84

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE PUD-05-25)
APPLICATION FOR A PLANNED UNIT DEVELOPMENT SUBMITTED) **ORDER**
BY PACIFIC INTERNATIONAL ENTERPRISES)

ORDER granting Preliminary Plan approval for Bella Vista Heights, a single-family residential (111-units) and office commercial (3.7 acres) mixed use planned unit development on 46.9 acres located on the north and south sides of East McAndrews Road, east of the intersection with Foothill Road, within a SFR-4 (Single-Family Residential – 4 units per acre) and SFR-2 (Single-Family Residential – 2 units per acre) zoning district, 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 Preliminary Plan approval for Bella Vista Heights, a single-family residential (111-units) and office commercial (3.7 acres) mixed use planned unit development on 46.9 acres located on the north and south sides of East McAndrews Road, east of the intersection with Foothill Road, within a SFR-4 (Single-Family Residential – 4 units per acre) and SFR-2 (Single-Family Residential – 2 units per acre) zoning district, with a public hearing a matter of record of the Planning Commission on July 14, 2005.

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 Bella Vista Heights for a Planned Unit Development stands approved subject to compliance with the conditions stated in the Revised Planning Commission Report dated July 28, 2005.

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 as Exhibit "D" and any additional findings contained in the Revised Planning Commission Report dated July 28, 2005.

Accepted and approved this 28th day of July, 2005.

CITY OF MEDFORD PLANNING COMMISSION

David McFadden, Chair

ATTEST:

Jim Maize, Secretary

84

City of Medford July 28, 2005

REVISED PLANNING COMMISSION REPORT

File No.: PUD-05-25 Bella Vista Heights

Applicant: Pacific International Enterprises (Hoffbuhr & Associates, Agent)

Request: Consideration of preliminary PUD plan approval, including tentative plat and a zone change from County OSR (Open Space Reserve), RR-5 (Rural Residential – 5 acre lot size), and City SFR-00 (Single-Family Residential – 1 unit per lot) to SFR-4 (Single-Family Residential – 4 units per acre) and SFR-2 (Single-Family Residential – 2 units per acre) zoning, for Bella Vista Heights, a single-family residential (111-units) and office commercial (3.7 acres) mixed use planned unit development on 46.9 acres located on the north and south sides of East McAndrews Road, east of the intersection with Foothill Road.

Background:

Annexation of the property was approved in 2001 and 2005. The applicant proposes to develop the site as a mixed use development containing lots for 111 detached single-family residences and a commercial office building. The applicant also proposes the creation of private streets, common areas (including park), certain lot dimensions/sizes, and agricultural buffering deviations, which may be considered in the context of a Planned Unit Development (PUD). PUD applications also allow the combined review of land divisions and zone changes when applicable. The proposed change of zone to SFR-2 and SFR-4 and a tentative plat for the land division are also included as part of this proposal. The subject site is comprised of 5 parcels currently identified as Tax Lots 200, 201, 1000, and 1001 on Assessor's map 37 1W 21A and Tax Lot 404 on Assessor's map 37 1W 22. Except for a single-family residence on Tax Lot 1000, the property is vacant. The residence, which is located in the area proposed for the commercial development (Phase 3), is to be removed. The construction of the east extension of McAndrews Road from Foothill Road to Hillcrest Road bifurcates the site and delineates the proposed phasing of the residential portion of the project with the initial phase located south of the street. The project site essentially begins at the east end of the Foothill Road overpass and extends along the new arterial street to a point where it (the street) is nearly tangent and parallel to the north boundary of Hillcrest Orchard.

The applicant has included a narrative and findings (Exhibit "E" and "F") which describe the nature of the site and the surrounding area; therefore, such descriptions will not be repeated here. It is noted that the site adjoins property to the south which contains the operations and crop production of Hillcrest Orchard that is currently outside of the UGB and zoned Exclusive Farm Use (EFU); therefore, the requisite Agricultural Impact Analysis (AIA) has been prepared and submitted with this application. It is further noted that due to the hillside character of the site, SFR-2 zoning is proposed on the steepest portions of the property which includes the south flank of the knoll that dominates the site.

Relevant Sections of the Land Development Code:

The Planned Unit Development (PUD) standards and criteria, as contained in §10.230 through 10.245 of the Land Development Code, establish the basis of review for this proposal. Relevant sections of the code are as follows:

Summary of PUD Criteria §10.235 (C)

To approve a preliminary PUD plan, the Planning Commission must determine that the proposed plan meets all of the following criteria:

1. All requirements of this Code, except for deviations approved under §10.230(D)

2. Standards and criteria of (if subject to):
   a. ORS 197.505 through 197.540 (Development Moratorium)
   b. ORS 197.768 Public Facilities Strategy
   c. Medford Comprehensive Plan Limited Service Area

3. Goals and Policies of the Comprehensive Plan

4. The function, safety or efficiency of the development's circulation system are not impaired by requested code deviations.

5. Two or more purpose statements in §10.230(A)(1) through §10.230(A)(8) are satisfied.

6. The common elements in the PUD are appropriate for their intended use and function.

7. Any proposed uses not allowed in the underlying zoning district (pursuant to §10.230(D)(9)(b) do not exceed the capacity of the Category "A" public facilities for that underlying zoning district.

8. Proposed uses not allowed in the underlying zoning district are subject to the conditional use permit criteria in §10.248.

9. Approval criteria for any concurrent applications as authorized in §10.230(C).

Summary of Land Division Criteria §10.270

To approve a tentative plat, the Planning Commission must determine that the proposed land division:

1. Is consistent with the city's long range Comprehensive Plan and all applicable lot design standards contained in the Land Development Code.

2. Will not prevent development of adjacent property, create names which can be confused with existing developments, and, cause any land use conflicts with adjoining lands within the EFU (Exclusive Farm Use) zoning district.

3. Creates a street pattern which is consistent with existing street patterns unless the approving authority finds it is in the public interest to modify a street pattern, distinguishes private streets from public streets on the plat, sets forth restrictions related to said private streets, and, if applicable, includes streets and lots which maximize use of passive solar energy.

Summary of Zone Change Criteria § 10.227

Criteria not relevant to this application were deleted from the following citation. *Land* Development Code, §10.227, "Zone Change Criteria" stipulates:

"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-2, the zoning shall be approved under either of the following circumstances:
(i) if at least 70 percent of the area proposed to be rezoned exceeds a slope of 15%,
(ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

(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."

Summary of Conditional Use Permit Criteria § 10.248

As the proposed commercial use is within 100 feet of the project boundary, the criteria for a Conditional Use Permit are contained in §10.248.

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

Findings:

The applicant's findings entitled Findings of Fact and Conclusions of Law received February 2, 2005, (Exhibit "F"), include a detailed discussion of the planned development and each of the above cited criteria for approval of a PUD are discussed *(Pages 28 through 36)*. As a zone change is proposed, the requisite discussion of the applicable criteria contained in §10.227 is also included in the applicant's findings *(Pages 23 through 28)*. A land division is also proposed, and the requisite discussion of the applicable criteria contained in §10.270 is also included in the applicant's findings *(Pages 36 through 39)*. Each of the above cited approval criteria are identified in the findings *(Pages 4 through 10)*; therefore, they are not repeated hereunder.

As mentioned above, the property to the south is zoned EFU (Exclusive Farm Use) zoning and agricultural uses on the site continue, therefore, the preparation of an Agricultural Impact Analysis with this application is necessary and has been included.

Any specific references to text in the applicant's findings contained in this report are shown in *italics* to assist in locating the applicable supporting text. The applicant's references to exhibits are identified, and incorporated in this report as "sub-exhibits."

Project Compliance with Relevant Sections of the Land Development Code:

The staff discussion and analysis which follows includes references to the applicant's findings where relevant code sections are also discussed. The order of the discussions in this report (i.e., zoning, PUD, conditional use, and land division) are presented consistent with the applicant's findings.

Consolidated Application – Zone Change:

The applicant proposes to re-zone the southerly 11.15-acre portion of the site to SFR-2 (Single-Family Residential – 2 units per acre). The remaining northerly 32.96-acre portion of the site is

proposed to be rezoned to SFR-4 (Single-Family Residential – 4 units per acre) and the applicable criteria are identified and discussed in the findings *(Page 23 – 28)*. Given the hillside locale of the project, the applicant has proposed SFR-2 zoning over the area that contains slopes of up to 33 percent and slopes in excess of 15 percent for most of the area. This is consistent with the locational criteria of §10.227(1)(a)(i). The remainder of the site, which also includes areas with slopes of 15 percent, is proposed to be zoned SFR-4 for which there is no specific locational criteria.

The applicant's finding discuss the adequacy of all Category "A" public facilities *(Pages 18-22)*, arriving at a conclusion of adequacy. Staff concurs with such conclusions except as follows:

Storm Drainage In order to assure that storm drainage facilities are adequate and available to serve the proposed development, the City Engineer (Exhibit "H") has indicated that such storm drainage adequacy is dependent upon preparation of and engineered report and calculations demonstrating adequacy. Such a requirement, as a recorded covenant on the property, is included as a condition of the zone change consistent with §10.227(2)(c).

Streets The City Transportation Manager (Exhibit "U") had originally indicated that a conclusion of adequacy for impacted streets could not be confirmed without additional data to update the traffic analysis prepared by the applicant's traffic engineer. It should be noted that the original TIA that was prepared (Sub-Exhibit 15) was based upon a different anticipated project proposal which included multiple-family development. The TIA update (Sub-Exhibit 16) contained modifications to reflect the current proposal to include 111 SFR's (not multiple-family residences) and the commercial site based upon a medical office use. The City Transportation Manager's comment relates to updated "pipeline" data to reflect the current zoning, including changes that have occurred since preparation of the subject TIS. City staff had completed compilation of the data which needed to be incorporated, by the applicant, into an updated TIA. Until such information was provided and evaluated, a finding of adequacy could not be confirmed and compliance with the criteria would not be met. An updated analysis has been submitted for review (Exhibit "W") which concludes that the two intersections at McAndrews Road and Foothill Road will fail and an acceptable Level of Service would require mitigation in the form of traffic signals. As the study did not identify increments of traffic levels which would trigger failure, it is necessary to require assurance of signalization prior to development of the first phase to conclude adequacy of the facility (Exhibits "H" and "X"). As the applicant has not stipulated to such, a condition to record a covenant on the property and to provide assurances for signalization are included.

Consolidated Application - Planned Unit Development:

Acreage Limitation: The proposed PUD will contain 46.9 acres of property and, therefore, complies with the one-acre minimum.

Consolidated Applications: As mentioned above, an application to re-zone the property to SFR-4 and SFR-2 is included and the applicable criteria are discussed in the findings. An application for a

land division has also been included as part of this proposal as individual lots are proposed to be sold and common areas and private streets are to be created. Applicable criteria are discussed in the findings *(Pages 25 through 29)*.

Common Area/Ownership: As the proposal includes a land division creating common areas containing the park (Tract "B"), open space (Tracts "C" and "D"), and the private streets (Tracts "E" – "H"), establishment of a Homeowners' Association is required and is proposed by the applicant *(Pages 11-16, and 22)*. A draft of the document has been included (Sub-Exhibit 23).

Project Review and Deviations:

Lots and Parcels Each of the proposed detached single-family dwellings is to be contained on an individual lot per the proposed land division consistent with the SFR-4 and SFR-2 zone.

The applicant's narrative and findings (Exhibits "E" and "F") include Table 3 *(Page 17)* which identifies five specific types of deviations for the project, one of which identifies lot size deviations for 6 of the residential lots. Specifically, these lots will be less than the 14,000 square foot size prescribed for the SFR-2 zone. It should be noted that Lot 97, at 14,070 square feet, would comply.
It should also be noted that Lot 112, representing the commercial development, will exceed the 18,750 square foot maximum lot size of the SFR-4 zone. This deviation is a reasonable component of Phase III in the context of the proposed land use deviation.

The applicant has also provided supplemental findings (Exhibit "V") identifying a deviation for through lots. Specifically, Lots 74 through 86 will have frontage on two streets due to the private street (Carino Lane) proposed for rear access to those lots and the sole access to Lots 72 and 87. All of the lots will have the requisite 30 feet of frontage on the proposed public and private streets. The lot deviations can be found to be a reasonable component of the project.

Yards, Setbacks, and Building Height No building envelopes for the single-family residences are identified nor are deviations from yards and setbacks proposed. The footprint of the proposed commercial building in Phase III is identified and no deviations to yards or setbacks associated with that site are proposed. It should be noted that the commercial site is within the proposed SFR-4 zone and, therefore, the yards and setbacks for that zone are applicable, particularly the 20-foot front yard setback for the structure and the parking lot. Compliance with the SFR-4 site development standards will be confirmed on the final plans. Consideration could be given allowing the 10-foot front yard setback of the C-S/P zone to be applied in Phase III as an additional deviation.
No buildings, including the commercial structure, are proposed to exceed the 35-foot height limitation of the underlying (proposed) residential zoning district.

Parking, Bicycles, and Pedestrians No deviations from the two off-street vehicle parking spaces per dwelling unit standard are sought and compliance will be confirmed at the time construction plans for individual dwellings are reviewed.

No deviations from the commercial office off-street parking and pedestrian access requirements are sought and compliance will be confirmed at the time of final plan review.

The Fire Marshal has identified concerns related to wild fire hazard where on-street parking could restrict access for fire fighting apparatus (Exhibit "J"). A parking prohibition on one side of the 28-foot wide streets and fire access roads and associated turn-arounds is recommended.

Five-foot sidewalks and park strips are proposed along both sides of the public streets and no deviation is proposed. A five-foot sidewalk without park strip is proposed along the private streets except for the cul-de-sacs/residential lanes. as a component of the deviations associated with the private streets.

Decision: The Planning Commission's approval increase the width of the sidewalks on the private streets from 4 feet to 5 feet.

Frontage, Access, Landscaping, and Signs All of the lots will have the requisite 30 feet of frontage on the proposed streets; therefore, no deviation is sought in regards to frontage. As mentioned above, through lots (Lots 74 – 86) are proposed so that rear access can be taken from Carino Lane.

There are no minimum on-site landscape standards for the SFR zones, therefore, no specific deviations are sought. The applicant proposes street trees as depicted on the plans (Exhibit "C") and discussed in the findings *(Page 14)*. The new public streets will contain trees within the park strip except along the east end of Palermo Street where 4 of the proposed red maple trees are shown on the adjoining lots. It is recommended that those trees also be located in the park strip.

Along the private streets where no park strip is proposed, the trees are proposed to be located on the adjoining lots.

The trees along the private streets (common area) will be maintained by the Homeowners' Association and it is anticipated that landscaping on the home sites will be installed as each lot develops and maintained by the homeowners. Assurances for the installation of landscaping within the common areas will be required at the time of final plat approval when the supporting systems and infrastructure are constructed.

