



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

July 26, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Eagle Point Plan Amendment
DLCD File Number 006-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 9, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Steven Santos, DLCD Economic Development Planning Specialist
John Renz, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Bunny Lincoln, City of Eagle Point

<paa> ya/



FORM 2

DLCD 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

(See second page for submittal requirements)

Jurisdiction: CABLE POINT

Local File No.: 04/05-03: CPC/204
(If no number, use none)

Date of Adoption: 6-27-06
(Must be filled in)

Date Mailed: 7-19-06
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: NOV 28, 2005

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

(Please Specify Type of Action)

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

REMOVED SPECIFIC PROPERTIES FROM INDUSTRIAL & PUBLIC TO RESIDENTIAL

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice for the proposed amendment, write "N/A". SAME

Plan Map Changed from: LI / PUBLIC

to: LR MR

Zone Map Changed from: LI / PUBLIC

to: R1 - R2 & R3

Location: BARTON ROAD

Acres Involved: 48.94 ACRES

Specify Density: Previous: φ

New: 5/AC. (AVERAGE)

Applicable Statewide Planning Goals: ORGANIZATION & PUBLIC FACILITIES

Was an Exception Adopted? Yes: No:

Does Adopted Amendment affect the areas in unincorporated Washington County where the

Zoning Code applies? Yes No

DLCD File No.: 006-05(14827)

DEPT OF

JUL 21 2006

LAND CONSERVATION
AND DEVELOPMENT

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: BUNNY LINCOLN Area Code + Phone Number: 541-826-4212 XT-111
Address: P.O. BOX 779 City: EAGLE POINT
Zip Code+4: 97524-0779 Email Address: bunnylincoln@cityofeaglepoint.or.gov

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 copy this form on to 8-1/2x11 green paper only ; or 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.

ORDINANCE NO. 2006-01

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN LAND USE AND ZONING MAPS AND ADOPTING SPECIFIC ZONING CLASSIFICATIONS FOR PROPERTY LOCATED IN THE CITY OF EAGLE POINT, OREGON.

WHEREAS, application has been made to the City of Eagle Point for the rezoning of certain property under its jurisdiction from LI (Light Industrial) and PL (Public) to R-1, R-2 and R-3 (Low and Medium Density Residential), with payment of required planning fees; and

WHEREAS, said application has been declared complete by the City; and

WHEREAS, all legally required notifications and advertisements have been made, with accompanying certifications; and

WHEREAS, the Planning Commission held a public hearing, June 20, 2006 in connection with said application and has forwarded its recommendation(s) for approval to the City Council (as shown by attached "Memo to Council"); and

WHEREAS, the City Council held a public hearing, June 27, 2006; and

WHEREAS, both hearings provided a forum for public testimony on the proposed zoning amendments; and

WHEREAS, such rezonings are subject to the provisions of the **Eagle Point Zoning Ordinance, Article IX - Amendments, Section 9.070 (C) - Ordinance**, which requires that rezones be effected by ordinance, including the adoption of related Findings of Fact, now, therefore,

THE CITY OF EAGLE POINT ORDAINS AS FOLLOWS:

Section 1 - Findings of Fact. The Council hereby adopts the **Findings of Fact** contained within the whole record, or as amended, with regard to the rezone:

Section 2. - Approval Conditions. The following approval conditions are attached to the subject rezone:

FUTURE DEVELOPMENT -

1. Any future development of this property shall comply with all relevant City rules and regulations. This shall include, but not be limited to, submittal of all required applications, conditional use permits for any proposed row house development and master site plan review with payment of fees for same and:

- The applicant shall participate on a pro-rata share, in the cost of previously approved Barton Road traffic mitigation (e.g., an ODOT standard design access approach, median construction on Hwy. 62 and possible right of way contribution to a right-turn deceleration lane for northbound Hwy. 62 access to Barton Road, etc.) to ensure consistency with OAR 734-051.

- In conjunction with Phase #1 of any property development, the applicant shall construct a dedicated public street (developed to the standard specified in the Pleasant Creek Hills approval) between Crystal Drive and Barton Road.
- ODOT and the City of Eagle Point will address right-of-way dedication issues with the applicant and adjacent property owners, as necessary, to meet the possible need for a right-turn deceleration lane from Highway 62 to the new Barton Road approach.

MISCELLANEOUS


1. Any assessed development or SDC fees shall not be tied to any approvals for this project, but shall apply severally at the time each becomes payable per City ordinance. Fees may not be paid in advance. **EXAMPLES: If there are fee increases between development approval and the time any individual building permit is pulled, the increased fees shall be the amounts due. This may include, but not be limited to, building permit fees, park in lieu fees, water connection fees, Medford Water Commission, BCVSA and Eagle Point SDC's.**
2. These conditions shall be binding upon and inure to the benefit of the heirs, successors and assigns of the applicants. These conditions are not personal, but are for the benefit of all the land herein described, and shall be binding upon the developer and all successive owners of all or part of said property.

Section 3 - Legal Description and Zoning Designation. The real property described as Tax Lot s #1200, 1201, 1202, 1203, 1204, 1205 and 1300, JACO Assessor's Map 351W34 Highway 62, Eagle Point, Oregon is hereby rezoned R-1, R-2 and R-3 (Single and Multi-Family Residential) on the Comprehensive Plan Land Use Map and the Zoning Map. Said zoning designation locations shall be defined as those on the master site plan/tentative plat for **Pleasant Creek Hills**.

Section 4. Effective Date. The Ordinance amendment shall become effective on August 12, 2006, thirty (30) days after formal adoption at its second reading (July 12, 2006) by the City Council.

