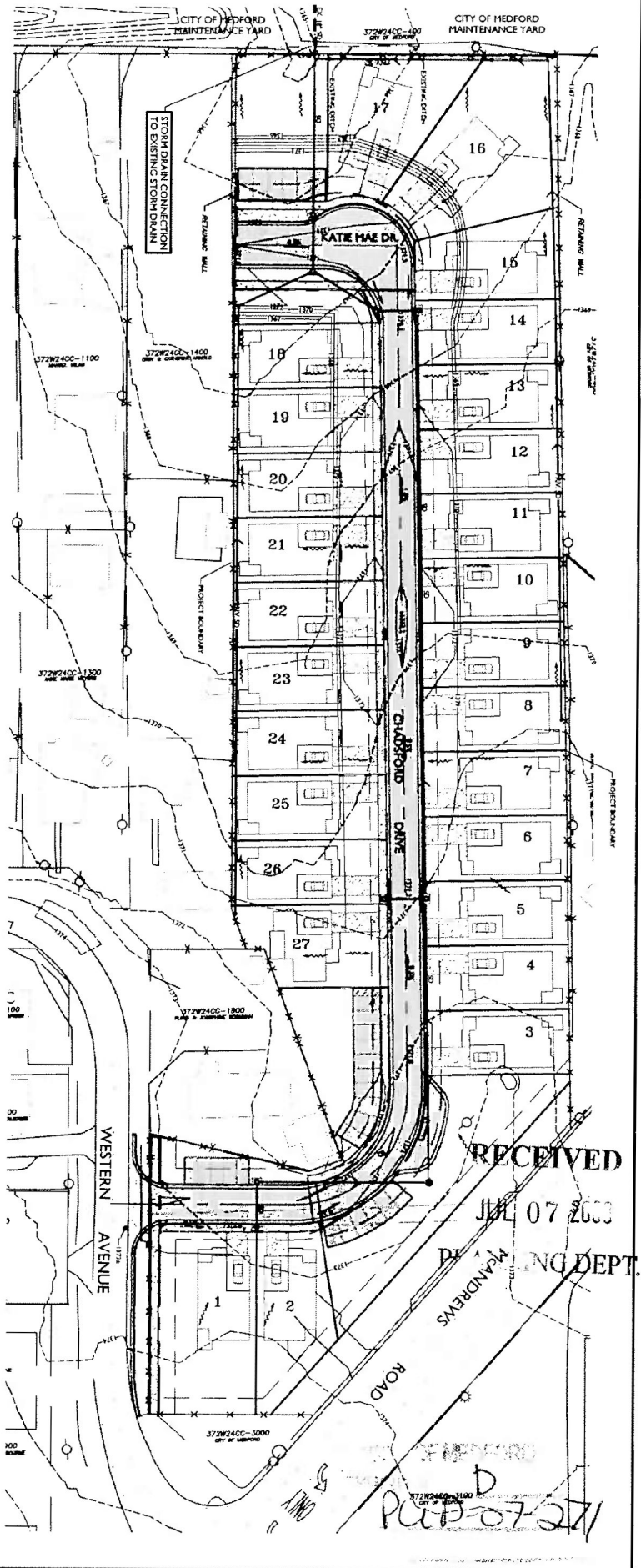


CITY OF MEDFORD
SKYLAND VILLAGE
CONCEPTUAL
GRADING & DRAINAGE PLAN

EXHIBIT C1

- LEGEND**
- > DRAINAGE DIRECTION
 - PROPOSED STORM MAIN
 - EXISTING STORM MAIN
 - PROPOSED CUMULATIVE
 - PROPOSED SD MAINHOLE
 - EXISTING SD MAINHOLE

- CONTOURS**
- CONTOUR INTERVAL = 1'
 - INDEX CONTOUR INTERVAL = 5'
 - EXISTING GROUND CONTOUR
 - PROPOSED GROUND CONTOUR

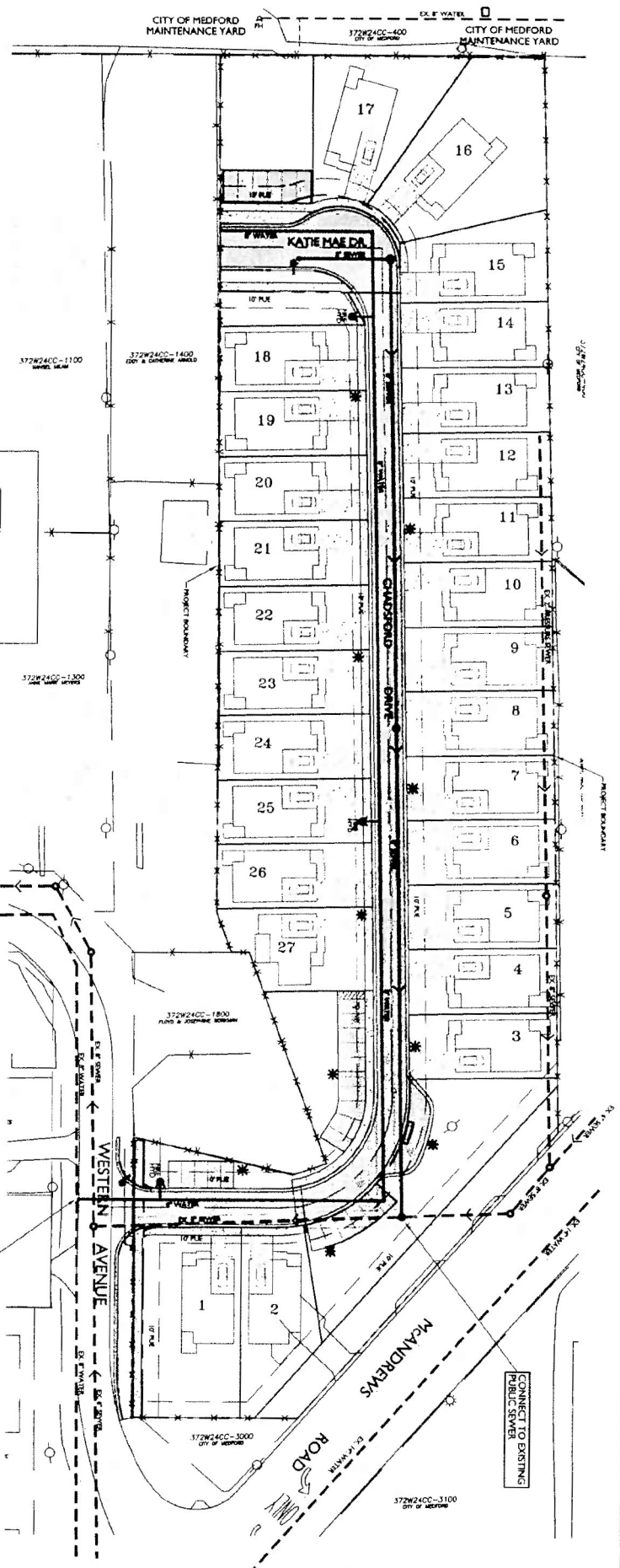


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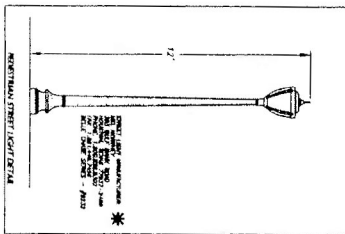
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BY: MCANDREWS

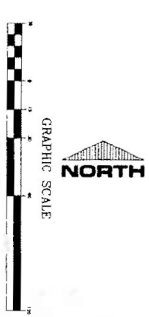
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PUP-07-27



- LEGEND**
- EXISTING WATER MAIN
 - PROPOSED WATER MAIN
 - PROPOSED FIRE HYDRANT
 - PROPOSED SEWER MANHOLE
 - EXISTING SEWER MANHOLE
 - PROPOSED SANITARY SEWER MAIN
 - EXISTING SANITARY SEWER MAIN
 - PROPOSED PEDESTRIAN SCALE STREET LIGHT
 - PROPOSED CITY STANDARD CORNER HEAD STREET LIGHT



NOTE: EXISTING UTILITIES SHALL BE MAINTAINED AT THE MEDFORD REGISTRATION OFFICE



CONSTRUCTION ENGINEERING CONSULTANTS, INC.
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DATE: 07/08
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SKYLAND VILLAGE
CONCEPTUAL UTILITY
& LIGHTING PLAN

CITY OF MEDFORD

EXHIBIT C2

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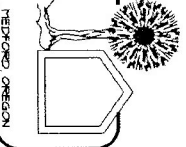
Pub 07.271

SKYLAND VILLAGE

SCALE 1" = 30'
JULY 9, 2008

EXHIBIT C3

NATURAL SYSTEMS
LANDSCAPE INC.
DESIGNED BY: MICHAEL STARR



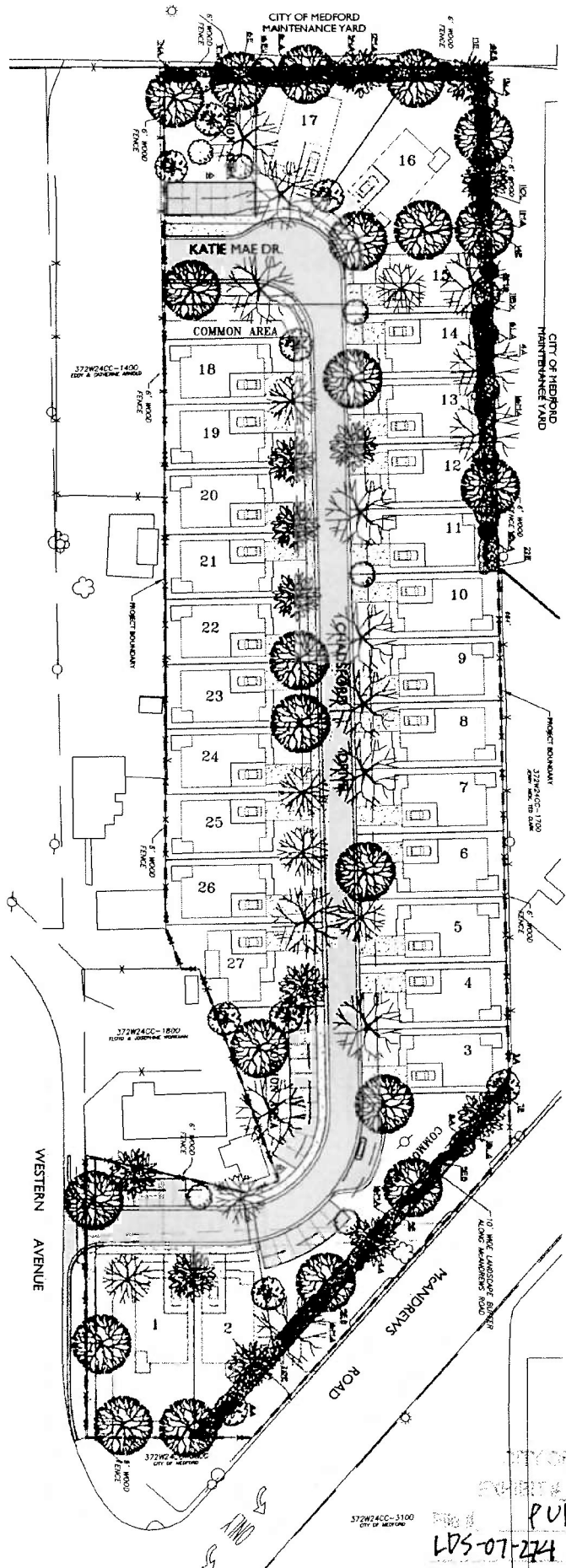
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- SHRUB & GROUND COVER LEGEND**
- 1. YUCCA
 - 2. AGAVE
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- TREE LEGEND**
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- GRAPHIC SCALE**
- 1" = 30'
- 0 10 20 30 40 50 60 70 80 90 100

- LANDSCAPE NOTES**
1. 6" TOPSOIL IN AREAS DESIGNATED FOR PLANTING.
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CITY OF MEDFORD

PLANNING DEPARTMENT

EXHIBIT G
PUD-07-271/LDS-07-274/ZC-07-273
APPROVAL CRITERIA
NOVEMBER 21, 2007

PLANNED UNIT DEVELOPMENT CRITERIA, §10.235(C)

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(A)(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 standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.
4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.

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

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

2. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.
3. 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.

LAND DIVISION CRITERIA, §10.270

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) Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to:
 - a. The configuration or orientation of the property;
 - b. The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;
 - (7) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

ZONE CHANGE CRITERIA, §10.227

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

- (1) The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

- (a) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist: (i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or (ii) The area to be rezoned is five (5) acres or larger; or (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs: (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits. (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
 - (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the

resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

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

LOCATION OF PARKING FACILITIES, §10.745

All parking spaces shall be on the same lot as the main structure it serves or on an abutting lot. However, upon demonstration by the applicant that parking on the same lot or abutting lot is not available, the approving authority may authorize the parking spaces to be on any lot within 250 feet walking distance of the structure being served upon written findings of compliance with the following provisions:

- (1) There is a safe, direct, attractive, lighted and convenient pedestrian route between the parking area and the use being served;
- (2) There is assurance in the form of deed, lease, contract or other similarly recorded document that the required spaces will continue to be available for off-street parking use according to the required standards.

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

**IN THE MATTER OF APPLICATIONS
FOR PLANNED UNIT DEVELOPMENT
AND LAND DIVISION WHICH AFFECTS
3.91 ACRES LOCATED ON WEST
McANDREWS ROAD WITHIN THE CITY
OF MEDFORD, OREGON**

Kokanee Investments, LLC: Applicant

**FINDINGS OF FACT
CONCLUSIONS OF LAW
Applicant's Exhibit 1**

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**FINDINGS OF FACT CONCLUSIONS OF LAW
Applicant's Exhibit 1**

PLANNING DEPT.

I

NATURE AND SCOPE OF APPLICATION

Applicant, Kokanee Investments, LLC, seeks to partition and develop land it owns within the corporate limits of the city and its urban growth boundary. The 3.91 acre parcel of land is presently zoned SFR-10 and county zoning of S.R. 2.5. It is currently undeveloped. A concurrent zone change request has been made to accompany this application as outline in applicants narrative. If approved, the 3.91 acres will be partitioned for single-family detached dwellings under the City of Medford Planned Unit Development Ordinance and Land Division Ordinance. The specific land use actions are:

Approval of a Preliminary PUD Plan for:

1. 28 single-family dwelling lots zoned SFR-10
2. The creation of a private street to serve the planned dwellings

Approval of a Land Division (Tentative Subdivision Plat) to create lots to accommodate the 28 single-family dwelling and private street.

These findings of fact and conclusions of law support the approval of the two land use applications described above.

CITY OF MEDFORD
EXHIBIT # H
File # PUD-07-271
WDS-07-274, W-07-273

The project is located on the North side of W. McAndrews Road and is on the East side of Western Street. Two vehicular accesses are proposed. One is located off Western Street approximately 150' North of W. McAndrews Road and one is located off Noble Drive, a proposed street that will extend onto the property at the time the adjoining property to the West is developed.