The applicant has provided details for an arterial street frontage treatment along the McAndrews Road frontage (Exhibits "A" and "D") comprised of a 4-foot split faced concrete block wall topped by a 4-foot ornamental wrought iron fence and backed by a photinia hedge to achieve the 8-foot separation feature height prescribed in §10.797[1]. No deviation is sought. The treatment is proposed to be *"along McAndrews Road adjacent to all single-family residences"* according to the plan note (Exhibit "A"). The precise location of the feature is not otherwise identified on the plans and it is assumed that it will not be placed next to the *"residences"* but rather along the property (lot) interface with the street. The landscape plan makes no spatial accommodation for the feature. The street cut associated with McAndrews Road may conflict with the described installation along Lots 23 - 41;

therefore, it is recommended that the final plans identify the precise location and design of the feature (wall and landscaping) including plan view and cross section. Such a condition is included.

Consideration of an alternate design as a deviation may be appropriate where there are demonstrable topographic constraints. Its construction shall be assured at the time of final plat approval for the respective residential phases (Phases I and II). A condition is included requiring a final landscape plan at the time of final plan approval to identify the requisite tree sizes, planting, and irrigation details to assure survival of all street trees within the project.

A location is identified and a conceptual design for a sign (and waterfall) are included (Sub-Exhibit 21). Only the narrative (Exhibit "E") addresses the proposed sign and waterfall feature, located at the west entrance to Phase I at Camina Drive, which is to be consistent with project sign provisions of §10.300. It should be noted that this Code citation is incorrect as the "new project" sign standard is §10.**1300(1).** It is further noted that the proposed citation is for a temporary sign which must be removed in two years and set back 20 feet. Based upon the conceptual design and proposed location, it is assumed that the sign is to be permanent and placed consistent with the provisions for Planned Unit Development Signs per §10.1300**(3)**. Therefore, no deviation is sought for this sign.

It should also be noted that the plan (Exhibit "A") identifies two additional "sign" locations at the east entrance to Phase I (Veneto Circle) and the entrance to the commercial site (Phase III), respectively. A design for these signs is not proposed nor is a deviation identified. As the commercial site is to be within the SFR-4 zoning district, it is recommended that the free standing sign at Phase III be allowed consistent with the C-S/P standards of §10.1400(1). No other sign proposals have been made for the commercial site (i.e., wall signs). It is further recommended that a sign at the east entrance be allowed consistent with §10.1300(3). Conditions reflecting same are included. The sign deviations can be found to be a reasonable component of the project.

Streets The new streets within Phase I of the PUD will provide direct access to 89 of the residences. Two public streets are proposed and four are to be private and subject to provisions of the requisite Homeowner's Association. The new street in Phase I will serve 18 of the lots with four lots fronting on a private street. Requirements for street dedication and construction have been identified by the City Engineer.

The private streets are designed to include a sidewalk on one side only and no planter strip to minimize the cut and fill impacts on the hillside location *(Pages 14 – 17)*. Four of the five private streets are cul-de-sacs, functioning as residential lanes *(Page 15)*, for which deviations are also proposed due to the unique nature of the site characterized by the hillside topography. Carino Lane will be more than 450 feet in length and a pedestrian walkway is not proposed. Steepness of the site could make such a connection impractical. Deviations associated with the private streets can be found to be a reasonable component of the project.

It should be noted that the applicant has provided supplemental findings (Exhibit "V") which include a proposed exception to a previously anticipated dedication requirement along the McAndrews Road frontage.

Street Lights A pedestrian scale street light design is to be utilized along all of the streets (Exhibit "A") which is similar to a design approved for use on public streets throughout the Southeast plan area *(Page 15)*. Although an inapplicable Code citation is identified by the applicant (i.e., §10.378), no deviation is sought nor necessary as use of such lighting is consistent with the approval authority of the Commission and the Public Works Director per §10.495(B).

Housing Density The applicant provides an analysis of the allowable density range for the residential portion of the project (44.11 gross acres) based upon the proposed SFR-2 and SFR-4 zoning *(Page 13)*. It should be noted that a deviation, within the 20 percent bonus allowance, is proposed for the SFR-2 portion of the project and identified in Table 3 *(Page 17)*. A maximum of 158 dwellings would be allowed for a standard residential development. With the 20 percent density bonus allowed for PUD's, a maximum of 189 dwellings would be allowed. A minimum of 91 dwellings would be required to meet minimum density standards. As the applicant is proposing a total of 111 units, this project complies with density requirements.

Allowed Uses Single-family residences are allowed in the proposed SFR zones. The applicant is also proposing commercial office uses in Phase III that are not permitted in the proposed residential zone. The proposed range of uses for the building is identified in applicant's Stipulation #10 *(Pages 43 and 44)*. As such activity, including the associated parking, is proposed to be located within 100 feet of the PUD boundary, the criteria for a conditional use permit per §10.248 must be addressed.

Conditional Use: The applicant's findings address the Conditional Use Permit (CUP) criteria *(Pages 21, 22, and 36)* with an ultimate conclusion that the commercial office activity to be located within Phase III will cause "no significant adverse impact on the livability, value, or appropriate development of abutting property or the surrounding area", consistent with criterion 1. It is recommended that a Type "A" buffer be provided along the north side of Phase III consistent with the standards associated with such a residential/commercial interface. Such a condition is included.

Housing Types All 111 of the residential lots are proposed to be developed with detached single-family residences. No deviation for housing type is proposed.

Common Elements: As mentioned above, the proposed land division will create lots to facilitate individual ownership of each dwelling. With the proposed commonly owned and/or maintained elements (e.g., streets, street trees, landscaping, etc.), formation of a Homeowners' Association is necessary; therefore, the property owner shall record documents containing assurances that the common area will be improved and maintained for their intended purpose (§10.230 [E][3]). A draft of such document has been included (Sub-Exhibit 23) which will also be submitted at the time of final PUD plan approval to which the applicant has also stipulated *(Page 42)*.

The applicant has not stated that property in Phase II will not be part of the Homeowner's Association, therefore, it is presumed that those residents will benefit from the commonly held facilities within Phase I, particularly the park. A condition is included requiring that the documents establishing the owner's association address the use and maintenance of the common facilities by all properties within the development (Phases I and II).

Phasing - Development Schedule: Three phases of development are proposed although no construction schedule has been identified *(Page 13)*. The first phase will include all residential lots and common areas south of McAndrews Road. The second phase is the residential and common areas north of McAndrews Road and the third phase is comprised of the commercial site.

As no development schedule is proposed for the 3-phase project, it is recommended that the Planning Commission approve a 3-year expiration of the tentative plat as provided by §10.269(2).

Agricultural Impact Analysis:

Because the project adjoins lands to the south that are zoned Exclusive Farm Use (EFU), the applicant has included the requisite Agricultural Impact Analysis (Sub-Exhibit 9) discussed in the findings *(Pages 22 and 40 through 42)*. It is determined that the presence of the vineyards and orchards defines its status as intensive and mitigation measures prescribed for intensive agriculture are appropriate. Such prescribed features include a six-foot fence, a landscape buffer containing evergreen trees, and recordation of a deed declaration consistent with §10.804(2). Buffering and a declaration is also recommended by Jackson County Planning (Exhibit "L"). The applicant has proposed an alternative treatment of the interface as a deviation *(Page 17)* based upon input from the adjoining agriculturists (Sub-exhibit 10) and a negotiated Agricultural Buffering Agreement (Exhibit "N"). Such agreement identifies the appropriate (negotiated) buffer treatment to include a setback easement, a low-growing irrigated landscape treatment, a 7-foot fence, and deed declaration. A stipulation for the deed declaration is also proposed *(Page 43)*. Planting of the prescribed evergreen trees is determined to be inappropriate due to the soil characteristics of the hillside location. The proposed deviation to the agricultural buffer treatment can be found to be a reasonable component of the project. Conditions are included for construction of the fence, the installation of the landscaping, and recordation of the setback easement and deed declaration prior to final plat approval.

Site Plan and Architectural Commission (SPAC) Review:

Single-family residences are not subject to SPAC review; therefore, the applicant has not submitted designs for the individual residential structures. A plan for street tree landscaping and treatment of the common areas has been included for the PUD in recognition of the Planning Commission's authority to approve such designs as a one-step review process per §10.230(F)(G). Per the analysis and conditions contained herein, the Commission can approve the project design for residential Phases I and II, subject to provisions for final plan approval (§10.240), with no referral to SPAC for further recommendations. It is recommended that the Commission take such action.

Phase III is to contain a commercial office building for which no specific architectural design has been proposed. The preliminary site and landscape plans (Exhibits "A" and "C"), and as discussed in the findings and stipulations *(Pages 16 and 42)*, indicate compliance with applicable site development standards to be confirmed at the time of review by the Site Plan and Architectural Commission. No deviations are proposed. The applicant has anticipated and therefore proposed SPAC review of the commercial site. A condition reflecting same is included.

Consolidated Application - Land Division:

As the proposed PUD includes a subdivision, the applicant's findings identify the project's compliance with the requisite criteria *(Pages 36 through 39)*. Some of the specific items/concerns associated with the land division, to be included or otherwise assured at the time of final plat, are discussed below.

Public Works Director

Per the Recommendations from the Public Works Department (Exhibit "H"), street improvement requirements are identified to include designs for the private streets consistent with the proposed deviations. Improvement and dedication requirements are also identified for all of the public streets within the project. Conditions were previously identified the dedication of additional right-of-way along Foothill and McAndrews Roads along the project frontage. As mentioned above, an exception would need to be identified as a component of the application if relief from such a dedication is sought. However, it has been determined that a specific precise plan line exists for the road, as approved by the City Council, and as the improvements and associated dedications are complete, no additional dedication or improvements are necessary and need not be required of the development as provided by §10.442. Therefore, McAndrews Road dedication requirements are not included.

An access restriction is to be placed on individual lots along the McAndrews frontage.

Circulation

The applicant discusses the use of the proposed cul-de-sacs in the context of the deviations for the use of a private street including a length for Carino Lane which is longer than the prescribed 450 feet per §10.450(2)(b). No street connection to the agricultural lands to the south is proposed as such a connection is not supported by the agricultural land owner (Sub-exhibit 19). Connections are proposed to the north and east of Phases II and III. The findings address circulation and connectivity in the context of the land division criterion 2 *(Page 37)*.

Water

The Medford Water Commission (Exhibit "I") has indicated that adequate water supply is available to serve the project but that mains need to be extended to the site. Furthermore, as the site lies within two pressure zones, the design and construction of the water infrastructure must be coordinated with the Water Commission staff prior to construction. Distribution mains along private streets within the project will need to be provided with easements. All such easements shall be identified on the final plat.

Fire Marshal

The Bureau of Fire Prevention (Exhibit "I") has identified the need for fire hydrants throughout the subdivision to meet prescribed spacing standards of the fire safety codes. As mentioned above, the Fire Marshal has identified concerns related to wild fire hazard where on-street parking could restrict access for fire fighting apparatus (Exhibit "J"). A parking prohibition on one side of the 28-foot wide streets and fire access roads and associated turn-arounds is recommended. The size of some lots may also require fire sprinklers if walls are more than 150 feet from a fire access road. A covenant reflecting such a requirement on certain lots is recommended. A condition to comply with the requirements of the Fire Marshal is included.

Utilities

Public Utility Easements (PUE) are to be extended along all public and private street frontages. An endorsement by utility providers is required at the time of final plat approval per §10.279(4).

Street Names

The Building Safety staff has identified the need to modify some street names within the project to comply with the street naming conventions endorsed by emergency service providers (Exhibit "K"). The applicant has been working with staff to comply and street names will be confirmed prior to final plat approval.

Miscellaneous

The Medford Irrigation District has identified requirements to identify and maintain the districts easement along the canal which adjoins the west side of the project (Exhibit "O"). The recommended fence is proposed by the applicant (Exhibit "A"). The property shall be withdrawn from the Medford Irrigation District at the time of final plat approval. Conditions to withdraw from the district, identify the easement, and construct the fence are included.

Common Area

A Homeowners' Association must be established to include provisions for the installation and maintenance of all common elements (streets, street tree landscaping, street lighting, walkways, etc).

A draft of the document has been provided (Sub-Exhibit 23) which will also be provided at the time of final PUD plan approval, and ultimately recorded with the final plat.

Conclusion:

Per the analysis contained herein, the Planning Commission can find Bella Vista Heights (PUD-05-25) to be consistent with the criteria for a change of zone, a land division, and preliminary PUD.

Action Taken:

Directed staff to prepare a Final Order and for approval of the Preliminary PUD Plan, Tentative Plat, and zone change of PUD-05-25, per the Revised Planning Commission Report dated July 28, 2005, including:

Exhibit "A" PUD Site Plan *(Preliminary Plan)* received March 29, 2005;
Exhibit "B" Tentative Plat received March 29, 2005;
Exhibit "C" Master Landscape Planting Plan received February 2, 2005;
Exhibit "D" Vertical Separation Feature received February 8, 2005;
Exhibit "E" Narrative Description of Planned Unit Development received March 16, 2005;
Exhibit "F" Applicant's Findings of Fact and Conclusions of Law (pages 1-44) received February 2, 2005, including the following sub-exhibits cited therein:

Sub-Exhibit 2	Assessor's Maps
Sub-Exhibit 3	Preliminary PUD
Sub-Exhibit 4	Preliminary Landscaping
Sub-Exhibit 5	Tentative Plat
Sub-Exhibit 6	Current Zoning Map
Sub-Exhibit 7	Medford General Land Use Plan Map (GLUPM)
Sub-Exhibit 8	Proposed Zoning Map
Sub-Exhibit 9	Agricultural Impact Assessment Report . . . dated January 3, 2005
Sub-Exhibit 10	Agricultural Buffering Letter from Jack Day dated January 12, 2005
Sub-Exhibit 11	Water and Sewer Improvement Plans with letters
Sub-Exhibit 12	Sewer Capacity Analysis dated November 22, 2004
Sub-Exhibit 13	Storm Drainage Concept Plan and Analysis dated January 18, 2005
Sub-Exhibit 14	Applicant's Cover Letter and Transcripts from Condemnation Process
Sub-Exhibit 15	Traffic Impact Analysis (TIA) dated February 26, 2003 (document on file)
Sub-Exhibit 16	Letter of Revisions to TIA dated December 6, 2004
Sub-Exhibit 17	JRH Traffic Engineering letter addressing Right-in/Right-out for Sorento
Sub-Exhibit 18	RDK Engineering letter addressing Right-in/Right-out
Sub-Exhibit 19	Hillcrest Corporation Letter addressing street connectivity dated October 18, 2004
Sub-Exhibit 20	Appraiser's letter on value impacts from office building dated January 3, 2005