PASSED by the Council and signed by me in open session in authentication of its passage this 27th day of June, 2006.


Presiding Officer

ATTEST:

Recorder

APPROVED by me this 27th day of June, 2006.

MAP(S)

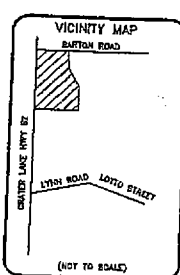
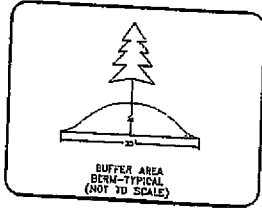
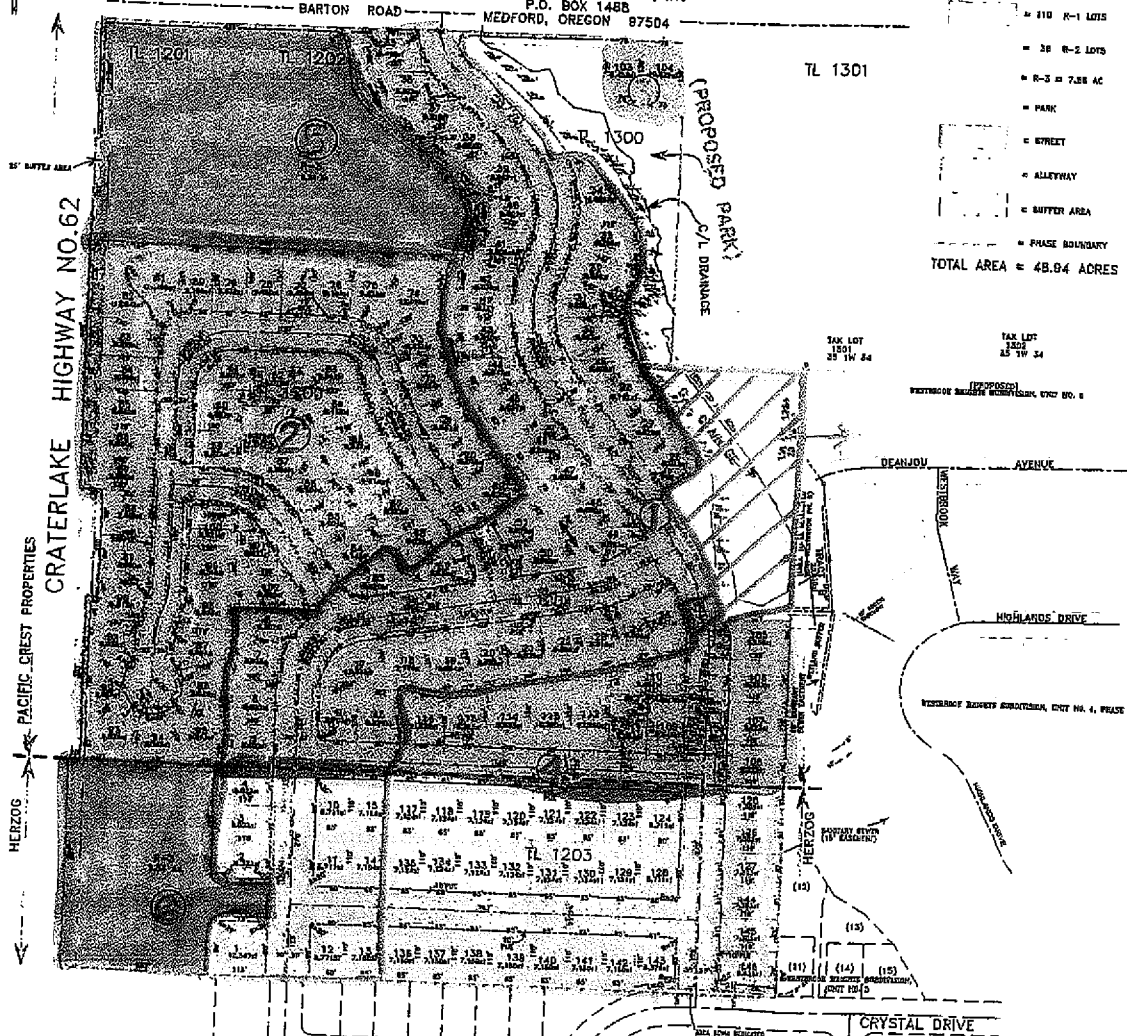
TENTATIVE PLAT
OF
PLEASANT CREEK HILLS

Located in:
LOTS 3-8 OF EAGLE POINT MEADOWS
IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 34, T. 37S., R. 1 W., W.M.
CITY OF EAGLE POINT, JACKSON COUNTY, OREGON

FOR:
PACIFIC CREST PROPERTIES, INC
P.O. BOX 1488
MEDFORD, OREGON 97504

LEGEND

- [Symbol] = 110 R-1 LOTS
 - [Symbol] = 38 R-2 LOTS
 - [Symbol] = R-3 = 7.88 AC
 - [Symbol] = PARK
 - [Symbol] = STREET
 - [Symbol] = ALLEYWAY
 - [Symbol] = BUFFER AREA
 - [Symbol] = PHASE BOUNDARY
- TOTAL AREA = 48.94 ACRES

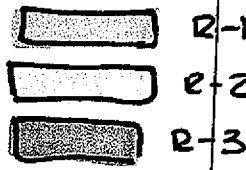


MUST MOVE TO
WESTBROOK 25

PHASE BOUNDARY		
PHASE 1	LOTS 1-53	14.93AC. (53 LOTS)
PHASE 2	LOTS 54-102	11.75AC. (49 LOTS)
PHASE 3	LOTS 103-104	0.45AC. (2 LOTS)
PHASE 4	LOTS 105-146	8.81AC. (42 LOTS)
TOTAL LOTS		145
PHASE 5	(R-3)	5.34AC.
PHASE 6	(R-3)	2.54AC.