The proposed PUD is a residential project and is designed to allow for easy single story living. The proposed name for the project is Skyland Village. It consists of 28 residential units on 28 individual lots. The private road, parking area, and common landscaped areas will be maintained by the Skyland Village Homeowners Association. Each unit will have a single car garage, as well as parking for additional vehicles in the driveway. All areas not included in the home sites are described as common areas for the development.

The existing zoning of the property is split between the City with SFR-10 and County with SR 2.5. A concurrent application to rezone that portion of the project in the County is included along with this application. As discussed, the residential lots will be served by a private street. A five foot sidewalk will be developed throughout the project as shown on the site plan. The private street will have a paved travel surface varying from 22 to 24 feet with curb and gutters along the sidewalk that borders the street. No parking will be allowed on the street. Designated parking areas are located throughout the development. A preliminary PUD plan is sought for the property, as well as a tentative subdivision plat, which, if approved, will create the individual lots. The applicant anticipates that this project will be constructed as a single phase. A final PUD plan will later be filed. Based upon the protocols set forth in the Medford Land Development Code (MLDC), this project will require the following steps.

1. Application for Preliminary PUD Plan for the overall project (*this application*)
2. Tentative Plan for all the proposed parcels (*this application*)
3. Concurrent Zone Change Application
4. Final PUD Plan for the overall project (*this application*)
5. Final Subdivision Plat (*future application*)

II

Evidence Submitted With Application

The Applicant herewith submits the following evidence with the preliminary PUD and Land Division application:

- Exhibit 1:** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the Preliminary PUD Plan and Tentative Subdivision Plat applications comply with the applicable substantive criteria of the MLDC;
- Exhibit 2:** Preliminary PUD Plan;
- Exhibit 3:** Tentative Plat for Land Division;
- Exhibit 4:** Typical Exterior Plans, and site plan;
- Exhibit 5:** Current City of Medford Zoning Map;
- Exhibit 6:** Topographic Map of the subject property;
- Exhibit 7:** Aerial Photograph of the subject property;
- Exhibit 8:** Assessor Plat Nap 937-2W-24CC), which contains and depicts the subject properties; and
- Exhibit 9:** A completed Preliminary PUD application form and powers of attorney from the record owners of the property.

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which the two applications must be approved are in Article II of the MLDC. The criteria for each of the land use applications are recited verbatim below and again in Section V where each is followed by the conclusions of law of the Planning Commission:

A. PLANNED UNIT DEVELOPMENT

Narrative

The subject property is being developed as a PUD to allow a greater flexibility in layout so an affordable, quality community can be built, while maximizing the usability of an

infill piece of property. The intent of the development is not to maximize density, which would necessitate a two or three story plan, but to provide easy one story living that would be conducive to the lifestyle of handicapped, aged, or small families. The Medford Community has put a great effort into developing the adjoining Santos Center as a resource for the surrounding neighborhood. This project would provide the opportunity for a diverse group of people to benefit from the enlarged Santos Community Center, as well as its proximity to public transit, and nearby commercial and retail outlets.

A Homeowners Association will be created to manage the affairs of the PUD, including maintenance and repair of common areas.

There is only one modification that is requested with this application and that is the width of the private street, Chadsford Drive. Due to the extremely variable lot dimensions of the parent property, especially it's width, a narrower paved section is necessary in order to provide access. The proposed East-West road, Noble Way, will be built to City standards, as there is sufficient area for it's construction.

It is proposed that the entire project will be built in one phase.

The site has a total area of 3.91 acres. It has a gross area of 4.2 acres if the site is calculated to the centerline of the adjoining streets. Open space comprises .45 acres or 19,757 square feet, there is .36 acres of common area or 15,541 square feet.

10.235 Preliminary PUD Plan - Application Procedures

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

1. The 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(A)(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 standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
- 3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.
- 4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
- 5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(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.

B. LAND DIVISION – TENTATIVE SUBDIVISION PLAT

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) Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted

whenever it is impractical to comply due to: (a) The configuration or orientation of the property; (b) The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;

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

IV

FINDINGS OF FACT

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

1. **Description, Size, Existing Zoning, Tax Code and Existing Development:** The subject property has the following characteristics and the same are set forth in Table 1 below:

Table 1

Property Ownership and Description

Sources: Jackson County Assessor; Hoffbuhr & Associates, Inc., Craig A. Stone & Associates, LTD.

Assessors Map and Tax Lot	Owners of Record	Acreage	Existing Zoning	Tax Code	Existing Development
37-1 W-34 Tax Lots 1500, 1600, 2000	Kokanee Investments LLC	3.91 ¹	SFR-10 and SR 2.5	4-07	none
Total		3.91			

¹ Table footnotes:

The total subject property is 3.91 acres. For density calculations the area for the proposed PUD is 4.3 acres because the gross acreage calculation is the proposed PUD including the public right-of-way area to the centerline of the adjacent streets---Maple Park Drive and W. McAndrews Road.

2. **Property Location:** The property is located on the North side of W. McAndrews Road, and East of Western Street. The property is within the corporate limits of the City and its urban growth boundary (UGB). The location of the subject property is relation to the present corporate limits of the City and to other land in the surrounding area is depicted on Exhibits 5 through 7.
3. **Comprehensive Plan and Zoning:** Tax Lots 1600 and 2000 are zoned SFR-10 and are designated Urban Residential on the Medford's General Land Use Map (GULP). Existing zoning is consistent with the GULP. Tax lot 1500 has a concurrent request for a zone change from county SRL.5 to the city's SFR-10 designation.
4. **Surrounding Land Uses:** The Exhibit 5 zoning map accurately depicts the pattern portioning in the surrounding area. The Exhibit 7 aerial photograph

depicts existing development in the area. Land uses that presently surround the property area:

- a. **North:** Land on the north side is presently developed with the City of Medford's Public Works Yard.
- b. **South:** Land adjacent and the south of the property is presently developed with Santos Center and commercial development.
- c. **East:** Land adjacent to the East of the subject property is presently developed with single family homes and the Medford Public Works Yard.
- d. **West:** Land adjacent to West of the subject property is predominately single family housing.

5. **Topography:** The property has an average slope of roughly 2 percent (Exhibit 6).

6. **Description of the Planned Unit Development (PUD):** The proposed PUD has the following physical and operating characteristic:

- a. **Phases: Type and Number of Housing Units:** The PUD is to be constructed in a single phase on 3.91 acres and which will consist of twenty eight detached single-family dwellings. The Medford Planning Department calculates housing density by adding the gross area of the privately help property, the additional acreage located within adjacent rights-of-way to the centerline (less any non-development areas). In this instance the gross acreage of the site is 4.30 acres. The applicant has proposed 28 housing units, which is within the permissible density range for the PUD in the SFR-10 zone.
- b. **Common Elements:** The below Table 2 shows the various common elements and the responsibilities for ongoing upkeep and maintenance.

Table 2

Common Elements

Source Craig A. Stone & Associates, Ltd.

Common Area Component	Description of Common Area	Maintenance Responsibility
Private Street (Chadsford Drive)	This element includes the 22 to 24 –foot wide paved section, curb and gutter and adjoining 5-foot sidewalk.	Association of Unit Owners
Street Lighting	Street lighting along Skyland Drive and within the PUD boundary is prescribed in the "City of Medford Street Lighting Standards and Specifications" document.	Association of Unit Owners
Landscaping along W. McAndrews Road and Western Ave.		Association of Unit Owners
Open Space	Landscaped open space and all parking spaces	Association of Unit Owners

- c. **Landscaping, Landscape Maintenance:** Landscaping on the individual lots will be maintained by the individual future owners. Landscaping

within the abutting public right-of-ways will be maintained by the Association of Unit Owners. Landscaping within the boundaries of the 28 residential lots will be wholly to the taste and discretion of the future owners.

- d. **Private Street:** Applicant has proposed a private street, Chadsford Drive to serve the various dwellings in the PUD. Applicant's representatives conferred with the Medford Fire Department as to whether the design of the private street was sufficient to accommodate emergency vehicles. Applicants' representatives were advised that, as designed, the street will be sufficient to support Medford fire fighting vehicles.

There are is one public street and one private street proposed within the subject property. Applicant is required and will supply the documents needed to demonstrate how the Association of Unit Owners will maintain the private street system and other common elements as described in above Table 2 . The private street which will serve the residential lots is to have a paving width of between 20 and 24 feet with curbs, gutters and a sidewalk and will have lighting consistent with that shown in the attached exhibits.

- e. **Sidewalks and Walkways:** A 5-foot sidewalk will be constructed along the West side of Chadsford Drive, and East from Western Street along the North side of the parking area. The proposed sidewalks are shown on the Preliminary PUD Plan.
- f. **Off-street Parking:** Off-street parking is shown on the preliminary PUD plans. The MLDC require two off-street parking spaces per dwelling unit. Each of the proposed dwelling units will have two off-street parking spaces in the form of a double car garage. In addition, there are twenty eight guest parking spaces provided as part of the Skyland Village common area.

- 7. **PUD Deviations:** The only proposed deviations are to the private street design as shown in table 3.

Table 3

Proposed Private Street Deviations

Type of Deviation	Nature and Extent of Deviation	Affected Lots	Authority for Deviation	Relevant MLD Sections for which Deviation is Sought
Private Streets	Applicant proposes to construct a private street with a paved width of between 22 to 24 feet with a curb, gutter and sidewalks as shown on the PUD Plan The proposed private street will <i>not</i> have on-street parking. A planting strip is not provided along the proposed private street-Skyland Drive Sidewalks about the curb along the West side of Skyland Drive, a private street.	All	10.230(D)(6)	10.129-10.431 10.500

8. **Essential (Category “A”) Public Facilities:** The Medford Comprehensive Plan defines Category “A” public facilities as: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The following facts regard the Category “A” public facilities that serve the subject property:

A. **Sanitary Sewer Services Service (Collection):** There is an existing 8-inch sanitary sewer line that exists along the north right-of-way line of McAndrews Road. Representatives of the Medford Public Works Department have advised applicant’s representatives that the size and design of the sanitary sewer system serving the property is adequate in condition and capacity to accommodate residential development commensurate with the proposed development and that these facilities are available to adequately serve the property consistent with Table B of the Public Facilities Element.

B. **Sanitary Sewer Service (Treatment):** According to Jim Hill of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation plant. Mr. Hill serves as the principal staff person in charge of operations at the regional plant, which is located near Bybee Bridge near the Table Rock Road crossing of the Rogue River. The plant serves the Bear Creek Valley Sanitary Authority (BCVSA) and the cities of Central Point, Jacksonville, Medford, Phoenix, and Eagle Point. A portion of the service charges levied on customers is allocated to treatment costs. The regional Rate Committee reviews the charges and rate structures annually, and the rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

The regional treatment plant was constructed in 1969-1970. The present average dry weather plant capacity is 20.0 million gallons per day (MGD). The peak hydraulic

capacity is 60 MGD. Plant capacity is doubled between years 1980-1990 through several incremental expansions. A treatment plant facilities plant, developed in 1992, established a capital improvement program to meet growth need to Year 2010.

Average dry weather flow into the treatment plant was 13.2 MGD in 1988, increasing to 14.1 MGD in 1994. Existing 1997 flows are anticipated to be approximately 180.0 MGD. The population receiving sewer service in 1998 was 77,475. Sewer connections since 1988 have increased the residential population served by sewers to approximately 94,000. The regional plant has a capacity for a population equivalent of approximately 115,000, including commercial and industrial flows. The population forecasts by consulting engineers Brown and Caldwell, including analysis of rural as well as urban population densities, estimate the ultimate population that the plant would serve at 190,800.

C. Water Distribution Lines: There is an existing 12-inch water main McAndrews Road. Representatives of the Medford Water Commission have advised representatives of the applicant that the size and design of the water system serving the property is adequate in condition and capacity to accommodate the residential development commensurate with Single Family Residential zoning designating. The Planning Commission concludes that water facilities are available to adequately serve the property (at the time development) consistent Table B of the public Facilities Element.

D. Water Supply: According to Medford Water Commission Manager Larry Rains, as of 2003, the Medford water system a population of +/- 115,000. The present maximum daily use is 57 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 71.4 MGD. There is additional water source capability of 15 MGD available.

E. Storm Drainage: There is an existing 21-inch storm drain line on the west side of North Phoenix Road. Representatives of the Medford Public Works Department have advised representatives of the applicant that the size and design of the storm drain system serving the property is adequate in condition and capacity to accommodate residential development commensurate with the Single Family Residential zoning designation. Applicant is aware that a drainage system will need to be installed per Medford specification to accommodate residential development and to accommodate projected peak flows for that specific gravity flow service area as determined by the Comprehensive Medford Area Drainage master plan (1996). Applicant's representative is also aware that the property is within the Lazy Creek Drainage Basin and any developed on-site storm drainage system will need to accommodate the on-site detention and gradual release of storm waters of no more than 0.25 cubic feet per second per acre of development. When such stem has been installed, storm drainage facilities will adequately serve the property consistent with Table B in the plan Public Facilities Element. Installation of on-site underground storm drainage system will be required as part of the development approval process.

F. Streets and Traffic: The Planning Commission reaches the following findings of fact with respect to streets and traffic:

1. **Access:** The subject property has frontage on McAndrews Road and Western Street. Access to the PUD will be by a combination of a new City Street at the North end of Chadsford Drive(when adjoining development is completed), and a connection to Western Street at the South West end of Chadsford Drive.
2. **Street Classification:** The Medford Transportation System Plan defines McAndrews Road as an arterial Street. Western Street is classified as a standard residential street. All internal access is to be provided by a private street that serves the residential lots. Noble Way is a standard residential street that will connect to the west and east as those properties are developed.
3. **Roadway Improvement:** No frontage curb, gutter or sidewalk frontage improvements now exist along Western Street. Pursuant to the MLDC, Applicant will be required to install curbs, gutters and sidewalks within the rights-of-way of city streets which abut the subject property.

The proposed project utilizes a private street in the development of the PUD for several reasons:

- A. The existing development surrounding the property limits the ability to make a connection to any existing or proposed streets, except as shown. To the North and East of the subject property lays the City of Medford Public Works shops. Only one additional tax lot exists along the East property line and it currently has direct access of W. McAndrews Road. Medford Public Works has indicated they do not want its access turned into an additional street. Development of the West of the subject property is currently developed with accesses off Western Street. They are deep lots all developed with existing residences. There is development potential at the rear of these lots; however, they are not developed at this time. Upon their development Noble Way will be extended to serve their property and ours.
 - B. The subject property is only 195 feet wide and essentially is an island surrounded by existing development. In order to develop the property to its potential density it is impossible to develop a standard street right-of-way though the property; therefore, a private street is to be used.
 - C. A narrow street is necessary to allow for the 10 foot buffer needed between the subject property and the Medford Shops industrially zoned property.
9. **General Project Description:** The general description of this project, hereinabove in Section I, is herewith incorporated by reference as the testimony of the undersigned applicant, Gregg Adams, Member for Kokanee Investments, LLC

CONCLUSIONS OF LAW

The following conclusions of law are based on the findings of fact contained above in Section IV of this document and relate to the approval criteria for a Preliminary PUD Plan and Tentative Plat. The approval criteria recited verbatim below and followed by the conclusions of law of the Planning Commission:

A. PLANNED UNIT DEVELOPMENT (PUD) APPROVAL CRITERIA

Approval Criteria and Findings of Fact for Skyland Village PUD

MLDC 10.235 C. Approval Criteria for Preliminary PUD Plan: The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

1. The proposed PUD:

- d. Includes open space, common areas, or other elements intended for common use or ownership.