Sub-Exhibit 21	Fountain with monument sign concept sketch
Sub-Exhibit 22	McAndrews Road Post-Construction Photos
Sub-Exhibit 23	Draft Covenants, Conditions, and Restrictions (CCR's) [document on file]
Sub-Exhibit 24	PUD and Zone Change Application forms and agent/owner authorizations

Exhibit "G" Supplemental Findings Letter and RVTD Correspondence received March 16 and May 12, 2005;
Exhibit "H" Report from the Public Works Department dated July 6, 2005;
Exhibit "I" Memorandum from the Medford Water Commission dated April 8, 2005;
Exhibit "J" Memorandum from the Bureau of Fire Prevention dated April 11, 2005;
Exhibit "K" Memorandums from Paula Hoffman dated April 15 and 28, 2005;
Exhibit "L" Letter from Thomas Bizeau (Jackson County Planning) dated April 11, 2005;
Exhibit "M" Letter from Arn Wihtol applicant (in response to Bizeau letter) dated April 22, 2005;
Exhibit "N" Agricultural Buffering Agreement received February 2, 2005;
Exhibit "O" Letter from Medford Irrigation District (MID) dated April 8, 2005;
Exhibit "P" Letter from Arn Wihtol applicant (in response to MID letter) dated April 22, 2005
Exhibit "Q" Supplemental Geotechnical Evaluation Report received February 2, 2005;
Exhibit "R" General Land Use Plan Map;
Exhibit "S" Site Photos;
Exhibit "T" Aerial Photo;
Exhibit "U" Memo from Alex Georgevitch (Transportation Manager) dated May 13, 2005;
Exhibit "V" Amendment to Findings of Fact (Through-lot deviation and right-of-way exception) received May 17, 2005;
Exhibit "W" Supplemental Traffic Analysis received June 20, 2005 (document on file);
Exhibit "X" Memo from Alex Georgevitch (Transportation Manager) dated July 5, 2005;
Exhibit "Y" Letter from Gregory Hathaway of Davis Wright Tremaine LLP dated July 13, 2005;
Exhibit "Z" Letter from JRH to Arthur Dubs dated July 14, 2005;
Exhibit "AA" Letter from JRH to the Medford Planning Commission dated July 14, 2005;

And subject to the following conditions:

1. The ten (10) stipulations contained in the applicant's Findings of Fact and Conclusions of Law Section VII (Exhibit "F") are approved and acknowledged as conditions to be applied to development of land within Bella Vista Heights PUD.

2. Within 30 days of the final order for zone change approval, the property owner shall record a restrictive covenant on the subject properties in a form acceptable to the City Attorney, specifying that prior to the issuance of a development permit or building permit on the subject properties one of the following must have occurred:

   a. Downstream facilities shall be improved to carry the additional flows resulting from the development under the new zoning district; or

b. An engineer licensed in the State of Oregon shall perform a study, including modeling and/or calculations subject to the approval of the City of Medford Engineering Division, to demonstrate that the downstream facilities are adequate to accommodate the additional flows from the development; or

c. An engineer licensed in the State of Oregon shall prepare a report, which includes testing, plans and calculations necessary to demonstrate post-construction runoff would be limited to the current or pre-developed runoff rate. The report shall be submitted to the City of Medford Engineering Division for review and approval.

3. Within 30 days of the final order for zone change approval, the property owner shall record a restrictive covenant on the subject properties in a form acceptable to the City Attorney, specifying that prior to the issuance of a development permit or building permit on the subject property for Phase I, II, or III, the following must have occurred:

a. Traffic signals shall be installed at the intersections of East McAndrews Road and Foothill Road to the specifications of the City Engineer, or it shall be demonstrated that acceptable assurances for such signalization have been provided.

4. Prior to issuance of the first building permits for excavation and/or infrastructure within any phase, the applicant shall do the following:

a. Receive Final PUD Plan approval pursuant to §10.240 and the criteria contained therein. Final PUD Plan approval for all phases may be requested at the same time subject to completion of applicable design review.

5. Prior to issuance of the first building permit for buildings (i.e. vertical construction), the applicant shall receive approval of the subdivision final plat and return a mylar copy of the recorded plat to the Planning Department. Final PUD plan approval is required prior to, or concurrent with, approval of the final plat per §10.240(F).

6. Prior to development of Phase III, plans (site, building, landscape, etc.) shall be submitted for Site Plan and Architectural Commission review and approval per Land Development Code Section 10.285 - 10.296. Such review is in lieu of postponed Planning Commission review of designs as provided by Sections 10.235(A)(2)(c) and 10.235(F)(2). Such application shall incorporate design features included in the final plan review as identified in Condition #4.

7. The phasing of the project is hereby acknowledged, therefore, tentative plat shall not expire for three years.

8. Final PUD plan submittals shall include:

a. Final landscape plans showing landscaping details and specifications for all street trees including: size, planting details, and irrigation. The red maple trees at the east end of

Palermo Street shall be located within the park strip. Plans shall be reviewed and approved by the Parks and Recreation Department.

b. Documents to be recorded with the final plat establishing the owner's association responsible for the perpetual maintenance of the common elements including the private streets, associated sidewalks, street trees, lighting, and features within Canova Park.

c. A design for the free standing sign at Phase III consistent with the C-S/P standards of §10.1400(1)

d. A design for the free standing sign at the east Phase I entrance consistent with the Planned Unit Development Sign standards of §10.1200(3).

e. All landscape and irrigation plans for the 2.07 acre Canova Park, located in Phase I, including walkways, paths, putting green, benches, picnic tables, and other passive recreation elements. The Parks and Recreation Department shall review and approve such plans.

f. All sidewalks on private streets: Albero Lane, Sorrento Lane, and La Estrada Circle, shall comply with the Public Works' Staff Report, Exhibit "H", and shall be at least five (5) feet in width.

9. Prior to final plat approval, the final plat and/or supporting documents shall include the following as it applies to the respective phases:

a. Comply with the Recommendations from the Public Works Department No. PUD-05-25 dated July 6, 2005 (Exhibit "H") including, but not limited to, assurances for the installation of traffic signals at the McAndrews Road/Foothills Road intersections.

b. Installation of fire hydrants (and reflectors) within the respective phases, and access provisions and parking restrictions per the specifications of the Bureau of Fire Prevention (Exhibit "J"). Covenants identifying residential sprinkler requirements shall be recorded on the applicable lots as determined by the Fire Marshal.

c. Dedication of 10-foot Public Utility Easements (PUE) to serve all parcels within the respective phases. PUE's shall be located along all public and private streets or other locations approved by the utility companies if deemed necessary by site constraints adjacent to McAndrews Road.

d. Evidence that the property has been withdrawn from the Medford Irrigation District, identification of the MID easement on the final plat, and assurances for construction of the fence along the canal.

e. Covenants, Conditions, and Restrictions (CCR's) which include provisions for the installation and perpetual maintenance of all shared elements of the planned development within the respective phases (e.g., streets, lighting, walkways, landscaping, irrigation, arterial street frontage landscaping, etc.).

f. Extend water lines for each phase, including easements where necessary, to serve each lot and install meters to Medford Water Commission specifications (Exhibit "I").

g. Install the vertical separation feature (fence and landscaping) along the entire McAndrews Road frontage (Phases I and II).

h. A deed restriction/plat notation prohibiting access to McAndrews Road for all lots adjoining the right-of-way.

i. Assurances for the installation of street tree landscaping within the respective phases as follows:

(1) Street trees within the right-of-way for the public streets shall be installed or the appropriate financial security (i.e., bond, letter of credit, etc.) provided

(2) Provision for installation of trees along private streets shall be assured by explicit assignment of such responsibility to the association of owners and/or the owners of the respective lots containing the trees.

j. Prior to final plat approval for the respective phases, verification by a licensed surveyor shall be provided to determine the precise height and location of any existing structures. The residential structure within Phase III shall be removed.

k. Assurances for the installation of the agricultural buffer landscaping and recordation of the buffer easement and right-to-farm declaration (Phase III).

l. Construct the privately-owned and maintained 2.07-acre Canova Park, located in Phase I, in accordance with the approved plans.

10. At the time of application for Final Plan approval for each phase, plan revisions and documents applicable to the phase shall be included as follows:

a. A landscape plan that includes a Type "A" buffer along the north boundary of the Phase III commercial office site, reviewed and approved by the Parks and Recreation Department.

Phase III commercial office site, reviewed and approved by the Parks and Recreation Department.

b. Plans and specifications for the arterial street separation feature in plan view and applicable cross-section(s) depicting the precise location, construction details, landscaping, and irrigation associated with the feature to be located in Phases I and II. Such plans shall be reviewed and approved by the Parks and Recreation Department.

c. Appropriate restrictive covenants which establish an association of owners responsible for the maintenance of all "common elements" for the benefit of all residents within Phases I and II.

d. Appropriate restrictive covenant which establishes the proposed commercial office uses identified in the applicant's stipulation #10 (Exhibit "F") to be recorded on all property within Phase III of Bella Vista PUD.

11. The applicant shall comply with Section 10.296 of the Medford Land Development Code in accordance with Section 10.235(d)(2) regarding the satisfaction of conditions of approval.

MEDFORD PLANNING COMMISSION

David McFadden, Chair

PLANNING COMMISSION AGENDA: May 26, 2005
JUNE 9, 2005
JUNE 23, 2005
JULY 14, 2005

50.2 PUD-05-25 Preliminary PUD plan approval, including tentative plat and a zone change from County OSR (Open Space Reserve), RR-5 (Rural Residential - 5 acre lot size), and City SFR-00 (Single-Family Residential - one unit per lot) to SFR-4 (Single-Family Residential - 4 units per acre) and SFR-2 (Single-Family Residential - 2 units per acre) zoning districts, for Bella Vista Heights, a single-family residential (111-units) and office commercial (3.7 acres) mixed use planned unit development on 46.9 acres located on the north and south sides of East McAndrews Road, east of the intersection with Foothill Road; Pacific International Enterprises, Applicant (Hoffbuhr & Associates, Agent).

Commissioner Jackle disclosed a conflict of interest and recused himself.

Commissioner Bartlett disclosed he visited the site.

Commissioner Tull noted that the Commission was provided with information prior to the meeting, which has not been reviewed by Staff or the Commissioners.

Principal Planner Jim Maize summarized the July 6, 2005 staff report and the applicable criteria. Mr. Maize pointed out that the Commission has a letter from Gregory Hathaway dated July 13, 2005 regarding the traffic signal condition, a letter from James Hanks with JRH Engineers dated July 14, 2005, and a draft copy of CPAC Minutes from July 12, 2005; all to be included as part of this application. Mr. Maize noted two corrections in the Staff Report:

1) Delete the last three sentences of the fourth paragraph, starting with "although" on Page 8.

2) Delete the last four sentences of the first paragraph, starting with "however" on Page 9.

Staff recommends approval as per the Planning Commission Staff Report dated July 6, 2005 with the revisions noted.

Commissioner Bartlett noted two corrections on Page 15 of the staff report:

1) Correct Condition 6, third sentence, to state "Section 10.285" not "Section 10.295".

2) Condition 5 needs to be deleted or modified.

Commissioner Bartlett questioned Mr. Maize whether the park on this application would be approved by the Planning Commission or the Parks and Recreation Department. Mr. Maize stated that typically all landscape plans are reviewed by the Parks and Recreation Department for their appropriateness and compliance with the standards, so it would be appropriate if the Commission wanted to add additional review conditions for the Parks Department.

Upon questioning from Commissioner Tull whether staff has reviewed the additional handouts from JRH Engineering that were included tonight, Mr. Maize stated he had not reviewed these documents. Mr. Wadleigh, Engineering Department, stated that the Engineering Department has not reviewed the two documents, and the "Recommendations from Public Works" do not include reference to these documents.

Motion: Direct Staff to prepare a Final Order for approval of the Preliminary PUD Plan, Tentative Plat and Zone Change of PUD-05-25 for the next meeting, as per Staff Report

dated July 6, 2005, including Exhibits "A" through "X" with the following revisions:

1) Delete last three sentences of the fourth paragraph on Page 8 of the Staff Report.

2) Delete the last four sentences of the first paragraph on Page 9 of the Staff Report.

3) Change Condition 6 to state Section 10.285.

4) Condition 8(a) add language: approve by Medford Parks Department.

5) Condition 9(e) add language: include arterial street frontage landscaping.

6) Condition 9(g) add language: strike out (or provide acceptable assurances for the same).

7) Add Condition, 9(l) to state: Prior to final plan, the applicant shall submit all plans, irrigation and landscaping of 2.07 acres of Canova Park, including walkways, paths, putting green, benches, picnic tables and other passive recreation elements, to the Medford Parks Department for review and approval.

8) Add a Condition 9(m) to state: Prior to final plat, the applicant shall construct the 2.07 acre Canova Park, privately owned and maintained per the review and approval of the Medford Parks Department.

9) Add 9(n) to state: All sidewalks on private streets, Albero Lane, Sorrento Lane and La Estrada Circle shall comply with the Public Works Staff Report, Exhibit "H", at least 5 foot in width.

10) Strike out references to 4-foot sidewalks on page 15 of the "Applicants Findings".

11) Condition 10(a) add language: Approved by Parks and Recreation Department.

12) Condition 10(b) add language: Approved by Medford Parks Department.

13) Add a new condition stating: The applicant shall comply with Section 10.296 of the Medford Land Development Code in accordance with Section 10.235 (d) (2) regarding the satisfaction of conditions of approval.

14) Change Condition 3 (third sentence) add language: specifying that prior to issuance of a development permit or building permit for Phases 2 or 3.

Moved by: Commissioner Bartlett Seconded by: Commissioner Nelson

Vote: 8-0

This action was taken after closure of the Public Hearing during which the following people spoke in favor of this request:

a. Dennis Hoffbuhr, Hoffbuhr & Associates, 880 Golf View Dr, Ste. 201, Medford, OR 97504; representing the applicant. Mr. Hoffbuhr asked that the Finding of Fact and Conclusions of Law, which were submitted as part of tonight's application, be

incorporated in the record of tonight's proceedings. Mr. Hoffbuhr summarized the project.

b. Jim Hanks, JRH Engineers, 4756 Village Plaza Loop, Ste. 201, Eugene OR 97401. Mr. Hanks summarized the Traffic Engineering Analysis provided by JRH Transportation Engineering. Mr. Hanks discussed his conclusions based on the analysis which were included in the letter he submitted tonight, dated July 14, 2005.

Commissioner Bartlett asked Mr. Hanks if he was aware that this zone change criteria is one of the newest changes in the Medford Land Development Code that the city has passed. Mr. Hanks stated he was not aware of the change in the Medford Land Development Code.

Commissioner McFadden questioned Mr. Hoffbuhr regarding the storm drainage containment on the south property line. Mr. Hoffbuhr stated that typically when there is a down hill slope the Public Works Department has a requirement that a storm drain be placed along that property line.