Disclaimer:
This drawing is a Tentative Plat by nature
& is not intended for any other use.

HOFFBUHR & ASSOCIATES, INC.
880 GOLF VIEW DRIVE #201 MEDFORD, OREGON
(541) 779-4641 97504
BY: DOUGLAS C. McMAHAN LS No.1913
SCALE: 1" = 100' DATE: FEBRUARY 8, 2006
BASIS OF BEARING: WESTBROOK HEIGHTS SUBD.



**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF EAGLE POINT
JACKSON COUNTY, OREGON**

**IN THE MATTER OF AN APPROVAL)
FOR A MASTER SITE PLAN TO CONSTRUCT)
PLEASANT CREEK HILLS SUBDIVISION)
SOUTH OF BARTON ROAD, EAGLE)
POINT, OR)** **FINAL ORDER**
) **PA#04/05-29:SUB**
) **(SUBDIVISION MASTER SITE PLAN)**

**APPLICANT: Pacific Crest Properties, et al
OWNER: Same
AGENT: The Richard Stevens Company**

I

SUMMARY OF DECISION

The application **File PA#04/05-03:SUB** is **approved** based upon the reasons and subject to the conditions set forth herein below.

II

NATURE OF THE APPLICATION

Application for **Comprehensive Plan Map amendment** and **zone change** approval and a **Tentative Plan** for the development of **“Pleasant Creek Hills”** subdivision with the following allocations from the total of approximately 48.94 acres:

110 lots	R-1 (Single Family)
38 lots	R-2 (Multi-Family – Single family residences are a permitted use)
71 lots	R-3 (Multi-Family – Future Development)

Total Units = 219

4.10 acres park/open space (proposed)

III

PROCEDURAL BACKGROUND

Following public notice given to the owners of adjoining properties in accordance with the provisions of EPZO, Article IIA, after repeated continuances, the City of Eagle Point Planning Commission and City Council conducted the required public hearings on **June 20th** and **27th, 2006**. During the public hearings, all

interested parties were afforded the opportunity to present evidence and argument. At the conclusion of public testimony, the public hearings were closed, and deliberations held, The **Planning Commission** moved and seconded that the tentative subdivision and master site plan be recommended for City Council approved with conditions. The motion passed unanimously on a voice vote. The **City Council** moved and seconded that the tentative subdivision and master site plan be approved with conditions. The motion passed unanimously on a voice vote.

IV

SUBSTANTIVE APPROVAL CRITERIA

FILE: PA#04/05-03:CPC/ZCH (WHITTLE - HIGHWAY 62)

COMPREHENSIVE PLAN

COMPREHENSIVE PLAN LAND USE MAP

PUBLIC FAMILIES

ECONOMY

CITIZEN INVOLVEMENT

REVIEW AND AMENDMENT PROCEDURES

ZONING ORDINANCE

ARTICLE III - ZONING DISTRICTS (RESIDENTIAL) AND (LIGHT INDUSTRIAL)

ARTICLE IX - AMENDMENTS (ZONING MAP)

Section 9.010 General

Section 9.020 Initiation of Amendment

Section 9.030 Application

Section 9.040 Planning Commission Procedure

Section 9.050 Planning Commission Action

Section 9.060 City Council Procedure

Section 9.070 City Council Action

OTHERS RELEVANT

EP STRATEGIC PLAN

BUILDABLE LANDS ANALYSIS - 2001

ODOT TRANSPORTATION PLANNING RULE

V

FINDINGS OF FACT

The City finds that following facts to be true with respect to this matter. The adopted Findings include both those listed below, and those contained within the applicant's submittal (on file).

I. PROPERTY STATISTICS OVERVIEW

- A) **Date of Creation:** The 1200-series tax lots were created through a segregation request approved in 1976. Tax Lot 1300 resulted from a land sales contract signed in 1968.
- B) **Zoning:** Light Industrial and Public.
- C) **Conditional Use:** Section 3.062 lists Planned Developments as conditional uses. While earlier proposals included Planned Developments, the current proposal identifies Phases 5 and 6 as R-3 land for which conditional use permits applications will be made later. Subdivisions are not subject to Conditional Use Permit criteria.
- D) **Access:** The property fronts on Barton Road, a county local access road at its western end, and Crater Lake Highway 62, an Oregon Department of Transportation (ODOT) maintained facility. Access to the development is proposed from Barton Road and city streets De Anjou Avenue and Crystal Drive. Crystal Drive will connect to Crater Lake Highway at a lighted intersection south of the properties affected by this request. Barton Road traffic will be restricted to right in/right out movements at Crater Lake Highway. The eastern portion of Barton Road is being improved to urban standards to accommodate new subdivisions. An interior system of streets will serve the proposed individual lots.
- E) **Fire Protection:** Fire District #3 provides fire protection from its recently constructed station on Loto Street.
- F) **Legal Description:** 351W34, Tax Lots 1200, 1201, 1202, 1203, 1204, and 1300.
- G) **Comp Plan Land Use Map Designation:** Industrial and Public Lands. The Public Lands designation is confined to Tax Lot 1300, a site formerly intended as a school site until the school district constructed elementary and middle schools near Reese Creek Road.
- H) **Land Use:** The property is currently a large block of land under several ownerships in the northwest corner of the city. The eastern portion contains an existing drainage that is proposed as park and open space. Present or past use included homes on several of the parcels. The applicant proposes retaining two homes in the northeast corner of the property on individual lots. Most lands to the north and west outside the Urban Growth Boundary are zoned Farm Residential (F-5), but one parcel west of Highway 62 is zoned Exclusive Farm Use (EFU). Lands to the east and south are subdivisions either, under construction or slated for construction.