The PUD has a total of .81 acres of open space and common areas. This represents nearly 20% of the total project area. Uses of the open space are beautification through landscaping, and the development of a landscaped/detention basin. The common areas include improved, landscaped, parking areas, public utility easements, landscaped mailbox area, and Chadsford Drive.

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(A)(3)(a).

The proposed modification to the street width standard is directly related to the rationale for the PUD in that the property is narrow with no possibility of widening. The allowance of the narrower street also provides for the ten foot set back that is required for residences developed in Skyland Village PUD next to the property line common with the City of Medford Shops. The proposed deviation also leaves room for additional landscaping to beautify the project and the development of a logical, and useable mailbox area which used in conjunction with the adjoining open space becomes a potential community, social mixing area. The narrower street is also necessary to meet the density standard for the project and still develop single level homes meeting all appropriate setbacks.

- b. The proposed modifications enhance the development as a whole resulting in a more creative and desirable project.

As mentioned in 2(a) above the allowance of the narrower street allows for a higher quality of life through more landscape beautification, common parking areas in designated parking areas instead of congesting the street, which in turn makes the PUD more walker friendly. The narrower street also allows for the development of smaller, single story homes that will enhance the opportunity and the livability for elderly, physically challenged, and smaller family, home buyers.

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

The street layout was reviewed by City Engineering and was developed with their input. The circulation plan was developed to implement the developing street pattern surrounding the property. The modified, private street proposed for the PUD connects at both ends with a City standard street and is intended strictly for local access. The private road as developed will not provide a shorter route or a convenient shortcut for neighboring properties to use as a thoroughfare, but will provide egress and ingress in two different directions for the subject property. Parking will not be allowed on the street and guest parking areas are provided throughout the PUD. This will eliminate the threat of accidental injury from people walking from behind cars into the street. The pavement of the private street is flared at the connection with Western Avenue to 24 feet in width. This allows for a safe interchange with acceptable lane movement.

- 3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:
 - a. The proposed PUD is not subject to a moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - b. The proposed PUD is not subject to a Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - c. The proposed PUD is not part of a 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.

All the common elements in the PUD , including the parking areas, street, mailbox service area, and storm drain detention area have been designed to meet useable standards for use and function. There is at least one common area parking space for each of the 28 units. The mailbox area has a turnout that allows for the mailbox to be used safely and efficiently. The private street design with no on street parking and a wide sidewalk allows

for safe pedestrian movement as well as for a logical, safe flow of vehicles.

The Planning Commission accepts the applicants findings of fact and can find that the Preliminary PUD Plan is in compliance with the relevant criteria necessary for approval.

5. Not applicable.
6. Not applicable.
7. Findings showing compliance with the substantive approval criteria for the accompanying Land Division are addressed.

A. LAND DIVISION-TENTATIVE SUBDIVISION PLAT

Land Division Approval of Criteria

10.270 Land Division Criteria

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

Land Division Criterion 10

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

Discussion; Conclusions of Law: AS to consistency with the comprehensive plan and the specific plans thereto, the planning commission herewith incorporates and adopts its findings of fact and Conclusions of Law for similar standards which apply to the approval of PUD's; as the land division is compliant. With respect to the design standards of the MLDC, based upon the findings of fact in Section IV and the evidence enumerated in Section II, the Planning Commission concludes that the land division is compliant with the requirements MLDC Articles IV and V, except where deviations there from have been expressly authorized by the Planning Commission under its authority to approve code deviations as party of a PUD pursuant to MLDC 10.230(D). Based upon the foregoing findings of fact and Conclusion of Law, the planning Commission concluded that the applicant is consistent with the requirements of Criterion 10.

Land Division Criterion 11

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

Discussion; Conclusions of Law: This development includes all of the applicant's property in this area. As to adjoining land uses to the North and East it is adjoined by the City of Medford Public Works Yard, and one home, which already has access points off W. McAndrews Road. Land to the South is unaffected by the proposal and it is across W. McAndrews Road from the subject property. Land to the West is served by accesses off Western Street, and according to Public Works will be developed in the future with access off Western Street and new internal streets being developed off Western Street. The Planning commission concludes, based upon the findings of facts in Section IV and tentative plat that the Applicant has provided for adequate access to the subject property in ways that will permit (and will not impede) future development of the adjoining properties. For these reasons, the Planning Commission concludes that his application is consistent with Land Division Criterion 11 because this project will not prevent development of the remained for the property under the same ownership, or of adjoining land or of access thereto, in accordance the MLDC.

Land Division Criterion 12

(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;

Discussion; Conclusions of Law: The name of the proposed subdivision/PUD is Skyland Village. Based upon the findings of fact in Section IV, For these reasons, the Planning Commission concludes that his application is consistent with Land Division Criterion 12 similar to, or pronounced the same as a word in the in the name of any subdivision in the City of Medford. Therefore, the Planning Commission concludes that the application is consistent with the requirements of Land Division Criterion 12.

Land Division Criterion 13

(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;

Discussion; Conclusions of Law: Based upon the evidence, there are no plats or land division approved for adjoining property, which contemplate street connections other than those shown in the Subdivision Plan. Therefore, the Planning Commission concludes that the application is consistent with the requirements of Land Division Criterion 13.

Land Division Criterion 14

(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;

Discussion; Conclusions of Law: The proposed development has a street that is proposed to be held for private use by the future owners and occupants of the subject property. The Exhibit 3 tentative plat distinguishes this private street as a common area. If required as condition of approval, Applicant will denote on the street identification sign that the proposed street is privately owned. As to reservations and restrictions relating to maintenance of the private street, Applicant is required (and has agreed to stipulate) to furnish the same along with the Final PUD Plan. Therefore, the Planning Commission concludes that the application is consistent with the requirements of Land Division Criterion 14.

Land Division Criterion 15

(6) Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to:

(a) The configuration or orientation of the property;

(b) The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;

Discussion; Conclusions of Law: The parcel is a pre-existing irregularly shaped parcel that is basically oriented north to south. Due to the parcels irregular shape and the required north south orientation of the street, an exception is necessary for the development of those lots situated along the North - South extension of Skyland Drive. All other lots are oriented so as to have full advantage of solar access.

Land Division Criterion 16

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

Discussion; Conclusions of Law: The subject property and proposed development is not adjacent to any property with an EFU designation (Exhibit 5). Based upon the foregoing finds of fact and Conclusions of Law, the Planning Commission concludes that the application is consistent with the requirements of Land Division Criterion 16.

VI

ULTIMATE CONCLUSIONS

Based upon the preceding finds of fact and conclusions of law, the Planning Commission ultimately concluded that the case for a Preliminary Planned Unit Development and Land Division is consistent with all the relevant criteria in the MLDC as addressed hereinabove.

VI

STIPULATIONS OFFERED BY APPLICANT

If made conditions attached to the approval of any of the land use permit applications, applicant herewith agrees to stipulate:

1. **Owner Associations:** The Applicant will have prepared the appropriate legal documents to establish an Association of Unit Owners for this residential project and the same will be submitted with the Final PUD Plan pursuant to MLDC 10.230(e) and 10.240(G). These will cover the maintenance, use and enjoyment of the private street and all other common elements.
2. **Private Street Design to Accommodate Emergency Vehicles:** As part of the Final Plat for this subdivision, Applicant shall properly sign and/or stripe, and through its Association of Unit Owners, will enforce no on-street parking restrictions and the same will be incorporated into the final Covenants, Conditions and Restrictions (CCR's). If required as a condition of approval, Applicant will denote on the street identification sign that the proposed street is privately owned.
3. **Private Street Construction:** The private street will be constructed to be the equivalent or better than city standards streets with respect to the amount, quality and installation of construction materials.

Dated: October 25, 2007

Respectfully submitted on behalf of applicants, Kokanne Investments, LLC

Gregg Adams, Member

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

IN THE MATTER FOR AN APPLICATION FOR)
A CHANGE IN ZONING DESIGNATION FOR A) FILE ZC_____
PARCEL OF 1.13 ACRES LOCATED ON)
McANDREWS ROAD, IN THE NORTHWEST) Findings of Fact and
QUADRANT OF THE CITY OF MEDFORD) Conclusions of Law
KOKANEE INVESTMENTS, LLC)

I. FACTUAL INFORMATION PERTAINING TO THE APPLICATION:

Applicants: Kokanee Investments, LLC
 P.O. Box 1337
 Medford, OR 97501

Property Owner: Kokanee Investments, LLC
 P.O. Box 1337
 Medford, OR 97501

Legal: T.37,R. 2W, Sec. 24CC, T.L. 1500

Zoning: The parcel is currently zoned ^{S.R. 2.5} ~~RR-5~~ (Jackson County). The
 requested zoning is SFR-10 (Single Family, Residential, 10 units
 per acre).

GLUP Map: The property is designated on the GULP (Comprehensive Plan)
 map as Urban, Residential.

Public Facilities: Public facilities are available (see attached) or will be available
 upon development.

Access: The property fronts on McAndrews Road.

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Planning Dept.

II. SCOPE AND INTENT OF THE APPLICATION:

Section 10.227 of the Medford Land Development Code (MLDC) provides for the purpose and intent of zoning designation changes within the City of Medford. The

CITY OF MEDFORD
EXHIBIT 1
Pub-07-27/
LDS-07-274/ZC-07-273

subject property is part of a tract that was annexed to the City of Medford, but no concurrent zone change request processed.

By virtue of the fact, the property still is zoned RR-5 (Rural Residential, 5-acre minimum parcel size, a Jackson County designation). Tax Lot 1500 is proposed for a change to the City of Medford designation of SFR-10, consistent with the GULP Map designation of Urban Residential and the zoning on abutting and nearby lands.

III. SUBSTANTIVE APPROVAL CRITERIA: CHANGE REQUIREMENTS:

Compliance with Section 10.227

Discussion:

The request before the City of Medford is an application for a zone change from Jackson County zoning (Rural Residential, five acre minimum parcel size, or RR5) to City of Medford Urban Residential, Single Family, 10 units per acre. The approval criteria for a zone change are contained in Section 10.227 of the Medford Land Development Code (MLDC). These criteria are addressed below.

Section 10.227 of the MLDC requires two criteria for a zone change. As delineated in that section, the Planning Commission shall approve a quasi judicial zone change if it finds that the zone change complies with all of the following criteria:

- (1) That the change be consistent with the General Land Use Plan Map and the Oregon Transportation Planning Rule (OAR 660).*
- (2) Category A urban services and facilities are available to adequately serve the property, or will be made available at the time of development.*

When a Category A facility must be improved in order to be adequate at the time of development, the specific facility improvement to create adequacy must be identified, and it must be demonstrated that the improvement will make the facility adequate. In determining the adequacy of Category A facilities, the approving authority may evaluate potential impacts based upon approval of special development conditions which apply to all or part of the proposed area of the zone change request. Special development conditions may include, but are not limited to, the following:

- (1) Restriction of uses by type or intensity, however, the Planning Commission must find the at resulting development pattern does not materially preclude future development or intensification of development. In no case shall residential densities be approved which do not meet minimum density standards.*

- (2) Mixed use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the TPR.*
- (3) TDM measures which can be reasonable quantified and enforced, such as mandatory car/van pools.*

The following information will demonstrate compliance with Section 10.227 of the MLDC:

(1) Consistency with General Land Use Plan Map:

A review of the General Land Use Plan Map indicates that the subject property lies within an area Northwest Medford and is designed as “UR”, or Urban Residential, on that map.

The UR designation provides for low density residential uses, and includes the SFR-2, SFR-4, SFR-6 and SFR-10 zoning designations. (These designations note that development is generally single family, and the numeric value is the number of units that can be built per gross acre.)

The request is to zone the site SFR-10, a zoning designation that is consistent with the general land use plan map, and with the existing single family neighborhoods and the existing development pattern in the general vicinity. Tax lots 2000, and 1600 which adjoin the subject property were rezoned to SFR-10 in a previous planning action. All parcels are owned by the applicant. The requested zoning will bring consistent zoning to all parcels.

The request before the City is to zone the property SFR-10, consistent with the Comprehensive Plan Map designation of “Urban Residential.” The SFR-10 Zoning District is a permitted zoning designation within UR Gulp Map Designation. The application is consistent with this standard.

ARE PUBLIC FACILITIES AVAILABLE TO SERVE THE PROPERTY:

The second requirement for a change of zoning designation contained in Section 10.227 of the Medford Land Development Code is a demonstration that Category A public facilities are available, or can be made available to serve the site. Category A Public Facilities are generally described in Table B of the Public Facilities Element in the Medford Comprehensive Plan. These facilities are, specifically:

- Wastewater Collection
- Wastewater Treatment
- Water Supply, Treatment and Distribution
- Storm Drainage
- Transportation Facilities, including streets, public transit, etc.

Available of the Category A public facilities, as they relate to this application, are described as follows:

Wastewater Collection:

The subject property is currently served by BCVSA for sanitary sewer collection. Treatment is provided by the Regional Wastewater Treatment Plant, which is operated by the City of Medford. Wastewater collection for this property has been provided by extension of an existing 8" collector in McAndrews Road. New lines may be required to be extended to serve the subject property as part of the development proposal for the site (tentative plan). Adequate capacity is available in the vicinity to provide for this use, based upon the discussion with BCVSA.

Wastewater Treatment:

Wastewater treatment is provided by a regional Wastewater Treatment Plant located north of Kirtland Road, and west of the existing Robert Duff water treatment plan. The wastewater plant currently services approximately 120,000 persons county-wide. The capacity of the regional facility, according to the plant operations manager is in excess of 191,000 persons, which provides a capacity to approximately the year 2010. the plant has the capacity to serve the expected population growth within that planning period.

The regional wastewater facility receives SDC's (Systems Development Changes) that are dedicated for the expansion and maintenance of the facility. Adequate capacity exists at the plan to serve the subject property, as demonstrated by the Land Development Committee review.

Water Supply, Treatment and Distribution:

Potable water supply for the greater Medford area is provided by the Medford Water Commission (MWC), which provides potable water for Medford, Central Point, White City, Eagle Point, Phoenix and several smaller water districts. The Commission began providing potable water to the City of Talent in February 2002.

Primary sources for the MWC system are Big Butte Springs, at the base of Mt McLaughlin, as well as supplementary supplies from the Rogue River (Lost Creek impoundment). The MWC system is capable of serving the water needs of the region until the year 2050, based upon a service population estimated today at approximately 117,000 persons.