Commissioner Bartlett stated to Mr. Hoffbuhr that he felt the deviation of the private streets are acceptable but the deviation of the sidewalks would impair the function, safety and efficiency of the development. Commissioner Bartlett informed Mr. Hoffbuhr that the Planning Commission has consistently required all residential lanes have 5-foot sidewalks next to the curb without an exception.

Upon questioning from Commissioner Bartlett regarding the architecture of the building, Mr. Hoffbuhr stated that the design of the building has not been determined at this time, but in looking at the site it would be possible and most logical to have a three story building and noted they have not asked for a deviation in height.

Upon questioning from Commissioner Tull, Mr. Hoffbuhr confirmed that at the full service intersections, the access to McAndrews would have a stop sign.

Upon questioning from Commissioner Shean, Mr. Hoffbuhr confirmed the following:

1) There are no declaration lanes east on McAndrews to turn right into Phase 1.
2) The properties to the west will have access to Corino Lane.
3) The parking on the east side is for the properties on the west side.

c. Arn Wilitol, Pacific International Enterprises, 1133 S. Riverside, Medford OR 97501; Applicant. Mr. Wilitol responded to the question that was raised about the drainage along the orchard. Mr. Wilitol stated there is a french drain in the agreement that they have already signed with the Orchard to capture that drainage.

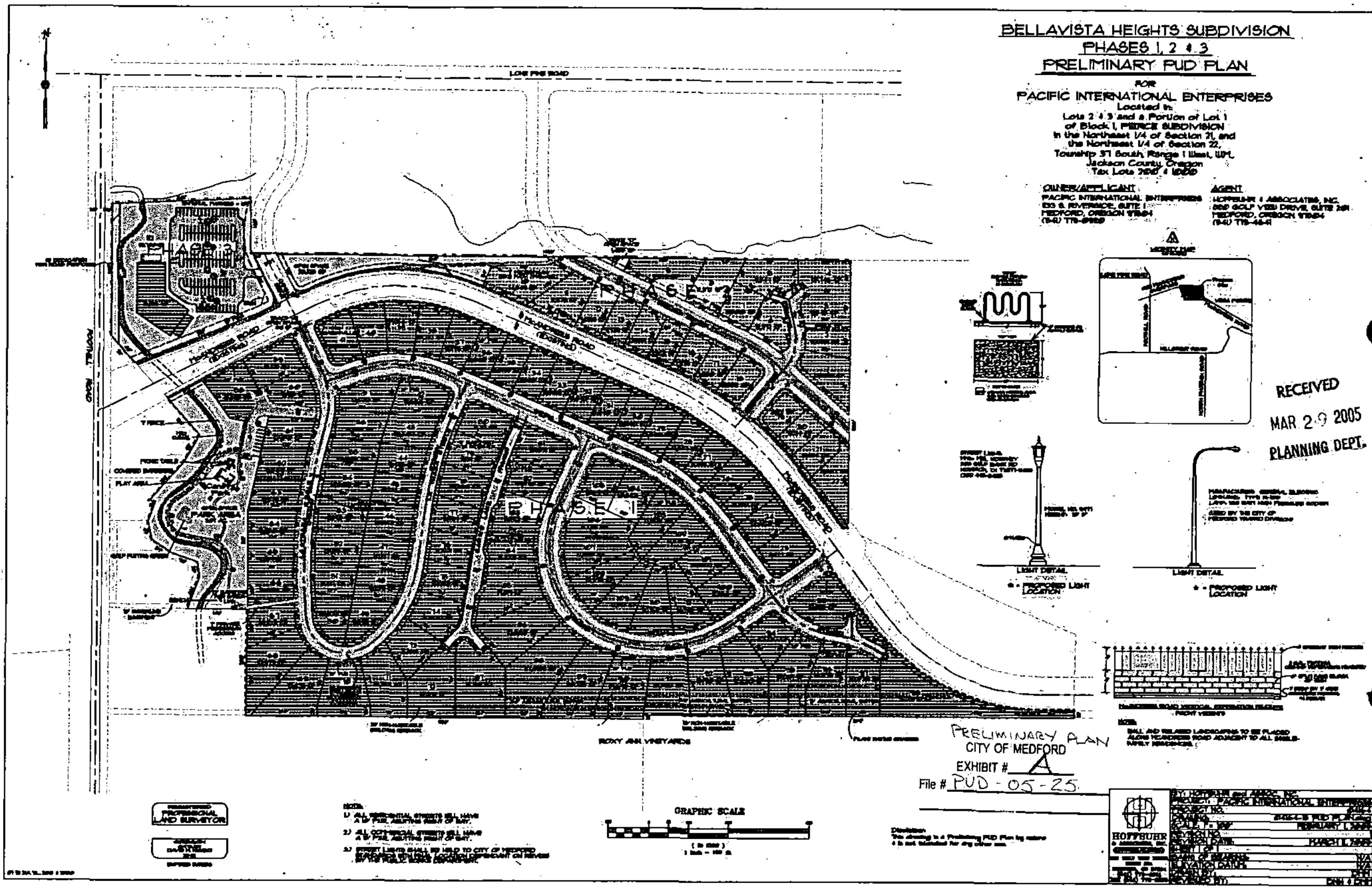
Ms. Cooper, Assistant City Attorney, was asked to address the options the Commission had regarding the traffic signal issue. Ms. Cooper stated she saw three options which were to: approve as is, with recommendation to City Council and Applicant can appeal to City Council; continue this item until a resolution has been made; or, approve Phases that are appropriate to go forward before a traffic signal is to be put in, while City Council is making their decision on this

issue.

Mr. Wadleigh, Engineering Department, reiterated that the Traffic Engineer has not reviewed the two reports received tonight by JRH Engineering, and does not know what comments or recommendations would be regarding delaying installation of traffic signals.

There was a discussion among the Commissioners and Staff regarding the traffic signal issue.

Staff will prepare a Final Order of approval for the Planning Commission's consideration at their next regular meeting.


BELLAVISTA HEIGHTS SUBDIVISION
PHASES 1, 2 & 3
PRELIMINARY PUD PLAN
FOR
PACIFIC INTERNATIONAL ENTERPRISES
Located in:
Lots 2 & 3 and a Portion of Lot 1
of Block 1, PIERCE SUBDIVISION
in the Northeast 1/4 of Section 21, and
the Northeast 1/4 of Section 22,
Township 37 South, Range 1 West, W.M.,
Jackson County, Oregon
OWNER/APPLICANT
AGENT
RECEIVED
MAR 29 2005
PLANNING DEPT.
LIGHT DETAIL
LIGHT DETAIL
PHASE 1
ROXY ANN VINEYARDS
PRELIMINARY PLAN
CITY OF MEDFORD
EXHIBIT # A
File # PUD-05-25
GRAPHIC SCALE
HOFFBUHR

BELLAVISTA HEIGHTS SUBDIVISION

PHASES 1, 2 & 3

TENTATIVE PLAT

FOR

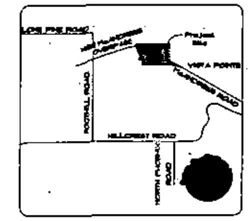
PACIFIC INTERNATIONAL ENTERPRISES

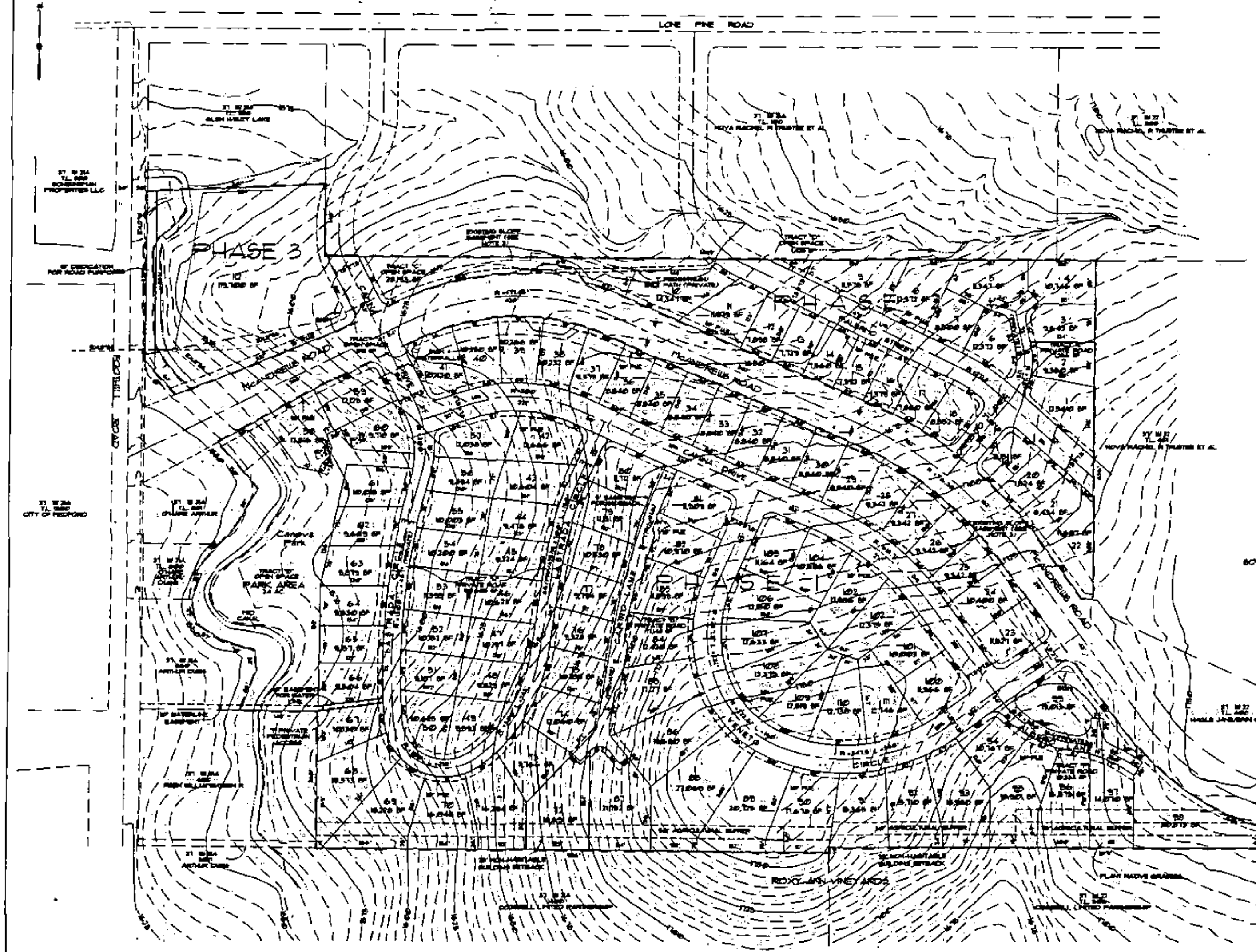
Located In:
Lots 2 & 3 and a Portion of Lot 1
of Block 1, PIERCE SUBDIVISION
In the Northeast 1/4 of Section 21, and
the Northwest 1/4 of Section 22,
Township 37 South, Range 1 West, W.M.,
Jackson County, Oregon
Tax Lots 200 & 1000

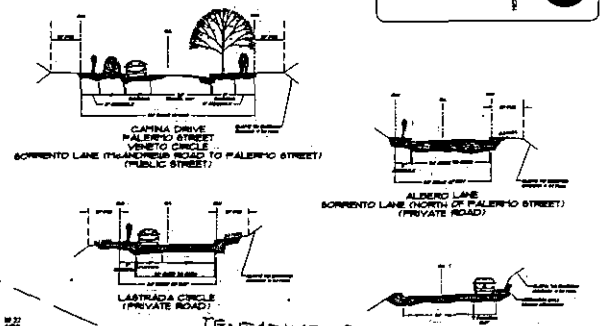
OWNER/APPLICANT
PACIFIC INTERNATIONAL ENTERPRISES
1133 S. RIVERSIDE, SUITE 1
MEDFORD, OREGON 97504
(541) 779-0550

AGENT
HOFFBUHR & ASSOCIATES, INC.
880 GOLF VIEW DRIVE, SUITE 201
MEDFORD, OREGON 97504
(541) 779-4641

SCHOOL DISTRICT: 549C
IRRIGATION DISTRICT: M.I.D.
SANITATION DISTRICT: MEDFORD
AREA: 46.9 AC.
ZONING: SFR-2/SFR-4
EXISTING USE: VACANT
PROPOSED USE: RESIDENTIAL/COMMERCIAL







TENTATIVE PLAT
CITY OF MEDFORD
EXHIBIT # B
File # PUD-05-25

REGISTERED PROFESSIONAL LAND SURVEYOR

RECEIVED
MAR 29 2005
PLANNING DEPT.

EXHIBIT ______
FILE NO. ______ DATE ______
ASSESSOR'S PARCEL NO. 371W21A TL 200 & 1000
ZONING DISTRICT ______
MIN. LOT SIZE ______
MAX LOT SIZE ______
COMP. PLAN DESIGNATION ______
RECEIVED BY ______ DATE ______
REVIEWED BY ______ DATE ______

NOTE:
1.) ALL RESIDENTIAL STREETS WILL HAVE A 10' P.U.E. ABUTTING RIGHT OF WAY.
2.) ALL COMMERCIAL STREETS WILL HAVE A 15' P.U.E. ABUTTING RIGHT OF WAY.
3.) SLOPE EASEMENT TO BE RELOCATED TO EXISTING TOP OF BANKS OR FUTURE CONSTRUCTED RETAINING WALLS.