- I) **Sanitary Sewer:** Available. Rogue Valley Sewer Service mains exist in all nearby city streets.
- J) **Water:** Available. Medford Water Commission, through a connection at White City and the Big Butte Springs transmission lines No. 1 and 2, supplies water to Eagle Point.
- K) **Storm Drainage:** Drains are adequate to accommodate storm runoff under current conditions. Any new development will be required to provide engineered storm drainage/detention to mitigate its impact upon existing systems.

II. APPLICABLE CRITERIA

A. FINDINGS OF CONFORMANCE WITH THE EAGLE POINT COMPREHENSIVE PLAN.

The applicant has provided a narrative outlining the project's compliance with the Comprehensive Plan. The narrative is attached as an exhibit, and not all the discussion items are repeated in this report.

1) Chapter 1 - Citizen Involvement

Staff Finding: All information on land use decisions must be made available to the citizens of the community, and all interested parties must be afforded the opportunity to be heard in a public forum. All required legal notices and advertisements have been made for the proposed site plan, and public testimony will be permitted at the hearing.

2) Chapter 3 – Land Use

Staff Finding: The City's Buildable Lands Inventory prepared by the Community Planning Workshop in 2001 identified a deficit of commercial land to meet the 20-year growth projections, which was a factor in the City Council's decision to establish a Business Park zone between Crater Lake Highway and Lenn Hannon Drive. The present proposal converts nearly 50 acres of industrially and publicly designated land to residential. The applicant submitted a tentative plat to implement a residential master plan that has been prepared for the entire site

3) Chapter 4 – Economy

Staff Finding: An application supplement dated November 22, 2005, provides a Statewide Planning Goal 9 analysis supporting conversion from public and industrial designations to a residential Comprehensive Plan designation. The analysis refers to the Community Planning Workshop Buildable Lands Inventory (BLI) prepared for Eagle Point in 2001. The study concluded that Eagle Point contained an industrial land surplus of nearly 95 acres and a commercial land deficit of more than 133 acres. The BLI estimated that the City will need approximately 8 acres of industrial land by 2020, but nearly 103 acres existed in 2001. The amount was reduced with the decision to create a Business Park zone, but an industrial surplus remains. The proposed amendment will not cause an industrial land deficit.

NOTE: As part of the RPS process, the inclusion of the area designated as “EP-1A” has been planned for Light Industrial development in the future. This scenario has long been viewed by the City as an appropriate “relocation” of the Barton Road LI zoned lands to a more appropriate location.

While parks and open space can be provided in residential zones, the City will need to re-designate other land to accommodate commercial uses. Several recent zone changes have increased the amount of available commercial land, most notably the change from an Industrial designation to a Business Park designation for the Wal-Mart property and several surrounding properties. Because Wal-Mart is a retail business, the 24.97 acres designated as Business Park will likely be developed for commercial rather than other kinds of employment.

4) **Chapter 7 – Physical Element**

Staff Finding: Policy 1 requires that approval of any development shall be contingent upon the adequate consideration of natural hazards found to exist on the site proposed for development. A drainage crosses the eastern portion of the property, which the applicant intends to set aside as park and open space land. Soils on the site are generally Carney clays, which have a high shrink-swell potential. Soil removed as a result of development activities on nearby subdivisions has been deposited on the western portion of the property. If the material remains, construction will need to meet code requirements for development on fill.

5) **Chapter 10 – Housing**

Staff Finding: The applicant intends, in the earlier development phases, to provide 148 lots for a mix of single-family dwellings, duplexes or townhouses (as a conditional use) consistent with the R-1 and R-2 zoning districts. Later phases will be developed to an R-3 density (approximately 71 units), and may also include townhouse development. Proposed lot sizes in the R-1 and R-2 areas range from 7,124 square feet to 8,711 square feet.

The BLI concluded that the Eagle Point has “large surpluses” of land in industrial, low-density and medium-density plan designations, providing opportunities to explore new land use patterns. The determinations were made, however, on population projections that have been significantly exceeded. While the inventory projected a population of 5,420 in 2005, Portland State University’s Population Research Center estimated a July 1, 2005, population of 7,586. This indicates that land available for housing is being consumed at a significantly greater rate than anticipated.

6) **Chapter 11 – Public Facilities**

Staff Finding: City Engineering finds that most of the storm drainage will go to the Buchanan drainage swale along the east side of the project with some of the drainage going towards Highway 62 . No areas are shown to be set aside on the layout for detention facilities. Per earlier discussions, it appeared that some detention will occur in the drainage swale/wetlands area along the east side of the project. General requirements may be relaxed as part of this project pending review of a more specific

plan detailing the planned improvements. In addition, the City is currently working on a storm drainage master plan for this area that may affect the need for onsite detention.

Staff Finding: When developed to the standards of the recommended conditions, all public facilities will be of adequate size to accommodate the proposed development.

7) Chapter 12 – Transportation

Traffic Analysis/Impacts –

As part of the traffic impact analysis for the Crystal/Highway 62 connection, an extensive traffic analysis was done for the entire Barton Road area.

Staff Finding: Completion of the subdivision will provide the final link for the developer to complete a connection from Crystal Drive to Barton Road, and facilitate connecting Crystal Drive to Highway 62 through parcels to the south.