Current usage is reflected in a maximum day consumption of 25.8 MGD (Million Gallons per Day), and a maximum capacity of 50 MGD. Like wastewater, there are SDC's that apply for the eventual expansion and upgrading of the existing supply. Treatment is provided for surface water by the Robert Duff water treatment plant located at Table Rock Road and the Rogue River. This is a state-of-the-art sand filter system,

with chlorination for disinfections. The treatment plant comes on line only when the Big Butte Springs supply needs augmentation.

Distribution systems serving this site include a main off McAndrews Road and a connection to loop off a main within Western Avenue. Adequate capacity exists to serve the subject property, as demonstrated by the Medford Water Commission comments at the Land Development meeting prior to the annexation.

Storm Drainage:

Again, storm drainage is available to the property. Currently, there is an open drainage facility along the west property line flowing north to a collection basin the City of Medford shops property, while underground storm drains will be designed to part of the development, and drainage will be collected in a system in accordance with the City of Medford Master Storm Sewer Program, as established by the 1981 Drainage Utility Study. Adequate capacity and facilities exist to serve the site. The site lies within the Elk Creek Drainage Basin. At the time of development a drainage plan will be prepared that meets the requirements of the engineering department.

Transportation Facilities:

Transportation Facilities that serve the subject site are limited to surface transportation (streets and roads). The subject property is served by McAndrews Road.

Compliance with OAR 60-Division 12: Transportation Planning Rule

Compliance with the Transportation Planning Rule also responds to the various policy and goal questions raised within the Transportation Element of the Comprehensive Plan. Since Medford is in the process of Adopting a new Transportation System Plan (TSP) which will address the provisions of OAR 660 Division 12, addressing the OAR criteria will also address the TSP and Transportation Element requirements.

Chapter 660, Division 12 of the Oregon Administrative Rules (OARs) provides for implementation of the Statewide Transportation Goal (Goal 12). The OARs also explain how local governments and state agencies responsible for transportation planning (i.e., O.D.O.T.) can demonstrate compliance with other statewide planning goals, and how transportation facilities can be provided consistent with transportation element requirements.

The Transportation Planning Rule (TPR) requires all local governments to incorporate into their Comprehensive Plans adequate goals and policies that will:

- A. *Consider all modes of transportation, including rapid transit, air, water, rail, highway, bicycle and pedestrian;*
- B. *Inventory local, regional, and state transportation needs;*

- C. *Consider the social consequences that would result from using different combinations of transportation modes;*
- D. *Minimize adverse social, economic, and environmental impacts and costs;*
- E. *Conserve energy;*
- F. *Meet the needs of the transportation disadvantaged by improving service;*
- G. *Facilitate the flow of goods and services so as to strengthen the local and Regional economy;*
- H. *Conform with local and regional comprehensive plans."*

More specifically, there are provisions within the chapter that apply specifically to Plan and land use regulation amendments. These provisions are contained in OAR 660-12-060:

1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either: (a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility; (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(2) A plan or land use regulation amendment significantly affects a transportation facility if it: (a) Changes the functional classification of an existing or planned transportation facility; (b) Changes standards implementing a functional classification system; (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

(3) Determinations under sections (1) and (2) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

Discussion:

Existing Transportation Facilities:

An overview of existing transportation facilities that would provide service to the subject properties indicates that ground transportation via state and county highways and the City of Medford street system is the sole transportation facility or issue that is affected by this request.

The parcel does not have access to light rail, rail, water or other alternative transportation facilities or systems. Pedestrian and bicycle access is available via the sidewalks and bike lanes that are provided by the City and County.

Development of the site will depend upon basically the Northwest Medford Circulation Plan.

Transportation Planning Issues:

An evaluation of the subject property, its size, orientation, location and existing development as well as the existing and historic uses on site indicates that there are no significant transportation issues arising from this zone change.

FINDING, TRANSPORTATION ELEMENT AND PLANNING RULE:

The City of Medford finds that this application is consistent with the Transportation Element and the intent of the Statewide Transportation Planning Rule, in that:

- (1) the site is within an existing Urban Growth Boundary for the City, which has an adapted and acknowledged Comprehensive Plan;
- (2) the property is relatively small (1.13 acre) and development will be packaged as a single family unit in a SFR-10 configuration. Based upon the traffic counts and anticipated traffic generation from the site, the proposed zone change does not significantly affect the overall City transportation facilities in the vicinity, or levels of service on residential, collector, or proposed arterial streets, or state/county highways or intersections, which are the facilities identified in OAR 660-12-060(2).

The additional traffic generation from development of this site will be approximately 90 ADTs based upon the gross size of the parcel and the abutting ROW as well as the scope of zoning requested; this level of traffic will not force any service level to be exceeded, nor will capacity be exceeded on any abutting street; the use is essentially consistent with historic uses in the area.

The proposed 1.13 acre site is in compliance with the Medford Comprehensive Plan pursuant to Medford Land Development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected PM peak traffic volumes within acceptable levels of service.

The subject property currently has one residence with a zoning of SFR-10; the property could potentially have a net of 11 dwelling units.

To figure the potential additional ADTs generated by the site we multiply 11 DUs by 9.57 ADTs to produce a total trip generation of 105 ADTs for the entire property upon complete, 100% build-out. However, we must deduct the existing ADTs from the total at

100% build-out. The one residence (1 x 9.57) comes to 10 ADTs. The increase in ADTs from this project is 105 less 10, for a total new trip generation of 95 ADTs. The number of new trip generations (95) falls below the threshold of 250 ADTs requiring a traffic study.

With respect to Medford Land Development Code 10.227(2), the proposed zone change application is served by streets which are adequate to serve the subject property.

The proposed zone change was reviewed and is in compliance with Section 660-012-0060 of the TPR (Transportation Planning Rule) and with action 1F.6 of the 1999 Oregon Highway Plan.

FINDING: DO ADEQUATE CATEGORY "A" FACILITIES EXIST

The City of Medford finds that:

- (A) The site is served by BCVSA for wastewater collection, and the Regional Treatment Facility for treatment of the sanitary sewer. Sewer collection facilities exist in the vicinity and can be extended to serve the site.
- (B) The site is serviced by the Medford Water Commission for potable water, and water facilities exist in the vicinity that can be extended to serve the site. Coordination with the Medford Water Commission will be necessary to ensure looping and extensions are consistent with the area, and with the existing pressure zones.
- (C) The site is served by both Medford and Jackson County for roads and streets, which are capable of handling any additional traffic arising from this application.
- (D) Adequate drainage exists in the vicinity, consistent with the Medford Master Drainage plan, and if any further Master plan development is proposed in the future, the facility can be extended to the property.

CONCLUSORY FINDING:

With the information above submitted as part of the whole record, and based upon that information, the City of Medford finds that adequate Category "A" public facilities exist to serve the site, and that there will be no significant impact of this zone change on the road and street capacity, water capacity, or sewer capacity in the vicinity. The application is consistent with the standards as contained in the Medford Land Development Code (MLDC).

III. SUMMARY AND CONCLUSIONS

In summation, this proposal for a single family zoning district (SFR-10) can be found to be consistent with the applicable criteria for approval of zoning designation to a City zoning, as contained in Section 10.227 of the MLDC.

With this zone change, it allows the property owner to develop, even to a smaller degree, a site that ultimately will lead to increased infill in the vicinity that will assist the City of Medford in accomplishing the following goals; (1) implement the neighborhood circulation plan; (2) provide a density that will not significantly affect the transportation system; (3) provide infill development consistent with DLCD guidelines.

In conclusion, the application can be found by the City of Medford to meet all of the applicable criteria, and the applicants respectfully request approval of the requested SFR-10 Zoning Designation.

Respectfully Submitted,

Gregg Adams, Member

RECEIVED

JUN 11 2008

PLANNING DEPT.

DATE: June 11, 2008

NO.: P.U.D. 07-271

L.D.S. 07-274

Z.C. 07-273

**PUBLIC WORKS DEPARTMENT STAFF REPORT
SKYLAND VILLAGE P.U.D.**

NOTE: Items B – F Shall be Completed and Accepted Prior to Approval of the Final Plat

A. ZONE CHANGE

1. Sanitary Services:

A. Currently serviced by: This site lies within the Rogue Valley Sewer Service area. Contact Rogue Valley Sewer Service for sanitary sewer issues.

2. Streets:

A. Current condition of nearest street:

McAndrews Road, a designated Major Arterial Street, is paved with curbs and gutters along the frontage of this site.

B: Who has maintenance responsibilities: City of Medford

C: Transportation analysis for the surrounding street system and are stated below:

Land Development Code Section 10.461 gives the City the authority to require a traffic impact report to determine development impacts on the surrounding street system. The proposed zone change from SR-2.5 (Single-Family Residential – 1 dwelling per 2.5 acres) to SFR-10 (Single-Family Residential – 10 units per acre) on 1.15 acres (1.16 gross acres) has the potential to develop 11 SFR dwelling units or generate 105 average daily trips (ADT). The net increase in trips to the transportation system is 95 ADT. Based on this and the MLDC section 10.461, a traffic impact analysis (TIA) is not required.

At the time of site development of this site the City of Medford will recommend any necessary improvements and/or dedications along the portion of this site's frontage on McAndrews Road.

3. Drainage:

A. This site lies within the Elk Creek Drainage Basin. The City's current Drainage Master Plan indicates improvements are required in the downstream storm drainage system to meet

current design standards for this basin. As a zone change is not allowable without adequate storm drain facilities, the following criteria must be met prior to issuance of a development permit or a building permit:

a) An engineer registered in the State of Oregon shall prepare a report which includes testing, plans and calculations necessary to demonstrate a controlled storm water release of no more than 0.25 C.F.S. per acre of development for the 10-year storm. The report shall be submitted to the City of Medford Engineering Division for review and approval.

B. STREETS

a. DEDICATIONS

McAndrews Road is classified as a Major Arterial Street with a required right-of-way width of 100-feet. Therefore, the developer shall dedicate to the public a 20-foot wide strip of right-of-way along the McAndrews Road frontage of this proposed subdivision to comply with the half width of right-of-way for a Major Arterial Street, which is 50-feet. The developer shall also provide a 10-foot wide Public Utility Easement (PUE) adjacent to the new right-of-way line.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector Street capacity required as a result of new development. SDC calculations are based on representative trip generation rates for developments of a particular type. SDC's assess costs to a new development based on the representative proportionate impact (i.e. new trips generated).

The Developer shall receive S.S.D.C. (Street System Development Charge) credits for the public right-of-way dedications on McAndrews Road, per the value established by the Medford Municipal Code, Section 3.815.

Should the developer elect to have the value of the S.S.D.C. credits determined by an appraisal, a letter to that effect must be submitted to the City Engineer within 60 calendar days of the date of the Final Order by the Planning Commission. The City will then select an appraiser and a deposit will be required as stated in Section 3.815.

Western Avenue is classified as a Standard Residential Street. The developer shall dedicate to the public a 6.5-foot wide strip of right-of-way along the Western Avenue frontage of this subdivision to comply with the half width of right-of-way for a Standard Residential Street, which is 31.5-feet. The developer shall also provide a 10-foot wide Public Utility Easement (PUE) adjacent to the new right-of-way line.

Noble Way is classified as a Minor Residential Street which will terminate at Chadsford Drive. The developer shall dedicate to the public a 55-foot wide right-of-way for Noble Way and a 50.5-foot radius for a bulb where Nobel Way intersects with Chadsford Drive. The developer shall also provide a 10-foot wide Public Utility Easement (PUE) adjacent to the new right-of-way lines.

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

The benefits of the rights-of-way dedication for the development of this site include: providing access and transportation connections at urban level of service standards, on-street parking, decreased emergency response times, benefits from using right-of-way to provide utility services, the additional traffic that is being generated by this proposed subdivision and the necessity to provide connections for all modes of trips generated.

b. IMPROVEMENTS

i. Public Streets

The McAndrews Road frontage of this site shall be improved with a 10-foot park strip and a 5-foot sidewalk.

Western Avenue, along the frontage of this development, shall be improved to Standard Residential Street Standards with a 36-foot curb to curb paved section, complete with curbs, gutters, street lights, 8-foot park strips and 5-foot sidewalks. The developer shall improve the east one-half plus 12 feet west of the centerline or to the edge of the existing pavement, whichever is greater.

The Western Avenue improvements shall not be deferred but constructed prior to City approval of the Final Plat.

Noble Way shall be improved to Minor Residential Street standards with a 28-foot wide curb-to-curb section, a 37-foot curb radius paved section for the cul-de-sac terminus at the east end, 5-foot sidewalks, 8-foot park strips and street lights.

The benefits to this proposed subdivision of these public right-of-way improvements include: providing access and transportation connections at urban level of service standards, on street parking, improved connectivity reducing the length of all modes of trips generated, decreased emergency response times, benefits from using right-of-way to provide public utility services, and City maintenance of the improved street.

ii. Private Streets

The private street, Chadsford Drive, shown on the Tentative Plat shall be designed in accordance with the "Engineering Design Standards for Public Improvements", with a 24-foot wide paved

section from Western Avenue tapering down to a 22-foot wide paved section, complete with curbs and gutters, as referenced in Section E(b) of this report. Chadsford Drive shall access Western Avenue with an at-grade approach and 20-foot radius curb returns with a concrete valley gutter. A 5-foot sidewalk shall be provided on one side of the street.

iii. Lighting and signing

All street lights and signing for public streets shall be installed to City of Medford specifications. The following street lighting and signing installations will be required:

1. Traffic Signs and Devices - City Installed
 - A. 1 – street name sign
 - B. 1 – dead end barricade
 - C. 1 – dead end sign
2. Street Lighting - Developer Provided & Installed
 - A. 2 – 100W street lights

All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The developer shall provide and install street name signs and stop signs at the intersections of the private street with the public streets. These signs shall be maintained by the property owners association.

The private street lights shall be installed per Municipal Code Section 10.495. Base mounted cabinets (BMC) and electric meters shall be installed to serve the privately maintained street lights.

For the private streets, legal documents shall be submitted in a form acceptable to the City Attorney prior to recording in the official records of Jackson County that assure that lighting systems on private streets will be perpetually maintained and operated by an association of property owners, or other entity. The new private streets lights are to be inspected and approved by the City of Medford Building Department.

d. ACCESS AND CIRCULATION

A note shall be put on the final plat stating that no direct vehicular access to McAndrews Road shall be allowed.

C. WALLS

The developer shall construct an 8-foot solid vertical separation wall along the north boundary of this proposed subdivision. This wall is to reduce the noise to this proposed subdivision, from the property to the north.

D. SANITARY SEWERS

This site lies within the Rogue Valley Sewer Service area. Contact Rogue Valley Sewer Service for any sanitary sewer issues.

A sanitary sewer lateral shall be constructed to each lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for public sanitary sewers within the private streets.