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

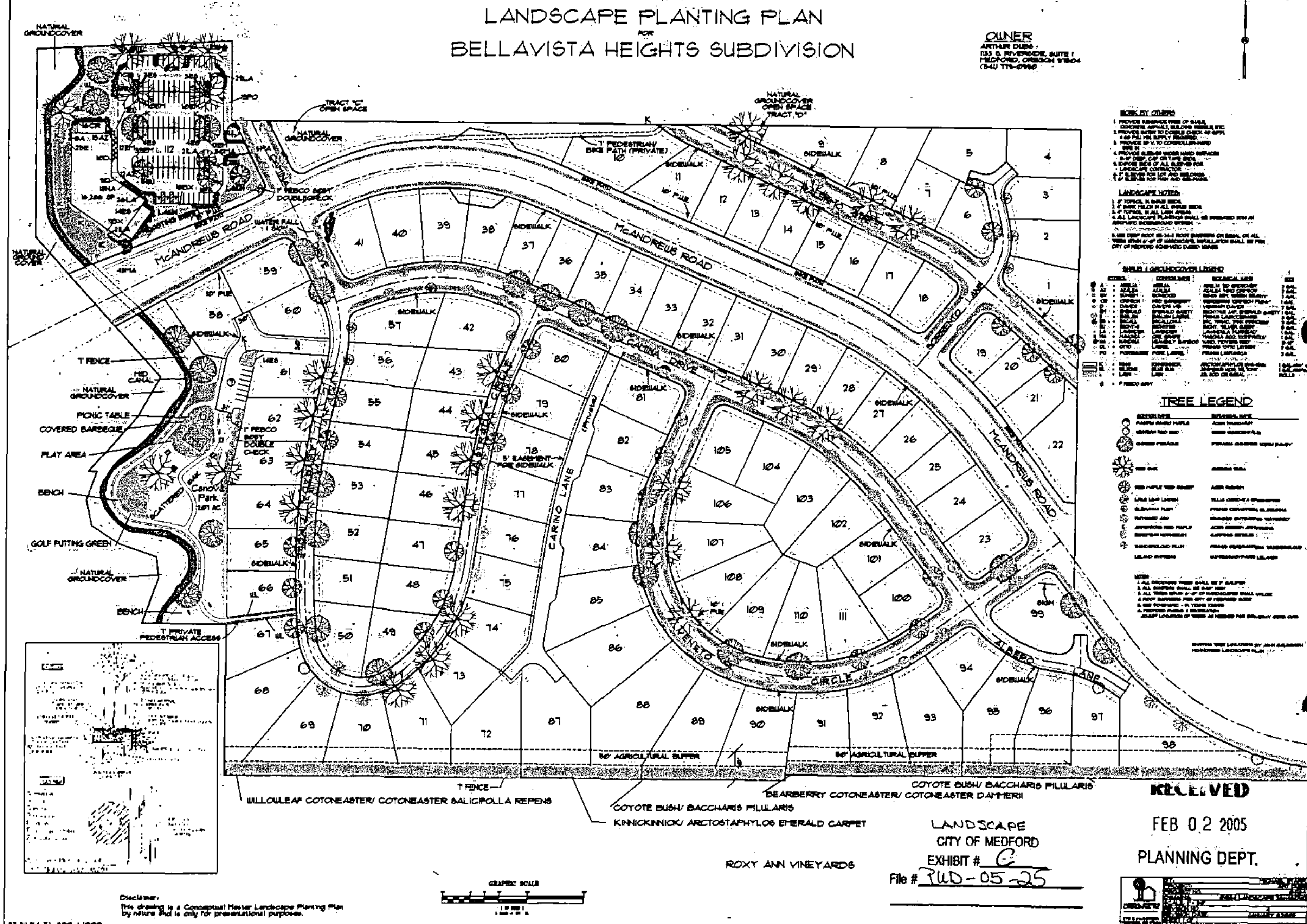
Disclaimer:
This drawing is a Preliminary PUD Plan by nature & is not intended for any other use.

HOFFBUHR & ASSOCIATES, INC.

SURVEYOR: DAVID HINKEL	LS 2346
DATE:	FEBRUARY 1, 2005
PROJECT:	
PROJECT NO.	04-164
DRAWING FILE NO.	04164TENT.DWG
SCALE:	1" = 100'
REVISION NO.	
REVISION DATE:	
BASIS OF BEARING:	
DRAWN BY:	DMH
REVIEWED BY:	
SHEET 1 OF 1	

MASTER LANDSCAPE PLANTING PLAN FOR BELLAVISTA HEIGHTS SUBDIVISION

OWNER



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PLANNING DEPT.

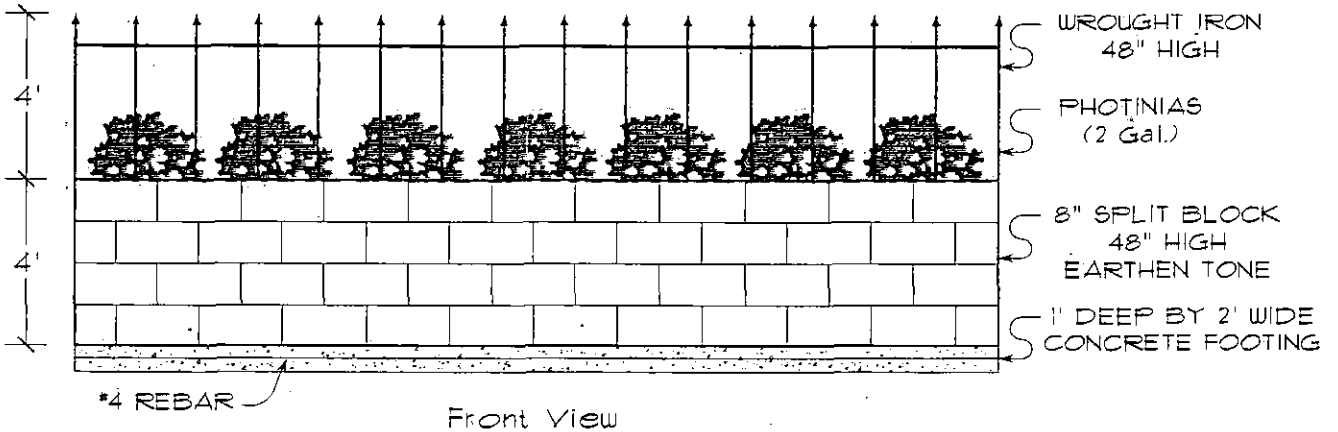
LANDSCAPE
CITY OF MEDFORD
EXHIBIT # C
File # PUD-05-25

Disclaimer:
This drawing is a Conceptual Master Landscape Planting Plan by nature and is only for presentational purposes.

BELLAVISTA HEIGHTS SUBDIVISION

Vertical Seperation Feature

(Utilized Where Applicable)



Front View

ADDITIONAL DEVIATION
CITY OF MEDFORD
EXHIBIT # "D"
File # PUD-05-25

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38

Narrative Description of Planned Unit Development

Bella Vista Heights Planned Unit Development
Pacific International Enterprises Inc.: Applicant

a. The nature, planned use, future ownership and method of perpetual maintenance of land to be left in natural or developed open space or which will be held in common ownership.

In addition to the office building and single-family residential lots, the project includes common elements. The project proposes common elements appropriate for a small mixed-use planned unit development. A homeowner's association (also called an association of unit owners) will have ownership and control over the residential portions of the PUD and all common areas.[1] The below Table 2 shows the various common elements and the responsibilities for ongoing upkeep and maintenance. Draft Covenants, Conditions and Restrictions (CCR's) are provided in Exhibit 23 of applicant's findings.

Common Elements
Source: Craig A. Stone & Associates, Ltd.

Common Area Component	Description of Common Area	Maintenance Responsibility
Canova Park	This privately owned and maintained element consists of a common 2.07 acre landscaped park along a portion of the west boundary of the project. The landscape plan for the projects depicts amenity improvements such as a walking path and neighborhood picnic facilities.	Residential
Private Lanes (Albero, Sorrento, Carino, Canova Park Access), and a Private Street (LaStrada Circle)	This element provides for vehicular, pedestrian, and bicycle access and circulation within the development constructed to a structural standard equivalent or exceeding City of Medford standards	Residential
Off-street Parking Areas	The paved off-street parking area adjacent to Canova Park	Residential
Other Common Areas	A water feature with monument entrance sign, an undeveloped area with an accessway path and landscaping	Residential

Bella Vista Heights includes a landscaped park area, called Canova Park. The future Homeowners Association(s) will maintain all landscaping and amenities in the common areas of the development. Applicants also propose pedestrian scale lighting like that approved for use in Medford's Southeast Area.

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PLANNING DEPT.

[1] There may also be a separate association(s) for the commercial office building if the interior spaces of the office are to be owned as condominiums pursuant to ORS Chapter 100 (the *Oregon Condominium Law*).

CITY OF MEDFORD
EXHIBIT # E
File # PUD-05-25

b. A listing of all proposed Code deviations followed by a brief explanation which covers the nature and extent of the deviation.

Proposed Deviations to be Authorized within the PUD

Source: Craig A. Stone & Associates, Ltd.

Type of Deviation	Nature and Extent of Deviation	Affected Lots	Authority for Deviation	Relevant MLDC Sections for which Deviation is Sought
Private Streets	The proposed private streets are intended as privately owned facilities that may differ in some ways from the requirements for similar city standard streets. The planned cross-section differences are clearly illustrated in the street crossections in the Exhibit 5 tentative plat. The proposed private streets will provide access to adjacent lots within the PUD and may be served by privately owned and maintained street/pedestrian lighting. Carino Lane will be more than 450 feet in length and will provide access to nine lots	1-6, 42-80, 87, and 95-98	10.230(D)(6)	10.430, 10.431, 10.439, 10.450 10.500
Lot Size	The minimum lot size standard in the SFR-2 zone is 14,000 square feet. In the interest of providing a reasonably shaped SFR-2 district, some lots do not meet the minimum lot size standard for the SFR-2 zone.	67, 73, 74, 75, 94, and 97	10.230(D)(1)	10.710
Office Building	This area has a GLUP map designation of Urban Residential. Zoning districts that are identified by the Comprehensive Plan as being consistent with this designation do not allow office buildings as a permitted or conditional use. See stipulations in Section VII of applicant's findings for the specific uses requested for the office building.	Office Building Lot	10.230(D)(9)(b)	10.313
Residential Density Increase	In the interest of providing a reasonably shaped SFR-2 district, the number of single family lots exceeds the maximum allowed under the SFR-2 zone by one lot, which is less than the 20 percent of the total allowed.	NA	10.230(D)(8)	10.708
Agricultural Buffering	The soils on the south property boundary are not suited to conifer growth. As such, a deviation is requested to provide the landscaping depicted on the landscape plan and called out in the *Agricultural Buffer Agreement* in lieu of the 8-foot on-center conifer-planting row requirement. The conifer planting row would conflict with installation of storm drainage facilities that are a high priority for the adjacent farming operation.	68-72, 87-98	10.230(D)(4)	10.804(2)(b)

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF APPLICATIONS CONCERNING A PLANNED UNIT DEVELOPMENT, TENTATIVE SUBDIVISION PLAT, AND ZONING MAP AMENDMENT FROM COUNTY OSR AND RR-5 AND CITY SFR-00 TO SFR-2 AND SFR-4 AFFECTING 46.92 ACRES OF LAND TRAVERSED BY THE RECENTLY COMPLETED SEGMENT OF MCANDREWS ROAD ABOVE AND EAST OF ITS INTERCHANGE WITH FOOTHILL ROAD, IN THE CITY OF MEDFORD, OREGON	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
Pacific International Enterprises: Applicant	**Applicant's Exhibit 1**

CITY OF MEDFORD
EXHIBIT # "F"
File # PUD-05-25

I

NATURE AND SCOPE OF APPLICATION

Arthur Dubs, dba Pacific International Enterprises, Inc., seeks to develop 46.92[1] acres of land primarily for residential purposes, with a small office building component, under the City of Medford Zone Change and Planned Unit Development ordinances. The applications are submitted as a single consolidated application. Medford Land Development Code (MLDC) 10.230(C) and Oregon law expressly permits filing consolidated land use applications.

The subject property is within the corporate limits of Medford and its urban growth boundary. When annexed, the property was not rezoned and is presently covered by Jackson County's Open Space Reserve (OSR), Rural Residential (RR-5) and City SFR-00.[2] The three specific land use actions contemplated in this application filing are:

[1] The gross acreage of the PUD site, including McAndrews Road right-of-way and rights of way proposed for dedication in accordance with acreage and density calculation provisions of the MLDC.

[2] It is expected that the Tax Lot 404 in Section 22 (the "Hagle Property") will be annexed and re-zoned to SFR-00 by the City of Medford prior to consideration of this application by the Planning Commission.

- **Zone Change** from County OSR and RR-5 and City SFR-00 to Single Family Residential (SFR-4 and SFR-2) for all of the privately held subject property
- **Preliminary PUD Plan** to create:
  - 1 Office building and associated off-street parking
  - 111 Single Family Dwelling Lots
  - Common Open Space
  - A network of public and private streets.
- **Land Division** (Tentative Subdivision Plat) that will create one hundred eleven (111) single family detached residential lots and a lot intended to accommodate professional offices

The findings of fact and conclusions of law herein support approval of the three land use applications above described. Development of the project is proposed in three phases.

The property is crossed by the recently constructed segment of McAndrews Road, east of itsinterchange with Foothills Road. Four new accesses are proposed to McAndrews Road. The proposed PUD includes several new public streets, a private street, and several private access lanes.

The consulting landscape designer for the project, Michael Starr, has developed a street tree concept plan that provides for street trees and landscaping of the common areas. A water feature with a monument entrance sign is proposed for the southerly entrance to the south side of the project, *See Exhibit 21.* Applicants also intend to develop a landscaped park area, called Canova Park. The future Homeowners Association(s) will maintain all landscaping in the common areas of the development. Applicants also propose pedestrian scale lighting like that approved for use in Medford's Southeast Area. The proposed lighting will be provided in accordance with MLDC 10.378. A typical elevation of the proposed lighting is shown on the Preliminary PUD Plan. *See*, Exhibit 3.

The zone change is sought for the entire subject property. The property currently has rural county zoning designations of OSR, RR-5 and a City holding designation of SFR-00. The requested zoning designations of SFR-2 and SFR-4 will supply City zoning designations as a necessary prerequisite for urban development.

As indicated above, additional municipal approvals are required for this project. Pending approval of these applications, applicant will be required to undertake and complete the following additional land use approvals before the issuance of building permits:

- Site Plan and Architectural Review for the office building in the northwest corner of the site.

c. **If one or more signs are intended to deviate from the provisions of this Code, then a detailed plan for all signs which require a sign permit shall be submitted. The sign plan shall specify the size, number, type, height and location of all signs which require a sign permit and shall clearly indicate all proposed deviations.**

A New Development/Project Sign, pursuant to section 10.300, is proposed for incorporation into the landscape and waterfall feature common element. This element is depicted on the PUD plan at the southeast corner of the intersection of the proposed Camina Drive and McAndrews Road. An illustration of the concept is included as an exhibit in the Applicant's findings.

d. **A proposed development schedule. If the PUD will be constructed in phases, the development schedule for each phase shall be keyed to a plan that indicates the boundaries of each phase.**

The proposed PUD will be constructed in phases. Phase 1 consists of the project south of McAndrews Road. Phase 2 consists of the lands north of McAndrews Road and east of the proposed Camina Drive. Phase 3 consists of the proposed office-building component in the northwest corner of the project.

e. **The gross acreage devoted to the various proposed land uses and housing types.**

The acreage devoted to residential use is 44.11 acres. The SFR-2 portion of the project will occupy 11.15 acres and will accommodate detached single-family dwellings. The SFR-4 portion will occupy 32.96 acres and will accommodate single-family dwellings. An office building is proposed to occupy 3.70 gross acres.