ODOT, in a memo dated June 20, 2006 (on file) accepted the analysis as adequate and rendered a decision that the traffic impacts associated with development of the entire Barton Road area remaining in theUGB will not have a negative impact on Highway 62.

The City Engineer (Hardey Engineering) has concurred with ODOT's opinion on the system's capability to handle the addition traffic from the Barton Road area.

B. FINDINGS OF CONFORMANCE WITH THE EAGLE POINT ZONING ORDINANCE.

1. Legal Notifications - Article II A

Staff Finding: All legal notification and advertisements have been made in satisfaction of the legal requirements to hold a public hearing on this application.

2. Zoning - Article III

a. The R-1 Single Family Residential District is intended to create, preserve and enhance areas for standard construction and modular construction, urban, single family and limited two family residential uses. These areas shall be located as residential neighborhoods to provide for those persons desiring low-density living styles. The size of the districts, in conjunction with other residential land uses, is to be more than twenty (20) acres in size. To be consistent with sound planning practice, these districts will primarily be adjacent to other residential districts and adjacent to traffic collector streets. (Article III, Section 3.040).

b. The R-2 Two Family Residential District is intended to create, preserve and enhance areas for standard construction and modular construction, urban, two family residential use. These areas shall be located as residential neighborhoods to provide for those persons desiring living densities not less than 4,800 square feet of land. The

size of the District, in conjunction with other residential land uses, is to be more than 10 acres in size. To be consistent with sound planning practice, these districts will primarily be adjacent to other residential districts and adjacent to traffic collector streets. (**Article III, Section 3.050**).

c. The R-3 Low Density Multiple Family Residential District is intended to create, preserve and enhance areas for standard construction and modular construction, urban, low density, multiple family residential use. These areas shall be located as residential areas or neighborhoods to provide for those persons desiring multiple family densities no less than one living unit for every 3,600 square feet of land. To be consistent with sound planning practice, these districts will primarily be adjacent to other residential districts and commercial districts, in locations to planned or existing shopping, schools, services and transportation facilities. (**Article III, Section 3.060**).

STAFF FINDING: The R-1, R-2, and R-3 zones permit an array of housing types and densities representing the majority of housing in Eagle Point. The proposed R-3 areas are near Highway 62, which is a regional expressway. Transportation facilities in Eagle Point are primarily limited to auto and pedestrian use. The plat shows a series of alleys that will promote parking at the rear of dwellings, promoting a more human-scale design. The City is not in the Rogue Valley Transportation District.

d. **Article III, Section 3.045 and Section 3.055** establish a minimum parcel size of 8,000 square feet in the R-1-8 zoning district and a minimum size of 6,000 square feet in the R-2 zoning district. The R-3 zoning district permits a maximum density of 12 units per acre (2,400 sf/unit).

STAFF FINDING: The tentative plat for Pleasant Creek Hills shows 110 lots zoned R-1 with a minimum of 8,000 square feet, and 38 R-2 lots with a minimum of 7,000 square feet. The R-3 areas remain as large lots on the tentative plat, with 71 potential units proposed for approval at a future date.

e. The R-1 and R-2 Districts require building setbacks of 15 feet from the front line (20 feet for garages), 5 feet from side lines (10 feet if abutting a street), and 10 feet per story from the rear line (**Article III, Sections 3.043 and 3.053**). The R-3 zone requires similar setbacks, but side yard setbacks increase to 10 feet when adjacent to an R-1 zoning district.

STAFF FINDING: The proposed lots are large enough for new structures to satisfy these setbacks, while meeting the 40 percent lot coverage limitation in the R-1 district and the 50 percent lot coverage limitation in the R-3 district.

f. The height of buildings shall not exceed 2 ½ stories, with a maximum height of 25 feet in the R-1 district and 30 feet in the R-2 and R-3 districts. (**Article III, Sections 3.044, 3.054 and 3.064**)

STAFF FINDING: The applicant has not provided elevations of the anticipated dwellings. The current proposal is limited to single-family dwellings, including the lands zoned R-2. Duplexes are permitted in the R-2 zone only if they contain at least

9,600 square feet; the largest of the 30 R-2 lots is 8,771 square feet. **Lands zoned R-3 will be developed later under a conditional use process.**

g. Parking requirements include 2 off-street spaces for each dwelling unit in the R-1 zone and 1-1/2 spaces for each dwelling unit in the R-2 zone. Parking requirements for multi-family development in the R-3 zone are based upon the number of bedrooms in each unit. **(Article III, Sections 3.046, 3.056 and 3.066)**

STAFF FINDING: These requirements will be made a condition of approval.

h. Section 4.130 requires that each lot abut a minimum frontage of forty (40) feet upon a public street, (other than an alley) except flag lots, rear lots, or cul-de-sac lots. In no case shall a lot abut upon a street for a width of less than twenty (20) feet.

STAFF FINDING: All but two lots proposed for development front on new streets in the subdivision. Lots 103 and 104 in the northeast corner of the development front on Barton Road, which is in the process of being developed to City standard.

C. FINDINGS OF CONFORMANCE WITH THE EAGLE POINT SUBDIVISION ORDINANCE.

1.) **With the exception of the cul de sac radius in Phase #2, and an area proposed for future development as part of the Westbrook #5 subdivision, all tentative maps submitted by applicant for tentative approval meet EP Subdivision Ordinance requirements, subject to adjustments recommended by the City Engineer.**

a. The cul de sac radius in Phase #2 does not meet City standards, and must be redesigned to meet the requirement of a 50' paving radius in a 60' radius right of way.

b. Several turn radii shall be subject to modifications under engineering review/approval.

c. The land area (on the eastern boundary) designated to be developed with Westbrook #5, shall be removed from the subject development, and, via a lot line adjustment, be made part of tax lot #1937, Assessor's Map 351W34.