E. STORM DRAINAGE

a. Hydrology

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

b. Detention

This site lies within the Elk Creek Drainage Basin. A drainage plan for controlled storm water release of no more than 0.25 C.F.S. per acre of development for the 10-year storm shall be prepared by an engineer, registered in the State of Oregon, and submitted to the Engineering Division for approval. The drainage plan shall show the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, as well as elevations on the drainage system. Requirements per the Comprehensive Medford Area Drainage Master Plan as adopted by the Medford City Council in 1995 shall apply. Upon completion of the project, the developer's design engineer shall certify that the construction of the controlled storm water release drainage system was constructed per plan.

The storm detention system on this site shall be privately maintained by the Home Owners Association.

c. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision will be submitted with the public improvement plans for approval. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

d. Mains and Laterals

There is an existing 18" storm drain main located at the north side of this site. The developer shall extend this 18" storm drain main onto this site and construct it to the west boundary of this proposed subdivision. The developer shall connect the onsite storm drain main from this site to this 18" main.

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

A storm drain lateral shall be constructed to each lot prior to approval of the Final Plat.

All public storm drain mains shall be located in paved streets. Easements shall be shown on the Final Plat for a public storm drain main within the private street.

A 12-foot paved access shall be provided to any storm drain manholes or catch basins which are not within the streets.

e. Erosion Control

Subdivisions/P.U.D.'s of one acre and greater require a run-off and erosion control permit from DEQ. The permit must be submitted to the Engineering Division prior to construction plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set.

F. SURVEY MONUMENTATION

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

G. GENERAL

a. Construction Plans

Construction drawings for this project shall be prepared by an engineer registered in the State of Oregon and submitted to the Engineering Division for approval. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings will be accepted for review. This includes plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the Planning Commission's Final Order, together with all pertinent details and calculations.

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

show all final utility locations on the "as built" drawings.

b. Design Requirements

All public improvements including streets, street lights, sanitary sewers and storm drainage facilities shall be designed and constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council in December, 2004. Copies of this document are available in the office of the City Engineer.

c. Phasing

The Tentative Plat does not show phasing.

d. Draft of Final Plat

The developer shall submit a preliminary draft of the final plat at the same time the public improvement plans are submitted. No lot number or lot line changes on the plat will be allowed after that time, unless approved by the City and all utility companies.

e. Easements

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

A 12-foot easement shall be provided from the public right-of-way to any storm drain manholes or catch basins which are not in the streets.

f. Permits

a) Timing

Building Permit applications will not be accepted by the Building Department until the Final Plat for each phase has been recorded and a "walk through" has been conducted and approved for all public improvements required by the Planning Commission for this development.

b) Other

Concrete or block walls built within a P.U.E., sanitary sewer, or storm drain easements require review and approval from the Engineering Department. Walls will require a separate permit from the Building Department and may require a professional engineer's certification.

The developer shall contact the Division of State Lands for the approval or clearance of said development with regard to wetlands and/or waterways if they are present on subject land. The Developer shall address all floodway issues with the proper Agencies and acquire all necessary permits for work within the floodway.

g. System Development Charges

Buildings in this development are subject to a street, south interchange, sewer collection and sewer treatment system development charges. These will be paid at the time individual building permits are taken out. This development is also subject to a storm drain system development charge, but the developer will receive a credit of 25% of the estimated cost of storm drains, as established by Ordinance No. 4940, which are 24 inches in diameter or larger and are not used for storm drainage detention. The storm drain system development charge will be collected at the time of the approval of the final plat. Developments in which Collector/Arterial streets are being constructed may be eligible for Street SDC credits for street construction and public right of way dedication as stated in City of Medford Code.

h. Pavement Moratoriums

The developer shall be responsible for notifying, by certified letter, all utility companies and existing property owners of parcels, which are adjacent to any public street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer prior to the final order of approval of the Tentative Plat by the Planning Commission. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

i. Construction and Inspection

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

The City Public Works Maintenance Division requires that both public sanitary sewer and storm drain mains be inspected by T.V. prior to acceptance of these systems by the City. The developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.



BOARD OF WATER COMMISSIONERS

Staff Memo

~~RECEIVED~~

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: LDS-07-274, PUD-07-271, ZC-07-273

JUN 11 2008

PLANNING DEPT.

PROJECT: Consideration of a request for Preliminary PUD Plan approval, including tentative plat *Skyland Village*, a residential planned unit development including 28-detached single family dwelling lots with open space and a private street on three parcels totaling 3.91-acres located north of McAndrews Road and west of Western Avenue, within an SFR-10 (Single-Family Residential – 10 dwelling units per gross acre) and an SR-2.5 (Single Residential – 2.5 acre minimum) zoning districts; Kokanee Investments, LLC., Applicant (Gregg Adams, Agent). Carly Meske, Planner

PARCEL ID: 372W24CC TL's 1500, 1600 & 2000

DATE: June 6, 2008

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of a new 8" water line is required in Chadsford Drive and Noble Way.
4. Dedication of a 10 foot wide access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement to be submitted to MWC for review and recordation prior to construction.
5. Installation of a fire hydrant or MWC approved blow off device is required to be installed at all dead-ends streets for flushing and water quality purposes.
6. Existing water meters are required to be abandoned unless used for landscape irrigation.

COMMENTS

1. The MWC system does have adequate capacity to serve this property.
2. Off-site water line installation is not required.

CITY OF MEDFORD
EXHIBIT # K
File # PUD-07-271, LDS-07-274
ZC-07-273



BOARD OF WATER COMMISSIONERS

Staff Memo

Continued from previous page

3. On-site water facility construction is required. (See Condition
4. MWC-metered water service does exist to this property. One $\frac{3}{4}$ " water meter exists on Western Ave that serves home at 860 West McAndrews Road (TL 2000). One 2" water meter is located on Western Avenue that serves building at 848 West McAndrews Road (TL 1600). (See Condition 6 above)
5. Access to MWC water lines is available. An 8" water line exists in Western Avenue, and a 14" water line exists in McAndrews Road, and an 8" water line exists to the north of property in City of Medford Service Center access drive.



City of Medford Fire/Rescue

200 S. Ivy Street, Room #257
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

RECEIVED

JUN 11 2008

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Carly Meske

LD Meeting Date: 06/11/2008

From: Kleinberg, Greg

Report Prepared: 06/10/2008

Applicant: Kokanee Investments, LLC., Applicant (Gregg Adams, Agent)

File #: PUD - 07 - 271

Associated File #'s: LDS - 07 - 274

ZC - 07 - 273

Site Name/Description: Skyland Village,

Consideration of a request for Preliminary PUD Plan approval, including tentative plat for LDS-07-274/ Skyland Village, a residential planned unit development including 28-detached single family ZC-07-273 dwelling lots with open space and a private street on three parcels totaling 3.91-acres located north of McAndrews Road and west of Western Avenue, within an SFR-10 (Single-Family Residential - 10 dwelling units per gross acre) and an SR-2.5 (Single Residential - 2.5 acre minimum) zoning districts; Kokanee Investments, LLC., Applicant (Gregg Adams, Agent). Carly Meske, Planner

DESCRIPTION OF CORRECTIONS	REFERENCE
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Required	FIRE HYDRANTS	OFC	508.5
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Fire hydrants with reflectors will be required for this project.

Hydrant locations shall be as follows: Three (3) total: One near corner of Western Ave. and Chadsford Dr., one near the property line between lots #6 and #7, and one at the corner of Noble Way and Chadsford Dr.

Additional hydrants may be required to comply with the requirement of proximity to fire department connections (for fire sprinkler and standpipe systems, the fire department connection shall be located at an approved location away from the building and within 75' of a fire hydrant. The fire department connection shall be located on the same side as the fire department access route.).

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).

Required	PRIVATE FIRE DEPARTMENT ACCESS PARKING RESTRICTION	OFC	503.4
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On-street parking shall be prohibited on Chadsford Drive.

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 signs shall be spaced at 100' intervals and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING FIRE LANE TOW AWAY ZONE ORS 98.810 to 98.812" (See handout).



City of Medford Fire/Rescue

200 S. Ivy Street, Room #257
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

LAND DEVELOPMENT REPORT - PLANNING

To: Carly Meske

LD Meeting Date: 06/11/2008

From: Kleinberg, Greg

Report Prepared: 06/10/2008

Applicant: Kokanee Investments, LLC., Applicant (Gregg Adams, Agent)

File #: PUD - 07 - 271

Associated File #'s: LDS - 07 - 274

ZC - 07 - 273

Site Name/Description: Skyland Village,

Where there is a main entrance to a complex, a main sign stating the no-parking requirements may be used at the approval of the Fire Marshal in lieu of some of the above requirements.

An agreement with a private towing company is required to enforce the no parking areas as tow-away zones. A copy of the agreement with the private towing company shall be provided to the fire department.

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).

Required	"NO PARKING-FIRE LANE" SIGNS REQUIRED	OFC	503.3
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On-street parking shall be prohibited on Noble Way in the fire department turn-around area.

Where parking is prohibited for fire department vehicle access purposes, NO PARKING signs shall be spaced at 100' intervals along the fire lane and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING FIRE LANE TOW AWAY ZONE ORS 98.810 to 98.812" (See handout).

This restriction shall appear on the final plat or be deeded with this property.

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).

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 and made servicable prior to the time of construction. Water supply for fire protection is required to be installed and made serviceable prior to the time of vertical combustibile construction.

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.



ROGUE VALLEY SEWER SERVICES

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

May 29, 2008

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

RECEIVED

JUN 11 2008

PLANNING DEPT.

**Re: PUD-07-271, ZC-07-273, LDS-07-274, Skyland Village PUD (38 2W 24CC -
1500, 1600, 2000, REF: PUD-05-185)**

ATTN: Carly,

The subject property is currently served by connections to the sewer main which runs across the southerly tip of the property as shown and up the easterly side of the property, (not shown).

The main line along the Easterly property line would need to be abandoned to facilitate this development and a new main line extended along Skyland Drive and Noble Way. This alignment may be problematic due to adverse grade. If gravity sewer is difficult if not impossible to the South but may be available to the North, where existing main lines are within 700 feet of the property. This alternate alignment would require easements across the intervening properties.

Rogue Valley Sewer Services requests that approval of the proposed development be subject to the following conditions:

1. The developer must construct a sewer main lines in accordance with RVS standards.
2. The new sewer mains must be accepted as a public facility by RVS prior to the issuance of building permits.

Feel free to call me if you have any questions regarding this project.

Sincerely,

Carl Tappert P.E.
District Engineer

CITY OF MEDFORD
EXHIBIT # M
File # PUD-07-271
LDS-07-274, ZC-07-273



CITY OF MEDFORD
Interoffice Memo

RECEIVED

JUL 21 2008

TO: Planning Department

FROM: Pete Young, Planner III

PLANNING DEPT.

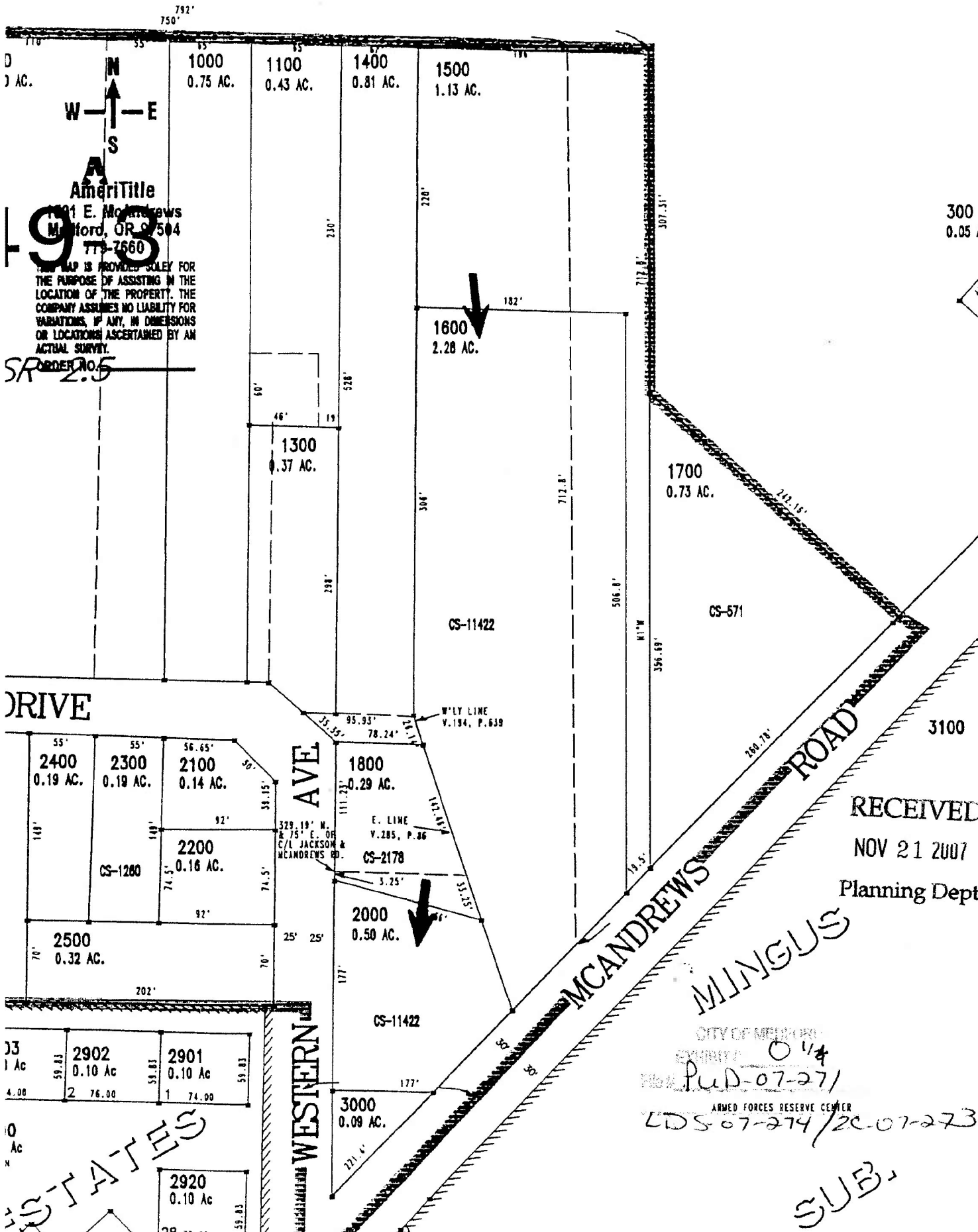
SUBJECT: **Revised** LANDSCAPE / IRRIGATION REVIEW OF FILE PUD-07-271, Kokanee Investments, LLC., Skyland Village

DATE: July 23, 2008

I have reviewed the applicant's Street Tree plan with landscape bufferyard and recommend it be accepted as submitted.

This report addresses horticultural concerns only. Applicant shall comply with all aspects of Medford Code 10.780 Interpretation of the Medford Code will be per the Planning Department. Aesthetic considerations will be per the Site Plan and Architectural Review Commission or Planning Commission upon their review.