- Final PUD Plan

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence with its applications for Preliminary PUD Plan, zone change, and land division:

Exhibit 1. The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the Preliminary PUD Plan, Zone Change, and Subdivision applications comply with the applicable substantive criteria of the MLDC

Exhibit 2. Jackson County Assessor plat maps (37-1W-21A and 37-1W-22), which contains and depicts the subject properties

Exhibit 3. Preliminary PUD Plan

Exhibit 4. Preliminary Landscaping Plan

Exhibit 5. Tentative Subdivision Plat

Exhibit 6. Current Zoning Map

Exhibit 7. Medford General Land Use Plan Map (GLUP)

Exhibit 8. Proposed Zoning Map

Exhibit 9. Agricultural Impact Assessment Report prepared by Craig A. Stone & Associates, Ltd. and dated January 3, 2005

Exhibit 10. Agricultural Buffering Letter from Jack Day, dated January 12, 2005

Exhibit 11. Water and Sewer Improvement Plans with letters from the Medford Public Works Department and Medford Water Commission

Exhibit 12. Sewer Capacity Analysis, dated November 22, 2004

Exhibit 13. Storm Drainage Concept Plan and Analysis, dated January 18, 2005

Exhibit 14. Applicant's Cover Letter and Transcripts from Condemnation Process

Exhibit 15. Traffic Impact Analysis (TIA) prepared by JRH Transportation Engineering, Inc. dated February 26, 2003

Exhibit 16. Letter of Revisions to TIA from JRH Transportation Engineering, Inc. dated December 6, 2004

Exhibit 17. JRH Traffic Engineering, Inc. letter addressing right-in/right-out traffic movements for Sorrento at McAndrews Road

Exhibit 18. RDK Engineering letter addressing Right-In/Right-Out

Exhibit 19. Hillcrest Corporation letter addressing street connectivity, dated October 18, 2004

Exhibit 20. Appraiser's letter on value impacts from Office Building, dated January 3, 2005

Exhibit 21. Fountain with monument sign concept sketch

Exhibit 22. McAndrews Road Post-Construction Photos

Exhibit 23. Draft Covenants, Conditions and Restrictions (CCR's)

Exhibit 24. Completed Preliminary PUD and Zone Change application forms and agent authorization from the record owner of the property

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which the applications for Zone Change, Preliminary PUD Plan and Land Division must be approved are in Article II of the Medford Land Development Code (MLDC). The criteria for the three land use applications are recited verbatim below and again in Section V where each is followed by the applicable conclusions of law.

City of Medford Approval Criteria

A. ZONE CHANGE *(Irrelevant/Inapplicable Provisions Omitted)*

MLDC 10.227 Zone Change Criteria

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

(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-2, the zoning shall be approved under either of the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Amd. Ord. No. 7036, Dec. 5, 1991; Amd. Sec. 1, Ord. No. 1999-88, June 3, 1999; Amd. Sec. 1, Ord. No. 2003-27, Feb. 6, 2003.]

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

OAR 660-12-060: Plan and Land Use Regulation Amendments

(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 performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

(a) Limiting allowed land uses to be consistent with the planned function, capacity and performance standards 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;

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or,

(d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

(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 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 performance standards of the facility below the minimum acceptable level identified in the TSP.

B. PLANNED UNIT DEVELOPMENT (PUD)

MLDC 10.235 Preliminary PUD Plan - Application Procedures.

(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 PUD complies with the applicable requirements of this Code, except those for which a deviation has been approved under Subsection 10.230(D).

(2) 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.

(3) The PUD is consistent with goals and policies of the Comprehensive Plan, if any, which by their language or context were intended to function as approval criteria for planned unit developments.

(4) Deviations from 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.

(5) The proposed PUD satisfies two or more of the purpose statements in Subsection 10.230(A)(1) through 10.230(A)(8).

(6) The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.

(7) If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(9)(b), the applicant shall alternatively demonstrate that either: 1) demands for the Category "A" public facilities listed below are equivalent or less than for one or more permitted use listed for the underlying zone, or 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.

(8) If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(9)(b), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.

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

C. CONDITIONAL USE PERMIT CRITERIA (Subset Of PUD Criterion 8 For Approval Of Office Building through a PUD)

MLDC 10.248 Conditional Use Permit Criteria

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests. In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:

(1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

(2) Establish a special yard or other open space or lot area or dimension requirement.

(3) Limit the height, size, or location of a building or other structure

(4) Designate the size, number, location, or nature of vehicle access points.

(5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.

(6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.

(7) Limit or otherwise designate the number, size, location, height, or lighting of signs.

(8) Limit the location and intensity of outdoor lighting, or require its shielding.

(9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.

(10) Designate the size, height, location, or materials for a fence.

(11) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

D. LAND DIVISION – Tentative Subdivision Plat

MLDC 10.270 Land Division Criteria.

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

(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;

(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) Includes the creation of streets, that such streets are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary, to 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) Has streets that are proposed to be held for private use, that they are distinguished from the public street on the tentative plat, and reservations or restrictions relating to the private streets 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.

E. Mitigation and Impact Management

MLDC 10.804 Mitigation and Impact Management

(1) Agricultural Classification (Intensive or Passive). Agricultural land is hereby classified as either intensive or passive. *Intensive agriculture is defined as farming* which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

(2) Mitigation - Intensive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, *the following measures shall be undertaken* by the developer when urban development is proposed adjacent to land which is in intensive agricultural use:

(A) Fencing. A wood fence, chain link fence, masonry wall, or other comparable fence, as approved by the approving authority not less than six (6) feet in height or such greater height as may be required, shall be installed at the rear or side property boundary where the urban development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long term maintenance responsibility for the fence.

(B)Landscaping. On the property proposed for urban development there shall be a landscaped strip adjoining the fence required in subsection 10.804(2)(a) which shall have a width of not less than eight (8) feet within which there shall be planted a row of evergreen trees spaced not more than eight (8) feet apart. The species and variety of evergreen trees proposed shall be approved by the approving authority and shall be selected on the basis of fast growth and vegetation density. The City may compile and adopt a list of trees suitable for agricultural buffering and once adopted, only trees from the approved list may be selected to satisfy the requirements of this section. The trees shall be served by an underground irrigation system. Information shall be provided regarding the long-term responsibility for care and maintenance of the landscaping.

(C) Deed Declaration. All urban land proposed for development which lies within two hundred (200) feet of an EFU or EA zoning district boundary shall be subject to a deed declaration that requires the owner and all successors in interest to recognize and accept common, customary and accepted farming practices. The declaration shall also provide that the perpetual maintenance of fencing, the horticultural care for and maintenance of landscaping, and the maintenance of other buffering features shall be the sole responsibility of the owners of property subject to the deed declaration. The deed declaration shall be in a form approved by the City. After the deed declaration is signed it shall be recorded in the official records of Jackson County, and copies shall be mailed to the owners of adjacent agricultural lands zoned EFU or EA.

(D) Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

(3) Mitigation - Passive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:

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

area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10;731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence.

(B) Deed Declaration. The deed declaration required in subsection 10.804(2)(c) shall be required.

(C) Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

(4) Discretionary Mitigation Measures/Design Considerations. In addition to the specific mitigation measures required in Subsections (10.804(2) and 10.804(3), an applicant shall also consider the following design items and the approving authority may, in its sole discretion, impose conditions which do any of the following:

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

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

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

(D) Require fencing and landscaping, including the use of berms, in excess of that required in Section 10.804.

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

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; Existing Development**: According to the records of the Jackson County Assessor and Medford Planning Department, the subject property has the following characteristics:

Table 1

Description, Ownership, Size, Zoning, Tax Code and Existing Development
Sources: Jackson County Assessor; Craig A. Stone & Associates, Ltd.; Hoffbuhr & Associates, Inc.

Assessors Map and Tax Lot	Owner of Record	Annexation	Acreage	Existing Zoning	Tax Code	Existing Development
37-1W-21A 200	Arthur Dubs	2001-32	28.97	OSR	49-01	Vacant
37-1W-21A 201	Arthur Dubs	2001-32	7.37	OSR	49-01	Vacant
37-1W-21A 1000	Arthur Dubs	2001-32	2.93	RR-5	49-01	Single Family Dwelling
37-1W-21A 1001	Arthur Dubs	2001-32	2.32	RR-5	49-01	Vacant
37-1W-22 404	Arthur Dubs	Pending	1.22	SFR-00	49-01	Vacant
Total			**42.81**[2]			

Table Footnotes:

[1] A public hearing before the Medford City Council is scheduled for February 17, 2005 during which the annexation of Tax Lot 404 to the City of Medford will be considered. If this parcel is not annexed, applicant may revise these applications to omit this portion of the project.

2 Applicant's professional land surveyor, Dave Minneci of Hoffbuhr & Associates, Inc. has completed a survey of the property and has concluded the total project area is 46.92 acres with 0.25 acres of right-of-way on Foothills Road and 0.64 acres to the centerline of the right-of-way on McAndrews Road adjacent to proposed lots 98 and 99. For density and acreage calculation purposes, this yields 47.81 acres for the zone change area with 3.70 acres proposed for an office building (including right-of-way to all centerlines adjacent to the proposed office building development)

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2. **Property Location:** The property is traversed by the recently constructed portion of McAndrews Road, east of Foothills Road. The easternmost portion of the project is adjacent to the east boundary of the Foothills Road right-of-way, immediately east of the McAndrews interchange with Foothills Road. The property is within the corporate limits of Medford and its urban growth boundary (UGB). The location of the property in relation to the present corporate limits of Medford and other land in the surrounding area is depicted in Exhibit 6.

3. **Comprehensive Plan and Zoning:** All of the subject properties are within Medford's *Urban Residential* Comprehensive plan map designation (GLUP).[3] Applicant has submitted a concurrent application to change the zoning of the subject property to Single Family Residential (SFR-4) and (SFR-2) from its existing Jackson County OSR and RR-5 zoning and City SFR-00 zoning. Since the subject property contains topographic

[3] Medford refers to its comprehensive plan map as the GLUP (General Land Use Plan).

constraints and the properties to the south are further constrained by the need for agricultural buffering, the lower density SFR-2 zoning is sought for the southerly portion of the property. The demarcation line between the two sought zoning districts, was determined as a function of project design, regulatory requirements, and attempts to practicably map a reasonable and uniform zoning district boundary which conforms to the requirements of the Medford Land Development Code (MLDC).

4. **Surrounding Land Uses**: The Exhibit 6 zoning map accurately depicts the pattern of land partitioning and development in the surrounding area. Exhibit 2 identifies the subject and nearby parcels as to Tax Lot number. Land uses that presently surround the property are:

   A. North and Northeast: Tax Lot 100 is a vacant parcel zoned OSR within the Urban Growth Boundary (UGB) but outside the present corporate limits of the City of Medford. This property is owned by Twin Creeks Development, LLC. Further north and to the northeast are Tax Lots 3600 and 3700, in Section 16D, and 1000 in Section 15. These parcels are zoned OSR and owned by Pacific Corporation. They are mostly vacant but do contain some electrical sub-station facilities. Also to the northeast, is a parcel owned by the City of Medford.

   B. North and Northwest: Nearby Tax Lot 1100 is zoned SFR-6 and owned by Lake & Lake, LLC and contains two dwellings. Across Foothills Road to the northwest are vacant and underdeveloped commercially zoned lands owned by Scheuneman Properties, LLC.

   C. West: Tax Lots 600 and 801 are owned by Arthur and Diane O'Hare. Lot 600 contains a single family dwelling. Tax Lot 500 is owned by the applicant. Tax Lot 400 is outside city limits, zoned RR-5, contains a single family dwelling owned by William and Gwen Reen. Further to the west, are lands zoned SFR-4 and owned by the City of Medford which contains the Foothills Road interchange with McAndrews Road.

   D. Southwest: Tax Lot 1500 is a vacant EFU zoned parcel owned by Rocky Knoll, LLC.

   E. South & Southeast: Lands to the south and southeast are owned occupied by a pear orchard and vineyard. *See,* Exhibit 9 Agricultural Impact Assessment for a detailed land use description and analysis.

   F. East: Tax Lots 400 and 404 in Section 22 are outside Medford City Limits, zoned OSR, are owned by Jane Hagle and contain one single family residence. Tax Lots 300 and 401 in Section 22 are outside Medford City Limits, are zoned OSR, and are owned by Mary Ann Fletcher, Trustee et al.

5. **Topography**: The topography of the proposed PUD is shown in the PUD plans. *See,* Exhibit 3. A large knoll with slopes up to 25 percent dominates the project area. The proposed PUD is located atop the knoll and wraps around its north side from the northeast slope to the west slope. Figure 9 of the Environmental Element of the Comprehensive Plan identifies the entire project area as containing slopes greater than 15 percent.

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

   A. **Phases; Number of Housing Units; Density**: The PUD is proposed to be constructed in three distinct phases. The first phase will consist of the portion of the project south of McAndrews Road. The second phase will consist of the residential and common elements north of McAndrews. The third phase will consist of the office building parcel. The Medford Planning Department calculates housing density by adding the gross area of the property to be devoted to residential use to the centerline of the adjacent road right-of-way, in this instance McAndrews Road. The acreage devoted to residential use is 44.11 acres. The SFR-2 portion of the project will occupy 11.15 acres. The SFR-4 portion will occupy 32.96 acres. The minimum number of housing units for the SFR-2 portion of the project is 9 and a maximum of 22 residential units allowed.[4] There are 23 units proposed for the SFR-2 zoned portion of the project. The PUD ordinance provides that a deviation may be authorized to allow up to a 20 percent increase in residential density. With authorization of said deviation, an additional unit is within the acceptable PUD density range for the SFR-2 zoned portion of the project. The minimum number of housing units for the SFR-4 portion of the project is 82 and a maximum of 158 residential units allowed.[5] Applicant has initially proposed 111 single-family residential lots, a number of housing units which is within the permissible minimum and maximum density ranges.

   B. **Common Elements**: In addition to the office building and single-family residential lots, the project includes common elements. A homeowner's association (also called an association of unit owners) will have control over the residential portions of the PUD and all common areas.[6] The below Table 2 shows the various common elements

[4] Minimum residential density is calculated by multiplying the gross acreage of the residential portions of the PUD (including common area) by the minimum density allowed for the zoning district. For land zoned SFR-4, the minimum units per acre is 2.5 and the maximum is 4.0. The gross acreage devoted to residential use is 44.11 acres. The minimum SFR-2 density calculation is 11.11 × .08 = 8.88 The maximum SFR-2 density calculation under a PUD is 11.11 × 2.0 × 1.2= 26.66.

[5] The minimum SFR-4 density calculation is 33.00 × 2.5 = 82.5. The maximum SFR-4 density calculation under a PUD is 33.00 × 4.0 × 1.2 = 158.40.

[6] There may also be a separate association(s) for the commercial office building if the interior spaces of the office are to be owned as condominiums pursuant to ORS Chapter 100 (the *Oregon Condominium Law*).

and the responsibilities for ongoing upkeep and maintenance. Draft Covenants, Conditions and Restrictions (CCR's) are provided in Exhibit 23.