2.) All tentative development plans have been reviewed by the City Engineer, and development condition recommendations provided to the City.

3.) All aspects of subdivision development shall be subject to required inspections, bonding requirements, design standards, etc.

4.) Section 25, Streets, (2), Minimum Right-of-Way, Roadway Width and Setbacks. All streets shall be constructed to City standards outlined in the development conditions and dedicated to the City. All alleys shall be public, and dedicated to the City.

5.) Section 25, Streets, (5.), Future Extensions of Streets, states, "Where necessary to give access or permit a future division of adjoining land, streets shall be extended to the boundary

of the subdivision or partition and the resulting dead-end streets may be approved without a turn around. Reserve strips and street plugs may be required to preserve the objectives of street extensions."

a. No future extensions are shown. The Tentative Plat does not show how the internal access for the R-3 areas, but the 2.55 acre parcel in the southwest corner fronts on De Anjou where access can be provided at an existing three-way intersection. The northwest R-3 parcel fronts on both Pleasant Creek Hills Drive and Barton Road.

6.) Section 25, Streets (9), Cul-de-sac, states, "A cul-de-sac shall be as short as possible and shall in no event be more than four hundred (400) feet long nor serve more than twelve (12) single family dwellings. All cul-de-sacs shall terminate with a circular turn-around." The proposed cul-de-sac at the west edge of the subdivision is approximately 370 feet long and serves 13 lots, one of which also fronts on an intersecting street.

7.) Section 31, Land for Public Purposes, lists criteria for dedication of parkland, or fees to be paid in lieu thereof. The tentative plan provides a proposed park or open space area in the northeastern portion of the development.

The proposed park/open space acreage is predominantly a drainage way and wetland area, with topographic issues making its utilization as a functional park questionable. Therefore, the predominance of the land is not found to meet the "useable" definition of the code, and applicable Park SDC fees shall be paid for each dwelling unit.

Because the City has no adopted policy for the acceptance/dedication of open space, should the developer propose to dedicate any such space to the City at a future date, it shall be incumbent upon him to come before the City Council to do so.

VI

CONCLUSION OF LAW

The City has examined the design of the development in relation to the standards for **subdivision master site plan** approval. Based upon said examination, the City finds and ultimately concludes that the proposed **tentative plat** is consistent in all respects with the objective design and development standards set forth in the Eagle Point Ordinance.

VII

DECISION AND ORDER

STAFF SUMMARY/RECOMMENDATIONS:

Based upon Staff Findings, the Planning Commission may determine that the standards for **Comprehensive Plan Amendment, Zone Change and Subdivision** approval have been met by virtue of a complete application submittal and all related Ordinance compliance. If developed to Recommended Condition standards, the proposed map amendment and subdivision will meet all criteria for an affirmative decision. Further, it will not create any negative effects upon adjoining neighborhood(s) or City services/facilities. Staff

recommends that the applicant's **Findings** and Staff's **Findings** be adopted and the proposed **Comprehensive Plan Amendment, Zone Change and Subdivision** be approved with the following conditions:

RECOMMENDED CONDITIONS:

GENERAL CONDITIONS -

1. The final plat for Pleasant Creek Hills Subdivision shall be developed in all respects as depicted on the tentative plan.
 - a. Minor revisions to the plat may occur during the preliminary stages of the development, but may not substantially change the approved plat.
 - b. Any/all such minor revisions shall be reviewed and approved by the City.
2. All improvements shall be provided in accordance to Section 34 of the Eagle Point Subdivision Ordinance. (Improvements in Subdivisions)
3. Any assessed development or SDC fees shall not be tied to any approvals for this project, but shall apply severally at the time each becomes payable per City ordinance. Fees may not be paid in advance. **EXAMPLES: If there are fee increases between development approval and the time any individual building permit is pulled, the increased fees shall be the amounts due. This may include, but not be limited to, building permit fees, park in lieu fees, water connection fees, Medford Water Commission, BCVSA and Eagle Point SDC's.**

PROJECT ENGINEERING -

1. An engineered grading, drainage and utility plan shall be prepared and submitted to the City for review. The plan shall provide adequate turning radii for passenger vehicles, service vehicles and fire trucks.

SEWER -

1. All new sewer mains shall be designed and constructed in accordance with RVS and DEQ standards.
2. All single family residences (town/row houses) shall have individual sewer connections.

WATER -

1. An engineered water system shall be designed and constructed in accordance with the Oregon State Health Division, the Uniform Plumbing Code, and City requirements.
 - a. All lots shall connect to the public water system.
 - b. A minimum of 40 PSI shall be available at each lot, with 30 psi at the highest floor level..

2. All single family residences (town/row houses) shall have individual water connections.
3. The water system master plan has a 12 inch diameter water line planned from Crystal Drive to Barton Road then easterly along Barton Road. Said water line shall be constructed concurrent with Pleasant Creek Hills.