CITY OF MEDFORD
EXHIBIT # N
FILE # PUD-08-029



D
AC.

W—↑—E
S

AmeriTitle

1001 E. McAndrews
Medford, OR 97504
773-7660

THIS MAP IS PROVIDED SOLELY FOR
THE PURPOSE OF ASSISTING IN THE
LOCATION OF THE PROPERTY. THE
COMPANY ASSUMES NO LIABILITY FOR
VARIATIONS, IF ANY, IN DIMENSIONS
OR LOCATIONS ASCERTAINED BY AN
ACTUAL SURVEY.

SR-2.5

300
0.05 /

DRIVE

AVE

ROAD

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NOV 21 2007

Planning Dept.

MINGUS

CITY OF MEDFORD

014
PUD-07-271

ARMED FORCES RESERVE CENTER

LDS-07-274/20-07-273

SUB.

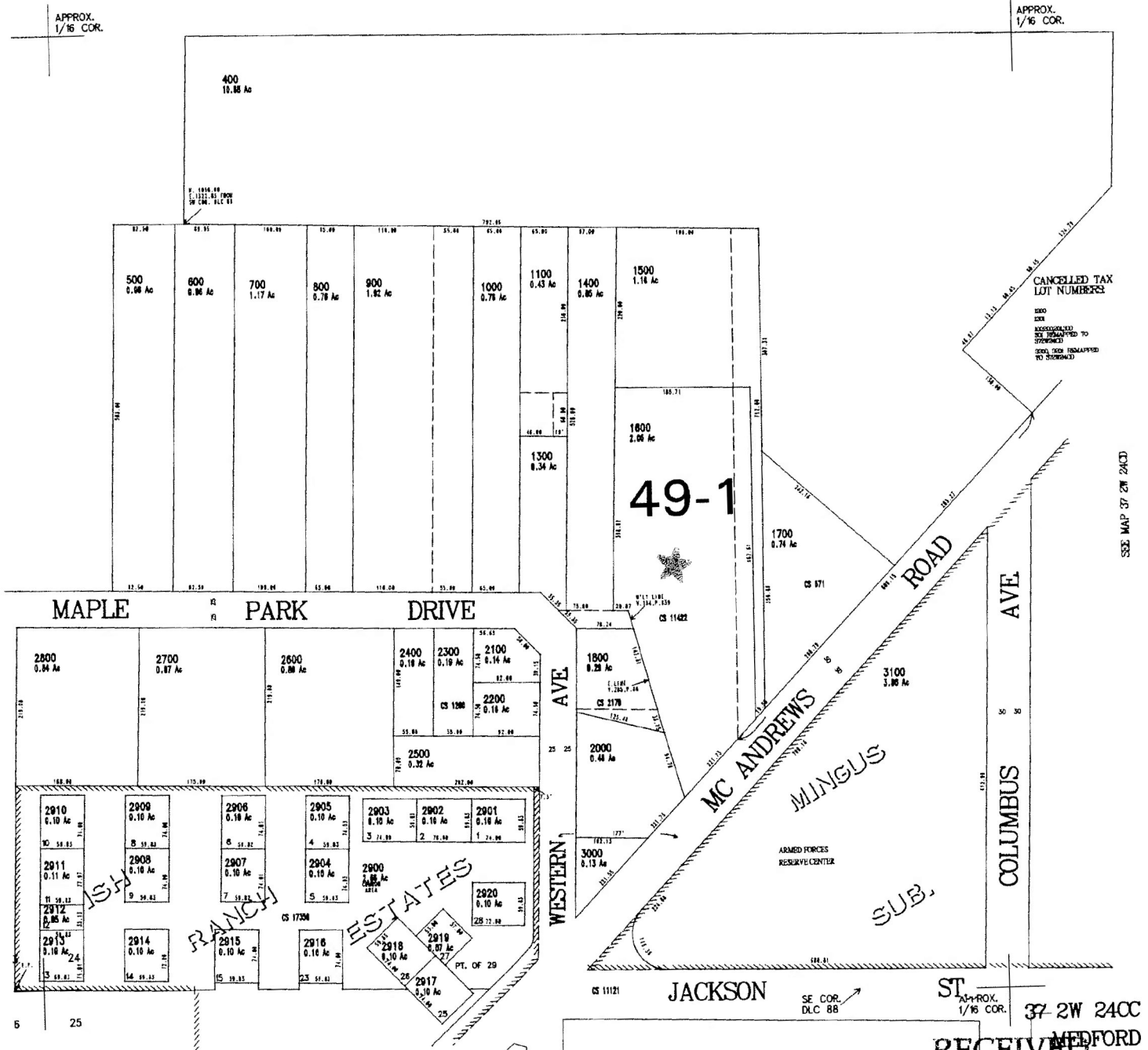
SW1/4 SW1/4 SEC24 T37S R2W. WM.
JACKSON COUNTY

37 2W 24CC
MEDFORD

IMPORTANT
THIS MAP FOR ASSESSMENT
AND TAXATION PURPOSES
ONLY

SCALE 1 INCH = 100 FEET

SEE MAP 37 2W 24CB



SEE MAP 37 2W 25BB

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MEDFORD

NOV 21 2007

Planning Dept.

Township 37 Range 2W Section 24CC

This print is made solely for the purpose of assisting in locating said premises and the company assumes no liability for information printed on this map including zoning, variations, if any, in dimensions and locations, ascertained by actual survey.

LAWYERS TITLE INSURANCE CORPORATION
1555 E. McAndrews Ph. 779-2811
Medford Oregon 97504



CITY OF MEDFORD

EXHIBIT #

024

SFile#

PUD 07-271

LDS-07-274/2C-07-273

Township 37 Range 2W Section 24C

This print is made solely for the purpose of assisting in locating said premises and the company assumes no liability for information printed on this map including zoning variations, if any, in dimensions and locations, ascertained by actual survey.

LAWYERS TITLE INSURANCE CORPORATION
1555 B McAndrews Dr. 779-2811
Medford, Oregon 97504

CANCELLED TAX
LOT NUMBERS
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49-1

MAPLE PARK DRIVE

WESTERN AVE

ROAD

COLUMBUS AVE

MC ANDREWS

RECEIVED
MAY 21 2007
Planning Dept.

SUB
CITY OF MEDFORD
EXHIBIT # 03/4

JACKSON

LOS-62-274 ST

37 2W 240C
MEDFORD

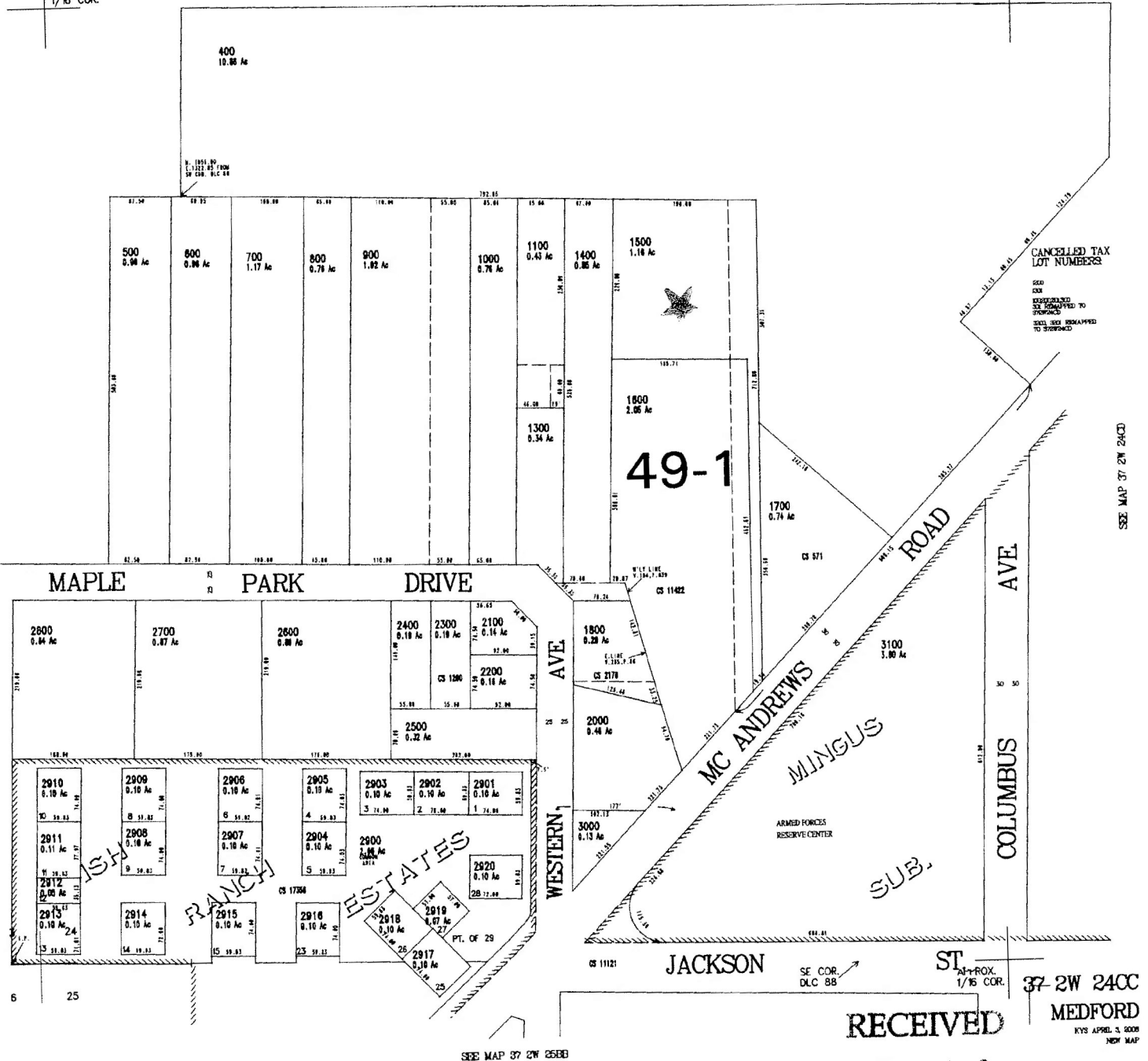
IMPORTANT
THIS MAP FOR ASSESSMENT
AND TAXATION PURPOSES
ONLY

SCALE 1 INCH = 100 FEET

SEE MAP 37 2W 24CB

APPROX.
1/15 COR.

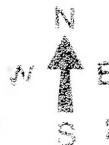
APPROX.
1/16 COR.



Township 37 Range 2W Section 24CC Planning Dept.

This print is made solely for the purpose of assisting in locating said premises and the company assumes no liability for information printed on this map including zoning, variations if any, in dimensions and locations ascertained by actual survey.

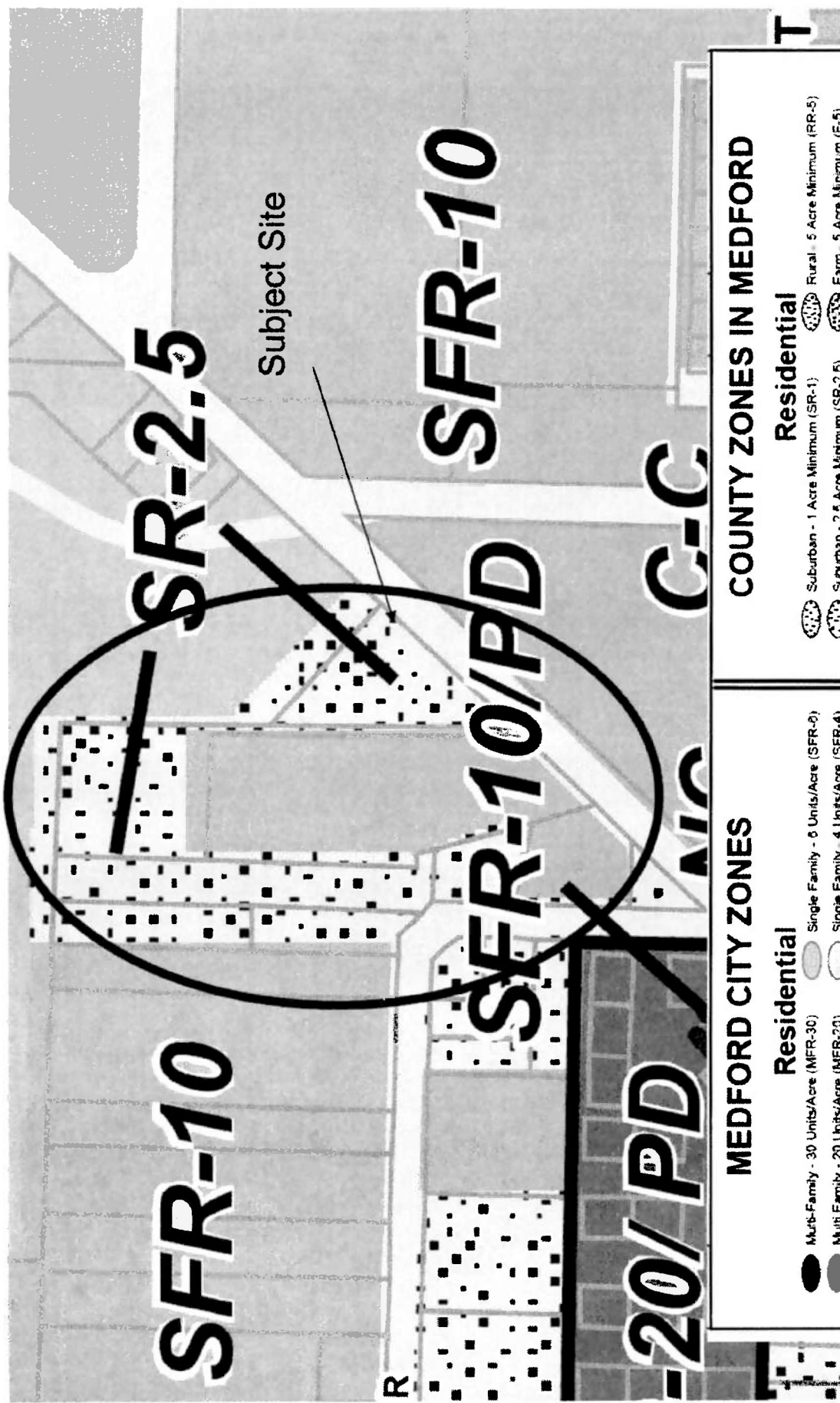
LAWYERS TITLE INSURANCE CORPORATION
1555 E. McAndrews Pk. 779-2811
Medford, Oregon 97504



E CITY OF MEDFORD
EXHIBIT # 09/4
File # PUD 07-271
LDS-07-274/2C-07-273



122-10-007
EXHIBIT P
FILE #



MEDFORD CITY ZONES

Residential

- Multi-Family - 30 Units/Acre (MFR-30)
- Multi-Family - 20 Units/Acre (MFR-20)
- Multi-Family - 16 Units/Acre (MFR-16)
- Single Family - 10 Units/Acre (SFR-10)
- Single Family - 8 Units/Acre (SFR-8)
- Single Family - 4 Units/Acre (SFR-4)
- Single Family - 2 Units/Acre (SFR-2)
- Single Family - 1 Unit/Lot (SFR-00)