Table 2

Common Elements
Source: Craig A. Stone & Associates, Ltd.

Common Area Component	Description of Common Area	Maintenance Responsibility
Canova Park	This privately owned and maintained element consists of a common 2.07 acre landscaped park along a portion of the west boundary of the project	Residential
Private Lanes (Albero, Sorrento, Carino, Canova Park Access), and a Private Street (LaStrada Circle)	This element provides for vehicular, pedestrian, and bicycle access and circulation within the development constructed to a structural standard equivalent or exceeding City of Medford standards	Residential
Off-street Parking Areas	The paved off-street parking area adjacent to Canova Park	Residential
Other Common Areas	A water feature with monument entrance sign, an undeveloped area with an accessway path and landscaping	Residential

C. **Landscaping; Landscape Maintenance**: The Preliminary Landscaping Plan is shown in Exhibit 4 and covers all portions of the project which are not devoted to buildings, streets and other areas covered by hardscape materials. Applicants are required and will supply documents that demonstrate how the association(s) of unit owners will maintain the landscaping and other common elements. Exhibit 4 also shows a tree planting detail and the specified plant materials. Detailed final landscaping plans will be furnished as part of the Final PUD Plans and applicant has agreed to so stipulate.

D. **Lot Size, Coverage, Dimensions**: Topographic constraints and access restrictions from McAndrews Road contribute to a development pattern with relatively large lots. The lots are large enough that residential development typical of similarly zoned lands in the area can feasibly comply with minimum setbacks and maximum lot coverage requirements. Only a handful of lots require deviations to the minimum lot size standards. All lots have sufficient width and depth as proposed.

E. **Private Streets**: Applicant has proposed public streets to serve most all of the development. Three private residential lanes are proposed to provide frontage and access to less than eight lots for each lane. Applicant is required and will supply the

Association documents needed to demonstrate how the Homeowners Association will maintain these private lanes, streets, and other common elements.

The private residential lanes are Sorrento (north of Palermo Street), Albero, and Carino. One additional lane is proposed to provide access to at least two and possibly four single-family residential lots, in addition to providing access to Canova Park. With the exception of Carino Lane, the proposed cross-sections of the residential lanes will be a 24-foot paved surface with parking on one side, curb and gutter, a 5-foot wide sidewalk on one side, all within a 30-foot easement. LaStrada Circle is proposed as a private residential street that deviates from the minor residential standard, as outlined below under deviations, to address topographic constraints. LaStrada Circle is planned to include a 28-foot cross section with a 5-foot sidewalk on one side to minimize the cut and fill associated with street construction and driveways entrances.

The MLDC includes provisions for cul-de-sacs, dead end streets and residential lanes. The MLDC includes no definitions for any of these street terms. Webster's Dictionary defines both cul-de-sac and dead-end generally as a street without an exit.[7] The MLDC restricts the length of cul-de-sacs, dead end streets and residential lanes to 450 feet. MDLC 10.439 provides that the length of a dead-end street may be extended where it is the only feasible method of developing the property for which it is zoned. MLDC 10.450 provides that cul-de-sacs may be provided where slopes exceed 15%. MLDC 10.430 restricts residential lanes to providing access to 8 lots. The steepest portion of the project is in the area where Carino Lane is proposed and the arrangement of this lane is intended to serve two purposes. One purpose is to allow top-loaded garages for lots 74-79. This will reduce cuts and fills that would otherwise be necessary for garage entrances on LaStrada Circle. The second function is to provide access to Lots 72 and 87. These lots are located in an area where slopes exceed 25 percent. In order to provide access in the steep slopes of this area, deviations are requested to residential lanes requirements to allow Carino Lane to be constructed as a dead-end cul-de-sac in excess of 450 feet and to provide access to nine lots. The design proposes two turnouts that are intended to compensate for any degraded safety, efficiency or functionality that would otherwise be expected as a result of the length and access deviations.

F. Lighting: Applicants propose pedestrian scale lighting like that approved for use in Medford's Southeast Area. The proposed lighting will be provided in accordance with MLDC 10.378. An elevation and specifications for the proposed exterior lighting are shown on the Exhibit 3 Preliminary PUD Plan. Lights within the rights-of-way of the public streets are intended to be dedicated, owned and maintained by the City of

[7] Websters definitions: a) Dead end: 1 : an end (as of a street) without an exit; b)*cul-de-sac*: **2 :** a street or passage closed at one end

Medford. Any Street lights provided along private residential lanes or streets will be maintained by the Homeowner's Association.

G. **Sidewalks and Walkways**: Sidewalks are proposed for both sides all public streets, and on one side of the private access lanes, and the private street. Camina Drive, Veneto Circle, and Palermo Street will all be constructed with sidewalks and planter strips in accordance with minor residential street standards pursuant to MLDC 10.430(2). A walkway is proposed at the south end of Canova Park which connects it to Lastrada Circle. A private accessway is proposed from the northwestern stub of Palermo Street across the Tract "C" Open Space connecting to McAndrews Road.

H. **Off-street Parking**: Off-street is shown on the PUD plans in Exhibit 3. Parking lot spaces are a typical ninety-degree configuration and each space will be 9 feet wide by 20 feet deep, although compact parking may be provided when the Final PUD Plan is submitted. On-street parking is in accordance with the MLDC. Parking for disabled persons is provided in accordance with the MLDC and requirements of the Americans with Disabilities Act (ADA). The Homeowners Association document(s) will also clearly delineate responsibilities for common parking area maintenance at Canova Park. All residential lots are of sufficient size to provide two parking spaces per single-family dwelling. The owner of the office building lot will be responsible for maintenance of the parking area on this lot. Ninety off-street parking spaces are depicted for the office building lot, which will meet MLDC requirements for the 16,286 square-foot proposed medical office with eight doctors. The parking areas will be surfaced with asphaltic concrete and striped to delineate the individual spaces. There will be 6-inch concrete curbing around the perimeter of all asphalt areas to contain storm waters and define landscape areas. Applicant has agreed to stipulate to showing bicycle parking in sufficient numbers, types and locations to be consistent with the MLDC and the same will be provided as part of a future Site Plan and Architectural Review application for the office building.

I. **Concealment of Trash Receptacles and HVAC Equipment**: There will be at least one dumpster for the office building. Applicant has agreed to stipulate to concealment of trash receptacles and HVAC equipment consistent with the MLDC and the same will be provided as part of a future Site Plan and Architectural Review for the commercial office building.

7. **PUD Deviations**: The PUD proposes deviations that fall within the broad categories set forth in below Table 3:

Table 3

Proposed Deviations to be Authorized within the PUD

Source: Craig A. Stone & Associates, Ltd.

Type of Deviation	Nature and Extent of Deviation	Affected Lots	Authority for Deviation	Relevant MLDC Sections for which Deviation is Sought
Private Streets	The proposed private streets are intended as privately owned facilities that may differ in some ways from the requirements for similar city standard streets. The planned cross-section differences are clearly illustrated in the street crossections in the Exhibit 5 tentative plat. The proposed private streets will provide access to adjacent lots within the PUD and may be served by privately owned and maintained street/pedestrian lighting. Carino Lane will be more than 450 feet in length and will provide access to nine lots	1-6, 42-80, 87, and 95-98	10.230(D)(6)	10.430, 10.431, 10.439, 10.450 10.500
Lot Size	The minimum lot size standard in the SFR-2 zone is 14,000 square feet. In the interest of providing a reasonably shaped SFR-2 district, a few lots do not meet the minimum lot size standard for the SFR-2 zone.	67, 73, 74, 75, 94, and 97	10.230(D)(1)	10.710
Office Building	This area has a GLUP map designation of Urban Residential. Zoning districts that are identified by the Comprehensive Plan as being consistent with this designation do not allow office buildings as a permitted or conditional use. See stipulations in Section VII for the specific uses requested for the office building.	Office Building Lot	10.230(D)(9)(b)	10.313
Residential Density Increase	In the interest of providing a reasonably shaped SFR-2 district, a the number of single family lots exceeds the maximum allowed under the SFR-2 zone by one lot, which is less than the 20 percent of the total allowed..	NA	10.230(D)(8)	10.708
Agricultural Buffering	The soils on the south property boundary are not suited to conifer growth. As such, a deviation is requested to provide the landscaping depicted on the landscape plan and called out in the *Agricultural Buffer Agreement* in lieu of the 8-foot on-center conifer-planting row requirement. The conifer planting row would have conflicted with installation of storm drainage facilities that are a higher priority for the farming operation.	68-72, 87-98	10.230(D)(4)	10.804(2)(b)

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 Service (Collection):** There is an existing 8-inch sanitary sewer line that lies on the northwest corner of the subject site and is available for connection. Analysis by Patrick Havird, P.E. indicates that connection to the existing system will be sufficient to convey anticipated peak flows from the proposed development, *See,* Exhibit 12. This exhibit indicates the scope of this engineering analysis was directed by Medford Public works and the calculations indicate over half of the available sewer capacity will remain, once the additional flows generated by the new development are added to the existing collection line.

   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 Rogue Valley Sanitary Service (RVSS) and the cities of Central Point, Jacksonville, Medford, Phoenix and Eagle Point. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

      The 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 was doubled between years 1980-1990 through several incremental expansions. A treatment plant facilities plan, 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 18.0 MGD. The population receiving sewer service in 1988 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**: Engineered construction drawings for the extension of water to the property and letters authorizing extension of an 8" waterline to the eastern boundary of the project from Medford Engineering and Medford Water Commission's Principal Engineer are provided as part of Exhibit 11. Water conveyed from the Vista Point PUD (which exists at an elevation which is higher than the subject property) via an 8-inch line is expected to provide sufficient capacity and pressure to serve the proposed development.

D. **Water Supply:** According to Medford Water Commission Manager Larry Rains, the Medford water system presently serves a population of +/-80,000. 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 an additional water source capability of 15 MGD available.

E. **Storm Drainage:** Applicant's Professional Engineer, Patrick Havird, prepared a conceptual storm drainage plan and preliminary capacity analysis. *See,* Exhibit13. This analysis indicates adequate capacity is available and that final engineering can reasonably be expected to result in a system design that will provide adequate storm drainage facilities.

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

1. **Access**: The recently constructed section of McAndrews Road (east of Foothills Road) traverses the project area. Accesses to McAndrews Road are proposed for Camina Drive, Veneto Circle and Sorrento Lane. The Veneto Circle access is located at a planned access point. The Camina Drive access point is located where existing street connection improvements were provided as part of the McAndrews Road extension project. A right-in/right-out access is proposed for Sorrento Lane. This right-in/right-out access was expressly contemplated in valuating the right-of-way compensation due Pacific International Enterprises for McAndrews Road. *See,* Exhibit 14. This access will serve as primary access until such time as Palermo Street connects with a street that makes an alternative connection to McAndrews Road, either connecting to Camina Drive to the north or making the connection opposite Veneta Circle. At such future time, this access will serve a more secondary access function and can then be vacated pursuant to the MLDC and Oregon law. With the right-in/right-out configuration, the interim access will serve 22 lots. Expert traffic engineers James R. Hanks and Robert D. Kortt evaluated this intersection independently and both concluded the right-in/right-out configuration at

the proposed location would not cause operational problems for McAndrews Road. *See,* Exhibits 17 and 18.

2. **Street Classification**: According to the Medford Transportation System Plan, McAndrews Road is classified as a Major Arterial. All other streets within the development are proposed as either public or private local streets and/or private access lanes.

3. **Roadway Improvements**: McAndrews Road is a public street that was recently constructed to Medford standards, with requisite right-of-way and improvements. The improvements contemplated along local streets and access lanes which serve the various lots in the PUD can feasibly provided pursuant to the MLDC. The street improvements will be installed before Final Subdivision Plat(s) are approved by the City.

4. **Existing Traffic Loading**: The application includes traffic impact analysis prepared by JRH Transportation Engineering, Inc. *See,* Exhibits 15 and 16. The base-line traffic information used in the preliminary analysis is included in Appendix II for the 14 intersections identified for analysis pursuant to the City of Medford Traffic Analysis Scoping Letter in Appendix I of Exhibit 15.

5. **Peak Hour Traffic**: Medford has consistently interpreted the term "peak hour traffic" to equal ten percent of total average daily traffic, and, similarly, peak hour street capacity is equal to ten percent of the total average daily street capacity.

6. **Trip Generation (*Proposed* SFR-2 and SFR-4 Zone)**: As above described, Applicant engaged JRH Transportation Engineering, Inc. to estimate traffic loading in connection with rezoning and development of the property as herewith proposed. JRH analyzed the residential and office components of the PUD and estimated the proposed development will generate 173 pm peak hour trips.

7. **Traffic Impacts**: The results of the traffic analysis performed by JRH demonstrates that all 14 analyzed intersections are expected to continue to operate at least a Level of Service D for the PM peak hour, in accordance with the City of Medford's adopted performance standard.

8. **Slope Easements**: Slope easements are currently located along McAndrews Road. These easements were established as part of the McAndrews Road extension project. Photos of the post-construction slopes are provided Exhibit 22. Since completion of this project, applicant has significantly reduced the slope grades extending up from the McAndrews Road right-of-way. Additional reduction in these slopes is expected to occur as part of final grading for project. Final grades

can feasibly be established so as to allow considerable reductions in the existing slope easements, assuring adequate buildable area for lots 10 through 41.

9. **Office Building's Affect on Livability; Value; Appropriate Development**: Exhibits 2 and 6 illustrate the pattern of land partitioning and development in the surrounding area and evidences that lands are almost universally planned for urban residential development. The stipulations offered in Section VII provide a list of uses proposed for the office building. The following shall be considered written testimony of Applicant's Agent:

   - In *McCoy v. Linn County*, 16 Or LUBA 295, 301-302 (1987), *aff'd* 90 Or App 271 (1988), it was held that a similar standard required the fact finder to identify the qualities and characteristics which constitute "livability" and determine whether the proposed use will cause more than a minimal adverse impact upon those. Livability concerns of surrounding residents will concern aspects of the proposed use that may create adverse noise, trespass, litter, traffic, headlights, and general lighting impacts beyond conditions that would otherwise be expected from a single-family subdivision. The office building component of the PUD lies on the corner of two major arterials. Significant topographic relief separates properties to the south and southwest. The aspect of lands immediately to the east and northeast are such that future development is likely to be oriented toward the power station to the north. A gully-like feature topographically separates lands immediately to north.