PUBLIC STREETS -

1. The connection between **Crystal Drive and Barton Road** shall be constructed to "2 Lane Collector - Class "B" standards which include 44 feet wide paved street with parking one side. The improvements may be constructed within a 60-foot wide right-of-way. The connection to Crystal Drive shall be required as part of this development, even if TL 1203 is not developed at this time. The minimum centerline radius for this classification of street is 200 feet. One of the radii on the site plan is less than 200 feet and shall be modified to meet the minimum requirement.
2. The **De Anjou** extension shall be constructed to "Local Street - Class "A" standards. This is a 36-foot wide street in a 60-foot right-of-way.
 - a. To lessen transportation impacts, any "corner" homes on the De Anjou right of way shall take their vehicular access (driveway) from the adjacent side streets.
3. Other, unnamed interior streets shall be Local Street - Class "B". The minimum centerline radius for this classification of street is 100 feet. One of the radii on the site plan, next to lot 63, is less than 100 feet and shall be modified to meet the minimum requirement.
4. The cul de sac radius in Phase #2 does not meet City standards, and must be redesigned to meet the requirement of a 50' paving radius in a 60' radius right of way.
5. **Barton Road** shall be constructed to 2 Lane Collector - Class "B" standard, half street plus 12 feet along the entire frontage of the project including that portion in front of the PUD site. Barton Road in the vicinity of this project is planned for improvement including 24 feet wide paved surface with gravel shoulders. The improvements were required as part of a prior development's conditions. If the timing is such that the improvements are constructed prior to the development of Pleasant Creek Hills, the developer shall only be responsible for improving a half street. **Should a benefit area and future Reimbursement Agreement be adopted by the City Council for certain improvements to Barton Road, the developer shall be obligated for pro-rata participation in same.**
6. **Improvements to the intersection of Barton Road and Highway 62** are planned in the very near future. These improvements are being constructed by another developer. The City shall establish a benefit area, primarily encompassing lands in the Barton Road area that would benefit from the intersection, and this project shall be part of the benefit area, the extent of which shall be determined at a later date. The developer shall **voluntarily** dedicate right-of-way, if needed, to accommodate the new intersection construction.
7. All **public streets** within the project shall defer paving of the final 1-inch lift of A.C. until such time as 90% of the lots have been built upon, not to exceed 5 years from recording of the final plat. For multiple phases, the final overlay timing shall be coordinated and approved by the City. A bond or other suitable guarantee shall be required to ensure completion of future

paving. All pavement failures during said time shall be corrected prior to final paving.

ALLEYS –

1. All alleys shall be public. The northwest corner of lot 43 and the southwest corner of lot 42 shall be modified to provide a radius to accommodate turning movements on the alley intersection.

“BUFFER” BERMS ADJACENT TO HIGHWAY 62 –

1. The proposed “buffer” berms adjacent to Highway 62 shall not exceed slopes of 2:1.

BOUNDARY LINE ADJUSTMENT (WESTBROOK #5) –

1. The land area designated to be developed as part of Westbrook #5, shall be removed from the subject development, and, via a lot line adjustment, be made part of tax lot #1937, Assessor’s Map 351W34.

SITE DRAINAGE PLAN –

1. A site drainage plan must be prepared and submitted for approval, which clearly indicates the method of drainage for the site, as well as where the directed storm drainage will go when off-site.

SITE COMPACTION CERTIFICATION –

1. Any **imported materials** placed on a lot greater than 12 inches in depth shall be compacted and certified by an Oregon Licensed engineer or an Oregon registered geotechnical consultant. Said certification shall be submitted to the Building Division **with** construction plans at time of plan review.
2. Each **building pad** shall be compacted and certified where fill material exceeds 12 inches (one foot) in depth by an Oregon Licensed engineer or an Oregon registered geotechnical consultant. Said certification shall be submitted to the Building Division **with** construction plans at time of plan review.

SLOPE & DRAINAGE –

A site drainage plan must be prepared and submitted for approval, which clearly indicates the method of drainage for the site, as well as where the directed storm drainage will go when off-site.

ADDITIONAL SLOPE REQUIREMENTS: All lots and portions of any subdivision development when slopes exceed **4%** shall be subject to specific drainage requirements:

IMPROVEMENTS: No lots shall be accepted for building permit issuance unless the building “envelope” is graded with a level and/or terraced building pad, **AND** each lot is graded to provide direct, surface drainage to either:

- a. an installed and approved storm drainage system, or

- b. an **approved** surface drainage system that will provide positive drainage to an approved storm drainage system.

SOIL CONSTRAINTS AND FOUNDATION ENGINEERING-

1. All roadways shall be evaluated by a Soils Engineer to assure adequate design for expansive clay.
2. Each individual building lot shall be evaluated by a Soils Engineer to assure adequate design for expansive clay.
3. All foundations shall be engineered and approved by the Building Official.

FIRE & LIFE SAFETY -

1. Developer shall submit plans to Fire District #3 for review of hydrant placements, fire flow requirements, road/driveway widths and addressing.

PUBLIC UTILITIES AND EASEMENTS -

1. All new utilities shall be underground.
 - a. All street and utility extensions shall include the dedication of required public right of way and public utility easements.
 - b. Any public utilities not located within the public right of way, will require public utility easements, at least 15' wide.

CONDITIONS, COVENANTS & RESTRICTIONS -

1. Prior to sign-off of the final plat, applicants shall provide a copy of the subdivision **Conditions, Covenants & Restrictions (C, C & R's)** for City review and approval.
 - a. The CC&R's shall be recorded with the final plat, and a stamped copy provided to the City for the record file.

STORM WATER DETENTION/DRAINAGE -

1. The developer shall coordinate planning with the City prior to any storm drainage/detention design so as to assure appropriate integration with the City's master plan for the area (currently being created).
2. Storm drainage detention design and calculations will be reviewed as part of the construction plan review process. The detention area shall be owned and maintained by the home owner's association. A dedicated all weather access will be required to access the detention area. Detention ponds shall be limited to a maximum water depth of 3 feet and the pond shall be fenced and secured. Maximum side slopes inside the pond shall be 3:1 with one side being 4:1 maximum, for access to the bottom of the pond. Normal storm drainage flows shall not be allowed to cross the bottom of the pond. Detained storm water shall be backed into the pond using a control structure, and released at a rate not to exceed 0.25 cfs per acre.