Commercial

- Heavy (C-H)
- Regional (C-R)
- Community (C-C)
- Neighborhood (C-N)
- Service/Professional (C-S/P)

Industrial

- Heavy (I-H)
- General (I-G)
- Light (I-L)

COUNTY ZONES IN MEDFORD

Residential

- Suburban - 1 Acre Minimum (SR-1)
- Suburban - 2.5 Acre Minimum (SR-2.5)
- Rural - 5 Acre Minimum (RR-5)
- Farm - 5 Acre Minimum (F-5)

Commercial

- General (GC)
- Neighborhood (NC)
- Exclusive Farm Use (EFU)
- Open Space Reserve (OSR)

Resource

- Light (LU)

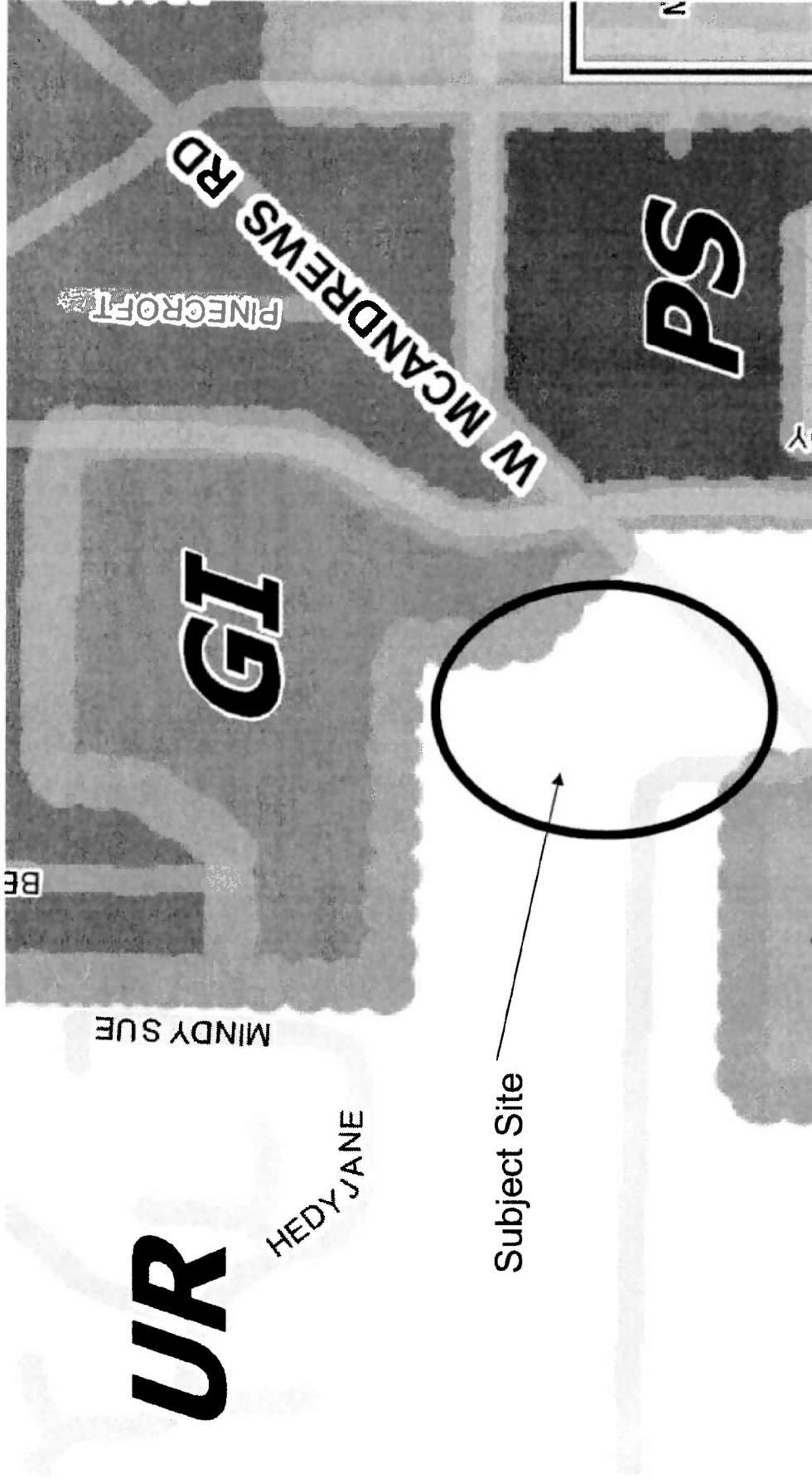
Industrial

- General (GI)
- Airport Development - Medium Use (AD-MU)

EXHIBIT: **PW-08-271**

File #

0 500 1,000 1,500 Feet



Subject Site

LAND USE CLASSIFICATIONS

	Urban High Density Residential (UH)		Commercial (CM)		Airport (A)
	Urban Medium Density Residential (UM)		Service Commercial (SC)		City Center (CC)
	Urban Residential (UR)		General Industrial (GI)		Parks and Schools (PS)
	Limited Service Area Overlay (LS)		Heavy Industrial (HI)		Greenways

242
EXHIBIT
P002-07-271

File No.	PUD-07-271/ZC-07-273/LDS-07-274
Planner	CARLY MESKE
Date	July 14, 2008

GROSS ACREAGE		SUBTRACTED ACREAGE		DENSITY RANGE	
Tax Lot Numbers		Large Lots for Existing Development	- AC	Zoning District	SFR-10
372W24CC 1500	1.16 AC	Reserved Acreage	- AC	Density Range	
372W24CC 1600	2.05 AC	Other ¹	- AC	Minimum	6.00
372W24CC	0.48 AC		- AC	Maximum	10.00
			AC		
			AC		
			AC	No. DU Proposed	27.00
Existing ROW to Centerline	0.42 AC		AC	No. DU Permitted	
Gross Acres	4.11 AC	Subtracted Acres	- AC	Minimum	24.64
Effective Acres (Gross - Subtracted)	4.11			Maximum	41.06
				Percentage of Maximum	65.75%

EXISTING R-O-W CALCULATION				
McAndrews Road	LF	Width	SF	Acres
Western Avenue	462.96	30.00	13,888.80	0.32
(Street Name)	170.00	25.00	4,250.00	0.10
(Street Name)	-	-	-	-
(Street Name)	-	-	-	-
			18,138.80	0.42

CITY OF MEDFORD
EXHIBIT R
File # PUD-07-271
LDS-07-274, ZC-07-273

¹ Such as future ROW dedication, resource protection areas, common open space, other dedication areas, etc.

August 13, 2008

ACTION MINUTES

RECEIVED

AUG 13 2008

**CITY OF MEDFORD
CITIZENS PLANNING ADVISORY COMMITTEE PLANNING DEPT.**

At the regular meeting of the Citizens Planning Advisory Committee, called to order by Chair Curtis Folsom at 6:35 p.m. on Tuesday, August 12, 2008, in Room 340, Medford City Hall, the Committee voted on sending a recommendation to the Planning Commission.

Attendance

Curtis Folsom, Chair	Rick Foster, member
Gerald Anderson, member	Jim Howe, member
Bruce Bauer, member	Christine Lachner, member
Karen Blair, member	Heather Casey, guest
Royal Blake, member	Jill Stout, City Councilor
Elwyn Fordyce, member	Kathy Helmer, Planner

Motion:

CPAC recommends that the Planning Commission not approve PUD-07-021 because: 1) it is neither creative nor imaginative in its use of land; and, 2) there are issues with inadequate parking and concerns that emergency vehicles will not be able to maneuver on the development's narrow street which does not provide parking space.

Motion made by: Bruce Bauer

Seconded by: Royal Blake

Discussion: Members raised several concerns about the proposed development. Parking spaces are so distant from the homes that they are unlikely to be used. The street is not wide enough to provide for parking, but members said that people would park on the street, thus blocking circulation. If an emergency vehicle needed to pass, their path might be blocked by all the on-street illegal parking. Members have often seen this occur. Members could see nothing innovative in the design of the development and questioned why it was a PUD.

Vote: Motion passed with eight (8) votes in favor and zero (0) votes opposed and one (1) abstaining.

CITY OF MEDFORD
EXHIBIT # S
File # PUD-07-271
LDS-07-274, ZC-07-273

Rec'd 8/14
8pm

August 13, 2008

City of Medford
Planning Dept.
Medford, Oregon 97501

Re: PUD -07-271 Skyland Village PUD

Attn: Kelly Akin, Senior Planner

The following written findings are to be included with the aforementioned file.
As per section 10.745 Location of Parking Facilities, the following additions are made to the application:

1. As noted on the development plans for the PUD there are planned to be built lighted, paved sidewalks and roadways that will provide safe, direct, attractive and convenient pedestrian routes parking areas and the houses being served within the project.
2. A Homeowners Assoc., as required by State Law will be the owners of the off-site parking areas. As such this area will be deeded to the Association for perpetual ownership and maintenance.

The stipulations noted above meet the requirements for the allowance of off-site parking, which can't exceed 250 feet from it's intended user. All homes are within the allowable distance.


Gregg Adams
Kokanee Investments LLC

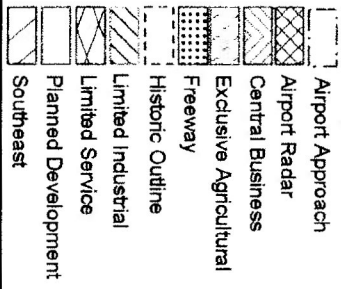
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PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # 111
EXHIBIT PUD-07-271,
2C-07-273, LDS-07-274

Vicinity Map



OVERLAY



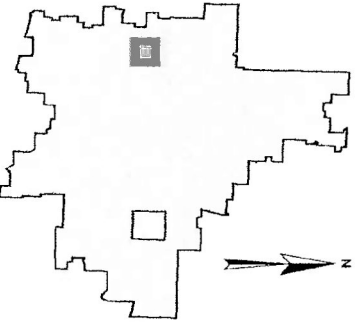
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PUD-07-271
ZC-07-273
LDS-07-274
Skyland Village

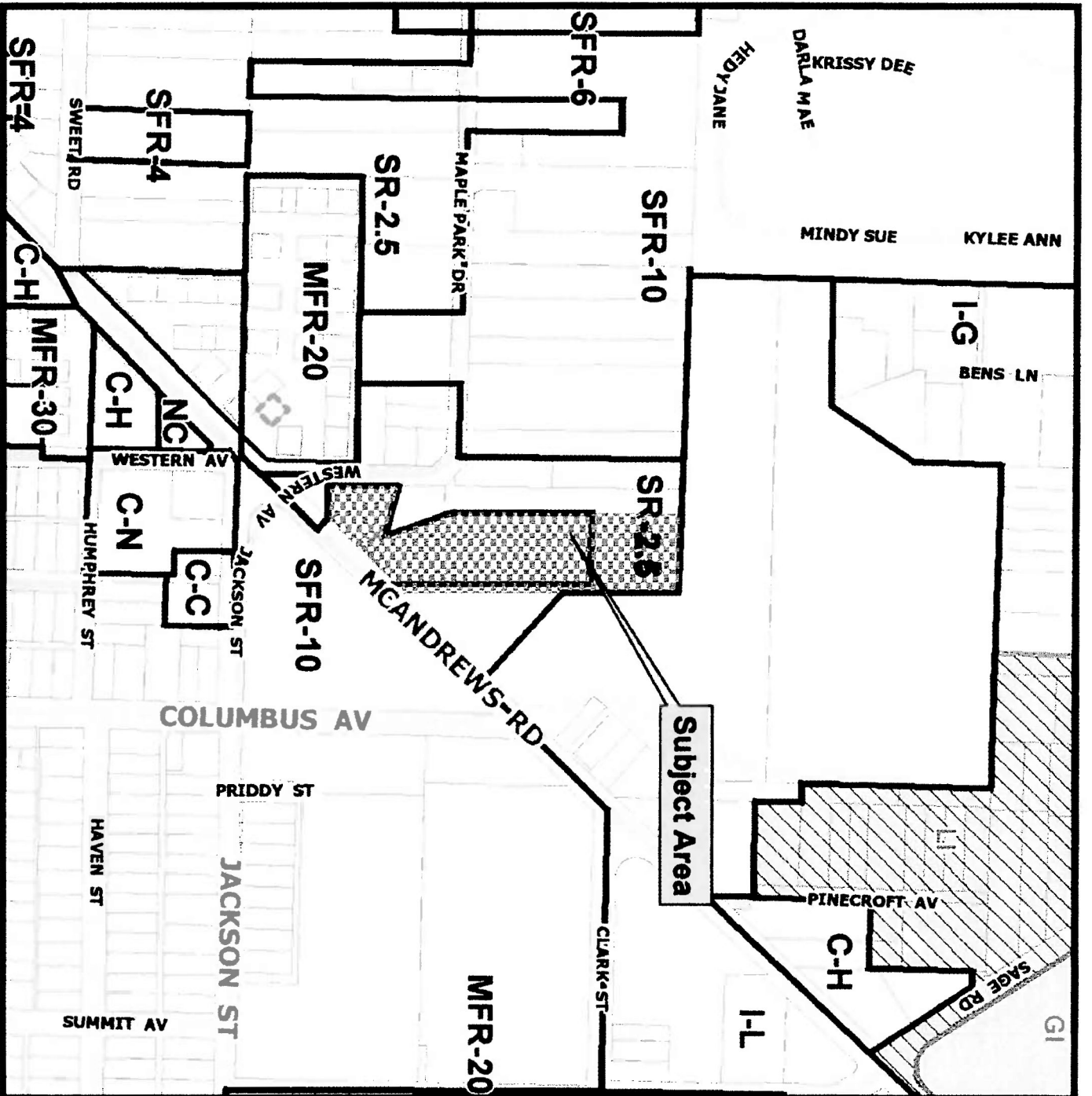
APPLICANT:

Kokanee
Investments, LLC.

Map: 372W24CC
TL's: 1500, 1600 & 2000



DATED: 12/19/2007



40g0400659jb

After recording return to:

Lawyers Title Insurance Corporation
1555 E. McAndrews Road, Suite 100
Medford OR 97504

Until a change is requested, all tax statements
shall be sent to Grantee at the following address:
P.O. Box 1337
Medford, OR 97501

Jackson County Official Record:

4-024620

R-WD

Cnts:1 Str:4 SHAWBJ 06/03/2004 02:10:00 PM

\$10.00 \$5.00 \$11.00

Total:\$26.00



01026406200400246200020027
I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records. Kathleen S. Beckett - County Clerk

STATUTORY WARRANTY DEED

Schiller Enterprises, Inc., an Oregon corporation

Grantor, conveys and warrants to

Adams Group, L.L.C., an Oregon limited liability company and C.A. Galpin

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit "A" attached hereto and made a part hereof

This property is free of encumbrances, EXCEPT:

See Exhibit "A" attached hereto and made a part hereof

The true consideration for this conveyance is \$ 185,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 30th day of April, 2004.