3. The applicant shall provide a detailed plan for the Buchanan drainage area, addressing all intended improvements.

a. Applicants shall tie site storm drainage into the existing system, as specified by the City Engineer.

4. Storm flows shall be designed to handle a 10-year storm from the contributing drainage basin.

5. A 1200-c permit shall be obtained from D.E.Q. A copy of said permit shall be provided to the city prior to construction. All projects are required to have erosion control measures in place, regardless of the size. Said measures shall be per D.E.Q. standards, and shall be reviewed and approved by the City prior to construction.

6. Discharge of storm drainage across private properties shall require approved storm drainage easements.

FLOOD HAZARD AREAS –

1. A portion of the project has the potential for flooding, due primarily to the drainage swale along the eastern portion of the property. The construction plans shall address how this storm drainage will be handled and all parcels and improvements be protected from flooding.

2. Furthermore, the applicant shall verify that buildings and adjacent properties will be adequately protected from flooding.

a. Affected building finish floors shall be at least 2 feet above a 100 year storm event. Prior to issuance of any Certificate of Occupancy, flood elevation certificates shall be provided to the City for each affected residence.

b. Site drainage shall be designed in a manner such that the area drains properly and does not adversely impact the adjoining parcels and/or drainage facilities.

WETLANDS

1. Wetlands and other affected environments shall be the responsibility of the applicant/developer. Applicable permits shall be secured prior to construction, and verification of same shall be provided to the City prior to any pre-construction conference.

IRRIGATION DITCHES - (1.6 acres of Tax Lot #1200 have irrigation rights)

1. Based upon the presence of 1.6 acres of irrigation rights on tax lot #1200, irrigation facilities shall be engineered and plans submitted to the irrigation district and City for review and approval. (See Agency Memo – Eagle Point Irrigation District)

2. The developer shall allow for both storm water runoff and potential pedestrian usage of irrigation ditch easements.

PARKS -

1. Applicable park SDC's shall be paid at the time a building permit is issued for each residence within the subdivision.
2. **Any proposal on the part of the developer for future dedication of open space to the City shall be brought to the City Council for review and possible acceptance.**

MAILBOXES -

1. Developer shall install all mailboxes in the development. Placements shall be grouped "ganged" as approved by Eagle Point Public Works and the Postmaster.

STREET TREES -

1. Developer shall plant street trees in accordance with the City's Street Tree Ordinance. Trees shall be planted within one (1) year of the occupation of each individual lot.
 - c. The developer may stipulate, through the CC&Rs, that said tree planting shall be the obligation of the homeowner. If this option is exercised, trees shall be planted in compliance with the Street Tree Ordinance, within one (1) year of home occupancy.

FENCING-

1. All fencing shall meet the requirements of applicable City ordinances and allow adequate intersection site distances per AASHTO standards and be permitted through the Building Department.

MISCELLANEOUS -

1. Prior to final plat sign-off, developer shall provide adequate performance and/or warranty bonding, in an amount approved by the City Engineer. Warranty bonding shall be for a period of one (1) year from the date of final plat sign-off.
2. All easements required by investor owned utilities, such as, but not limited to, gas, electric, telephone and cable television companies shall also be for the benefit of the City of Eagle Point.
3. All improvement plan designs shall be coordinated with the City Administrator, Engineer, Eagle Point Public Safety and Public Works Departments, Fire District #3, RVS and other affected agencies.
4. Any onsite wells, septic tanks, or other similar items shall be abandoned per applicable codes and regulations.
5. If applicable, Developer shall provide a copy of the subdivision CC&Rs for City review. Said review shall be to assure compliance with all applicable codes and ordinances.
6. Developer shall acknowledge, by signature, a copy of the Final Order adopting the Findings and conditions of approval related to the development.

7. Prior to acceptance and occupancy, developers shall pay all outstanding City costs related to development, and provide the City with accurate "as-built" plans for all project phases. The plans shall be on mylar and certified by the developer's project engineer. In addition, the developer shall provide to the City, the "as-built" plans in electronic form, compatible with AutoCAD version 14, or AutoCAD version 2000, or in an alternate form that can be imported into AutoCAD version 14 or AutoCAD version 2000.

8. Single-family dwellings shall substantially conform to the City of Eagle Point architectural elements and other single-family residential construction in the surrounding area. Landscaping will be a significant component of the architectural review.

9. These conditions follow the land, and are binding upon the heirs, successors and assigns of the developer(s).

INDAVERTENT OMISSIONS –

1. Should the preceding conditions inadvertently omit any applicable item (as determined by the Planning Director) contained in any affected agency memo contained in the whole record, said condition shall be incorporated herein, with appropriate notice being provided to the developer.

IT SHALL BE THE SOLE RESPONSIBILITY OF THE DEVELOPER TO COMPLY WITH THE APPROVAL CONDITIONS LISTED ABOVE. FAILURE TO SATISFY THE TERMS AND CONDITIONS OF ANY APPROVAL, SHALL CONSTITUTE GROUNDS FOR THE CITY TO TAKE ACTION WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, DENIAL OF PLAT SIGN-OFFS, PERMISSION TO PROCEED, ISSUANCE OF A STOP WORK ORDER ("RED TAGGING"), OR DENIAL OF CERTIFICATES OF OCCUPANCY.