Schiller Enterprises, Inc.

x *[Signature]* President
Rick Schiller, President

STATE OF OREGON, COUNTY OF Jackson

The foregoing instrument was acknowledged before me this 30th day of April, 2004, by
Rick Schiller, as President of Schiller Enterprises, Inc.

[Signature]
Notary Public for Oregon

My commission expires May 11, 2004



RECEIVED
NOV 21 2007
Planning Dept.

PLD 01-27/
LTS 07 274/2007.273

EXHIBIT A

Commencing at the southeast corner of Donation Land Claim No. 88, in Township 37 South of Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence West 6.59 chains; thence North 42° East 442.5 feet to the true point of beginning; thence North 42° East 19.5 feet; thence North 1° East 712.8 feet; thence West 196.0 feet; thence South 220.0 feet; thence East 182.0 feet; thence South 1° West 506.8 feet, more or less, to the place of beginning.

(Code 49-03, Account #1-042928-1, Map #372W24CC, Tax Lot #1500)

(Code 49-03, Account #3-017212-6, Map #372W24CC, Tax Lot #1500)

SUBJECT TO:

1. The effect of said property, or any part thereof, lying within the Medford Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District, including any and all assessments, liens and charges assessed, and to be assessed.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Rogue Valley Sewer Services.
3. Easement over that portion lying within West McAndrews Road.
4. Right(s) of way for the transmission and distribution of electricity, and for other purposes, granted to PacifiCorp, an Oregon corporation, or its predecessor in interest, by instrument(s) recorded October 21, 1954 in Volume 401, page 44, of the Deed Records of Jackson County, Oregon.
5. Easement for sewer lines and rights in connection therewith, subject to the terms and provisions thereof, granted to Bear Creek Valley Sanitary Authority by instrument recorded August 7, 1981 as No. 81-15015 of the Official Records of Jackson County, Oregon.
6. Easement for gas pipe and rights in connection therewith, subject to the terms and provisions thereof, granted to C.P. National Corporation by instrument recorded October 25, 1989 as No. 89-24661 of the Official Records of Jackson County, Oregon.
7. Restriction, Covenant pertaining to Cordwood Heating devices, subject to the terms and provisions thereof, recorded April 12, 1990 as No. 90-08739 of the Official Records of Jackson County, Oregon.
8. Restrictive Covenant, subject to the terms and provisions thereof, made pursuant to the provisions of the Jackson County Land Development Ordinance, recorded April 29, 1999, as No. 99-23737, of the Official Records of Jackson County.

03 45321

24 AFTER RECORDED RETURN TO
Title 157071-24

THIS SPACE RESERVED FOR RECORDER'S USE

10
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11

After recording return to:
ADAMS GROUP LLC, AN OR LLC

Until a change is requested all
tax statements shall be sent to
the following address:
ADAMS GROUP LLC, AN OR LLC

No change
Escrow No. AS0757071
Title No.

WARRANTY DEED

GREG SNOW,
Grantor(s) hereby grant, bargain, sell, warrant and convey to:
ADAMS GROUP LLC AN OREGON LLC AS TO AN UNDIVIDED 50% INTEREST AND C. A.
GALPIN AS TO AN UNDIVIDED 50% INTEREST, ALL AS TENANTS IN COMMON
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the County of JACKSON and State of Oregon, to wit:
SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE
1-042929-0 372W24CC TL: 1600
1-045073-8 372W24CC TL: 2000

Grantor is lawfully seized in fee simple on the above granted premises. SUBJECT
TO: all those items of record if any, as of the date of this deed and those
shown below, if any:

SUBJECT TO: THE 2003-2004 REAL PROPERTY TAXES, A LIEN, NOT YET DUE AND
PAYABLE.

and the grantor will warrant and forever defend the said premises and every
part and parcel thereof against the lawful claims and demands of all persons
whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is
PURSUANT TO AN IRC SECTION 1031 TAX DEFERRED EXCHANGE FOR THE BENEFIT
OF THE GRANTEE.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

Dated this 9 day of July, 2003.

Greg Snow
GREG SNOW

State of Oregon
County of JACKSON

This instrument was acknowledged before me on July 9, 2003 by GREG SNOW.

Kay E. Hamilton
(Notary Public for Oregon)
My commission expires 1/8/05



RECEIVED

NOV 21 2007

Planning Dept.

PLD 07-271
LDS 07-274/20 07-273

03 45321

Order No. 757071-EV

Exhibit 'A'

TRACT A:

Commencing at the Southeast corner of Donation Land Claim No. 88 in Township 37 South, Range 2 West, of the Willamette Meridian, Jackson County, Oregon; thence West, along the South line of said Claim, 6.59 chains; thence North 42° East, along the center of County Road, 316.00 feet to the true point of beginning; thence South 42° West, along the center of County Road, 27.00 feet; thence West, 177.00 feet to center of County Road; thence North, along center of County Road, 177.00 feet; thence East to the Westerly line of tract described in Volume 194, Page 639, Jackson County, Oregon, Deed Records; thence Southeasterly along said Westerly line, to the true point of beginning.

EXCEPTING THEREFROM any portion lying within the following described tract: Beginning at a point which bears 392.19 feet North and 50.00 feet East from the centerline intersection of McAndrews Road and West Jackson Street in the City of Medford, Jackson County, Oregon; thence East 112.55 feet to a 5/8 inch iron pin (being the West line of tract described in Volume 194, Page 639, Jackson County, Oregon, Deed Records); thence South 17°00'30" East, along said West line, 33.25 feet; thence North 76°51'45" West, 125.56 feet; thence North 3 25 feet to the point of beginning, being in Section 24 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon.

TRACT B:

Beginning at the Southeast corner of Donation Land Claim No. 88 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; and running thence West, 6.59 chains; thence North 42° East, 316.00 feet to the true point of beginning; thence North 42° East, 126.50 feet; thence North 1° East, 506.80 feet; thence West, 182.00 feet; thence South, 306.00 feet; and thence in a Southerly direction, 338.00 feet, more or less, to the true point of beginning and being known as Lot 3 of MAPLE PARK, unrecorded.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

JUL 10 2003

2:30 PM
Forrest D. [Signature]
COUNTY CLERK

03 45321

24 AFTER F 7ING RETURN TO
Title 157071-5V

THIS SPACE RESERVED FOR RECORDER'S USE

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After recording return to:
ADAMS GROUP LLC, AN OR LLC

Until a change is requested all
tax statements shall be sent to
the following address:
ADAMS GROUP LLC, AN OR LLC

Escrow No. AS0757071
Title No.

No Change

WARRANTY DEED

GREG SNOW,
Grantor(s) hereby grant, bargain, sell, warrant and convey to:
ADAMS GROUP LLC AN OREGON LLC AS TO AN UNDIVIDED 50% INTEREST AND C. A.
GALPIN AS TO AN UNDIVIDED 50% INTEREST, ALL AS TENANTS IN COMMON
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the County of JACKSON and State of Oregon, to wit:
SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE
1-042929-0 372W24CC TL: 1600
1-045073-8 372W24CC TL: 2000

Grantor is lawfully seized in fee simple on the above granted premises, SUBJECT
TO: all those items of record if any, as of the date of this deed and those
shown below, if any:

SUBJECT TO: THE 2003-2004 REAL PROPERTY TAXES, A LIEN, NOT YET DUE AND
PAYABLE.

and the grantor will warrant and forever defend the said premises and every
part and parcel thereof against the lawful claims and demands of all persons
whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is
PURSUANT TO AN IRC SECTION 1031 TAX DEFERRED EXCHANGE FOR THE BENEFIT
OF THE GRANTEE.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

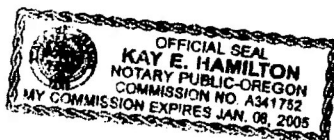
Dated this 9 day of July, 2003.

Greg Snow
GREG SNOW

State of Oregon
County of JACKSON

This instrument was acknowledged before me on July 9, 2003 by GREG SNOW.

Kay E. Hamilton
(Notary Public for Oregon)
My commission expires 1/8/05



RECEIVED

NOV 21 2007

Planning Dept.

PLU 01-27/
LOS 7-274/2007 273

03 45321

Order No. 757071-EV

Exhibit 'A'

TRACT A:

Commencing at the Southeast corner of Donation Land Claim No. 88 in Township 37 South, Range 2 West, of the Willamette Meridian, Jackson County, Oregon; thence West, along the South line of said Claim, 6.59 chains; thence North 42° East, along the center of County Road, 316.00 feet to the true point of beginning; thence South 42° West, along the center of County Road, 27.00 feet; thence West, 177.00 feet to center of County Road; thence North, along center of County Road, 177.00 feet; thence East to the Westerly line of tract described in Volume 194, Page 639, Jackson County, Oregon, Deed Records; thence Southeasterly along said Westerly line, to the true point of beginning.

EXCEPTING THEREFROM any portion lying within the following described tract: Beginning at a point which bears 392.19 feet North and 50.00 feet East from the centerline intersection of McAndrews Road and West Jackson Street in the City of Medford, Jackson County, Oregon; thence East 112.55 feet to a 5/8 inch iron pin (being the West line of tract described in Volume 194, Page 639, Jackson County, Oregon, Deed Records); thence South 17°00'30" East, along said West line, 33.25 feet; thence North 76°51'45" West, 125.56 feet; thence North 3.25 feet to the point of beginning, being in Section 24 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon.

TRACT B:

Beginning at the Southeast corner of Donation Land Claim No. 88 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; and running thence West, 6.59 chains; thence North 42° East, 316.00 feet to the true point of beginning; thence North 42° East, 126.50 feet; thence North 1° East, 506.80 feet; thence West, 182.00 feet; thence South, 306.00 feet; and thence in a Southerly direction, 338.00 feet, more or less, to the true point of beginning and being known as Lot 3 of MAPLE PARK, unrecorded.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

JUL 10 2003

2:30 PM
[Signature]
COUNTY CLERK

2

X

Vicinity Map

- UGB
- City Limits
- OVERLAY
- Airport Approach
- Airport Radar
- Central Business
- Exclusive Agricultural
- Freeway
- Historic Outline
- Limited Industrial
- Limited Service
- Planned Development
- Southeast

FILE NUMBER:

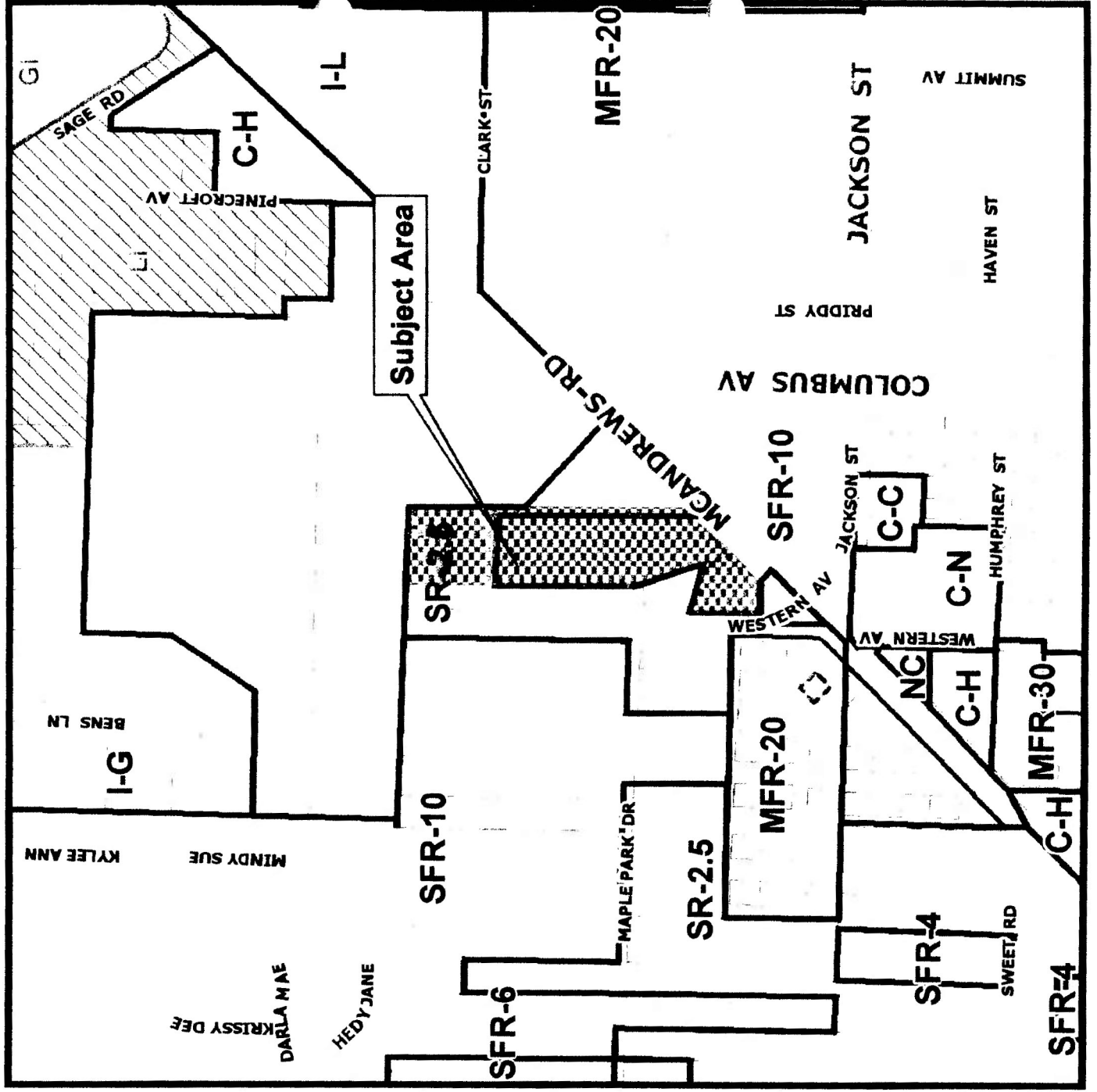
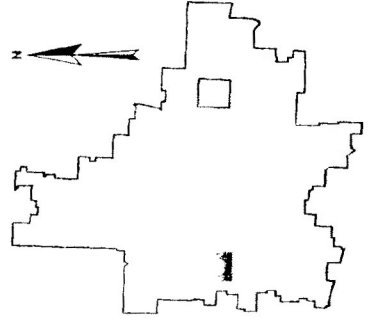
PUD-07-271
ZC-07-273
LDS-07-274
Skyland Village

APPLICANT:

Kokanee
Investments, LLC.

Map: 372W24CC

TL's: 1500, 1600 & 2000



ORD
ARTMENT
STREET
97501

CERTIFIED MAIL™



7277 0710 0001 0567 1679

09/05/2008 09:05:00
\$09.700
Mailed From 97501
US POSTAGE

Hasler



RETURN RECEIPT
REQUESTED

PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION
AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540