     The uses contemplated for the office building are uses that typically operate on weekdays during regular business hours and were selected specifically because these uses tend to seek out high quality office space. *See,* applicant stipulations in the below Section VII for the list of potential office uses. High quality office space, occupied by one or a combination of the contemplated uses, would reasonably be expected to have high professional standards that are unlikely to generate significantly more noise, trespass, or litter impacts than would otherwise normally be expected if this area of the project were devoted to single-family development. In Section VII, applicant agreed to stipulate to future site plan and architectural review for construction of the office building and the same review may be delegated from the Planning Commission to the Site Plan Architectural Review Commission, as specified in Medford's PUD ordinance. Lighting impacts to adjacent lands are usually a key component of this process and the City's requirements can reasonably be expected to address this issue in detail by providing that future exterior lights are shrouded and directed in ways that prevent direct light from shining upon adjacent properties. Impacts from additional automobile headlights are expected to be minimal, because the typical hours of operation for the contemplated uses are such that most of the vehicle circulation will occur during daylight hours.

With respect to additional traffic impacts, the proposed office building is likely to generate significantly more traffic than would otherwise be expected from single family development. However this area is not developed with urban intensity uses and thus livability impacts for this area is appropriately considered in terms of the net effect on expected future conditions. Applicant's expert traffic engineers have estimated that the proposed office building will generate 173 p.m. peak-hour trips. McAndrews Road is planned to accommodate over 2,500 vehicles per hour. Foothills Road is planned to accommodate over 1,200 vehicles per hour. Thus, the traffic generated by the office building represents a small fraction of the total traffic planned for the adjacent roads. Not only will the additional traffic be a small percentage of the total traffic on these adjacent roads, but the location and orientation of the office building should function, to some extent, as a sound barrier to the lands owned by Twin Creeks, LLC to the northeast.

- East Medford has some of the highest land values in the City of Medford. The letter in Exhibit 20 from William Miller, MAI, identifies several areas in East Medford where his professional opinion is that well designed commercial uses (including office buildings) have the potential to enhance the value of surrounding properties. Currently the Southeast Plan area and the Vista Point PUD, which contain a combination of residential and commercial components (including office buildings), are both developing with strong land values and market demand. Based upon these considerations, the office building proposed through this PUD is not expected to produce a greater than minimal impact upon the value of properties in the abutting and surrounding area in comparison to the impacts of permitted development that is not classified as conditional.

10. **Agricultural Impact Assessment**: Applicant has submitted as Exhibit 9 an Agricultural Impact Assessment Report dealing with the potential impacts to adjacent land zoned Exclusive Farm Use (EFU), which exists along the southern boundary of the project. The assessment was coordinated with the adjacent farm operation, Hillcrest Orchard and Roxy Ann Vineyards. Applicant has proposed setbacks of at least 50 feet for all housing units located along the common boundary with the adjacent lands zoned EFU, as shown on Exhibits 3 and 4. The landscape plan in Exhibit 4 shows how the agricultural buffer elements will be developed. John Day of Hillcrest Corporation provided a letter indicating that a conifer planting agricultural buffer would be of limited utility and that the land characteristics in the area are not suited to such a buffer planting. *See,* Exhibit 10.

11. **Subdivision Name**: Applicant herewith testifies that it sought a reservation of the project name (*"Bella Vista Heights Subdivision")* through the Jackson County Surveyor and the same was granted because the subdivision does not bear a name that has been approved by the Commission 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, other than the words "town", "city", "place", "court", "addition", or similar words.

11. **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's agent.

V

CONCLUSIONS OF LAW

The following conclusions of law are based on the evidence enumerated in Section II and the findings of fact contained above in Section IV of this document and relate to the approval criteria for a Zone Change, Preliminary PUD Plan and Land Division. The approval criteria are recited verbatim below and are followed by the conclusions of law of the Planning Commission:

A. ZONE CHANGE FROM COUNTY OSR AND RR-5 AND CITY SFR-00 TO CITY SFR-4 AND SFR-2

MLDC 10.227 ZONE CHANGE CRITERIA

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

Zone Change Criterion 1

(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.

Discussion; Conclusions of Law: Subsection 1 of the applicable zone change criteria is threefold; consistency with the Oregon Transportation Planning Rule, consistency with the General Land Use Plan Map, and compliance with additional locational criteria for a specific zone — in this instance, the locational criteria for SFR-2 are applicable. The Planning Commission addresses these criteria as follows:

State of Oregon Approval (Transportation Planning Rule) Criteria

The following provisions of the Oregon Transportation Planning Rule (OAR 660-12-060) operate as approval criteria for zone changes:

OAR 660-12-060: Plan and Land Use Regulation Amendments

(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 performance standards (e.g. *level of service, volume to capacity ratio,* etc.) of the facility. This shall be accomplished by either:

(a) Limiting allowed land uses to be consistent with the planned function, capacity and performance standards 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;

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or,

(d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

(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 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 performance standards of the facility below the minimum acceptable level identified in the TSP.

Continued Discussion; Conclusions of Law: Taken as a whole, Oregon's system of land use regulation requires cities to accommodate most state population increases, while counties have the equally important task of protecting resource lands.[8] Cities are encouraged and required by state rules to establish compact urban growth boundaries. Cities are also required to accommodate growth by similarly increasing the density of city residential areas and the efficiency/intensity of commercial/industrial areas. Oregon's system also requires the adoption of comprehensive plan maps (which illustrate planned future land uses) and zoning maps (which illustrate current permissible land uses). Required increases in permissible housing density can only occur through amendments to the comprehensive plan and zoning maps or through changes to a city's land use regulations. Any change (in plan or zoning maps or to land use regulations) is required to comply with the Oregon Transportation Planning Rule, including the above-cited OAR 660-012-0060.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application will not significantly affect a transportation facility in any of the ways expressed in the Oregon Transportation Planning Rule — OAR 660-012-0060(2) — because, with the imposed conditions:

[8] Oregon's land use regulations are *principally* set forth in the Statewide Land Use Planning Goals, Oregon Administrative Rules (OAR) Chapter 660, Oregon Revised Statutes (OSR) Chapters 197, 215 and 227.

1. The only roadways that are expected to experience more than nominal additional traffic loading as a result of the proposed zone change are major arterials and major collectors in the area. According to the Medford Transportation System Plan, major collectors are planned for typical average daily traffic up to 15,000 ADT. The traffic analysis prepared by JRH does not indicate this threshold will be exceeded for any of the affected collectors. Major arterials are the highest classification, so additional traffic will not alter the functional classification of these facilities.

2. No changes to standards implementing the functional classification are requested nor are any changes required for the approval of this zone change.

3. Connections to the higher order road network are via McAndrews Road. McAndrews is functionally classified as a major arterial. This facility is classified for the highest levels of travel and lowest levels of access within the Medford functional classification system. The Camina Drive access is located where street connection improvements were constructed as part of the McAndrews Road extension. The Veneto Circle access is proposed at the designed location, where street connection improvements are currently installed. The Sorrento Lane access is proposed as right-in/right-out and is expected to function as a more secondary access of convenience for certain traffic flows after a connection for this area can be made to either Camina Drive to the north or a new public street that connects at the designed McAndrews Road access point opposite the Veneta Circle access. Alternatively, the Sorrento Lane access can be vacated in the future after alternative access is provided in one of the other ways described above. The proposed accesses will not violate any substantive access requirements of the Medford Transportation System Plan or MLDC.

4. The City of Medford has adopted Level of Service (LOS) D as its standard for municipal streets. The JRH traffic engineering analysis is provided in Exhibits 15 and 16. This analysis identified 14 intersections where LOS system performance analysis was required in accordance with MLDC requirements and as set forth in the scoping letter for this traffic analysis. The results of the Transportation Impact Analysis indicate that all 14 intersections analyzed will continue to operate at LOS D. No State highway intersections were analyzed and since the development is consistent with the General Land Use Plan as discussed herein below, background traffic that may increase on State facilities as a result of the proposed development is already planned. Moreover, this property is located more than two miles from any state-owned transportation facility.

Consistency with the Medford General Land Use Plan Map (GLUP)

Continued Discussion; Conclusions of Law: Based upon the findings of fact in Section IV, the Planning Commission concludes that the proposed zone change is consistent with the GLUP map because the SFR-2 and SFR-4 zones are consistent with the *Urban Residential*

GLUP plan designation, subject to compliance with applicable locational criteria. While the MLDC contains locational criteria for the SFR-2 zone, there is no locational criteria applicable to the SFR-4 zone.

Additional Locational Criteria for a Specific Zone (SFR-2)

(a) For zone changes to *SFR-2, the zoning* shall be approved under either of the following circumstances:
  (i) if at least 70 percent of the area proposed to be rezoned exceeds *a slope* of 15%,
  (ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

Conclusions of Law: Consistent with Figure 9 of the Environmental Element in the Medford Comprehensive Plan, the Planning Commission concludes that 100 percent of the lands proposed for SFR-2 zoning are in an area which contains slopes in excess of 15 percent, thereby satisfying locational criterion (a)(i).

Ultimate Conclusion for Zone Change Criterion 1: The requested zone changes are consistent with the GLUP map and locational criteria of the MLDC and the requested zone changes and proposed development are consistent with the Oregon Transportation Planning Rule because it will not significantly affect any transportation facility. Therefore, the zone change application is consistent with Zone Change Criterion 1.

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Zone Change Criterion 2

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

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

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

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

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

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

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

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

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

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

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

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

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

[Amd. Ord. No. 7036, Dec, 5, 1991; Amd. Sec. 1, Ord. No. 1999-88, June 3, 1999; Amd. Sec. 1, Ord. No. 2003-27, Feb. 6, 2003.]

Discussion; Conclusions of Law: Goal 3 and Policy 1 of the Public Facilities Element are no longer in existence. The zone change criteria for determining the adequacy of Category A public facilities, consistent with the Public Facilities Element, now reside solely in MLDC 10.227(2). The Planning Commission reaches the following conclusions of law with respect to each of the Category "A" infrastructure components:

1. **Wastewater Collection and Treatment:** Based upon the findings of fact in Section IV and the wastewater collection capacity analysis provided in Exhibit 12, the Planning Commission concludes that adequate wastewater collection and treatment facilities exist or can feasibly be constructed to serve the PUD proposed for development under the requested SFR-2 and SFR-4 zoning districts, prior to vertical construction. Applicant's expert civil engineer has calculated that connection to the existing system will leave over half of the available capacity to accommodate projected peak flows for that specific gravity flow service area as determined by the city engineer.

2. **Storm Drainage System:** Based upon the findings of fact in Section IV and the engineering concept plan and analysis in Exhibit 13, the Planning Commission concludes that adequate storm drainage conveyance exists or can feasibly be constructed to serve the PUD proposed for development under the requested SFR-2 and SFR-4 zoning districts, prior to vertical construction.

3. **Water System:** Based upon the findings of facts in Section IV, the Planning Commission concludes that an adequate water system exists or can feasibly be constructed to serve the PUD proposed for development under the requested SFR-2 and SFR-4 zoning districts, prior to vertical construction.

4. **Streets and Transportation:** Applicant's expert traffic engineer has provided substantive analysis in Exhibits 15 and 16 that the proposed zone change and development plan will not exceed Medford's adopted Level of Service standards for streets and has concluded that all accesses will function in accordance with the designed operations for this segment of McAndrews Road. Based upon the findings of fact in Section IV, the evidence in Exhibits 15 and 16 and conclusions of law pursuant to the Transportation Planning Rule (which are herewith incorporated and adopted) the Planning Commission concludes the City's transportation system is adequate to support the proposed zone change (and development) in ways required by Zone Change Criterion 2.

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

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B. PLANNED UNIT DEVELOPMENT (PUD) APPROVAL CRITERIA

Planned Unit Development (PUD) Approval Criteria

MLDC 10.235 Preliminary PUD Plan - Application Procedures

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:

PUD Criterion 1

1. *The PUD complies with the applicable requirements of this Code, except those for which a deviation has* been approved under Subsection 10.230(D).

Discussion; Conclusions of Law: Based upon applicant's plans and the findings of fact in Section IV herein, the Planning Commission concludes, except for the deviations approved (as enumerated in Section IV and under PUD Criterion 4) that this PUD complies with all other applicable requirements of the code — the MLDC. Therefore, the Commission concludes that

the application is consistent with PUD Criterion 1.

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PUD Criterion 2

2. 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.

Discussion; Conclusions of Law: It is undisputed that the subject properties are *not* subject to any of the measures listed above in 10.235(C)(2). Therefore, the Planning Commission concludes that the application is consistent with the requirements of PUD Criterion 2.

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PUD Criterion 3

3. The PUD is consistent with goals and policies of the Comprehensive Plan, if any, which by their language or context were intended to function as approval criteria for planned unit developments.

Discussion; Conclusions of Law: The Planning Commission has carefully examined the goals and policies of the Medford Comprehensive Plan and herewith concludes that no plan goals and/or policies were intended to function as approval criteria for planned unit developments of the type here proposed. Therefore, the application is consistent with PUD Criterion 3.

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PUD Criterion 4

4. Deviations from 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.

Discussion; Conclusions of Law: Based upon the Preliminary PUD Plan (Exhibit 3), the Landscaping Plan (Exhibit 4) and the Findings of Fact in Section IV, the Planning Commission finds that the deviations proposed in this application are described and set forth in Table 4 in Section IV hereinabove and these consist of the following:

1. **Private Streets; Project Entry**: Most development in Medford is provided access from streets built to city standards and dedicated for public use as city streets. Through the PUD ordinance, streets may be privately held and maintained and constructed to

alternative standards. The layout proposes private streets to serve some residential portions of the project. The design of the private streets differ from design requirements for standard city streets of either minor residential or commercial/industrial type. The planned differences are shown in the Exhibit 3 Preliminary PUD Plan and Exhibit 5 Tentative Plat. There are different variations of the private street network and these are shown in crossections on Exhibit 5, which illustrates the planned construction standards with respect to paving width, parkstrips and sidewalks. The differences in the planned private street cross-sections versus the municipal street standards in the MLDC can be easily determined by comparing the crossections in Exhibit 5 to the public street crossections in the MLDC.

A deviation is also requested to the length and number of lot accesses for the private residential lane, proposed to be called Carino Lane, to address topographical site constraints[CAS1] on the west slope of the knoll near the southern boundary of the project. [CAS2]

2. **Lot Size**: In the interest of providing a reasonable SFR-2 zoning district boundary, the application results in a handful of lots that are located in the SFR-2 zone but do not meet the 14,000 square-foot minimum lot size for SFR-2.

3. **Office Building**: The office building is proposed to obtain access from a local City street that accesses a City major arterial (McAndrews Road) at an access location constructed as part of the McAndrews Road extension.

4. **Agricultural Buffering**: The agricultural buffer is not proposed to contain the conifer planting row prescribed in the MLDC. Alternative landscaping in the agricultural buffer has been contractually agreed upon between the owner/operators of adjacent Hillcrest Orchard and Roxy Ann Vineyards and the applicant. This alternative provides more flexibility in designing an adequate drainage system between the subject property and the adjacent Hillcrest Orchard/Roxy Ann Vineyards farming operations.

5. **Residential Density**: A deviation to authorize one additional dwelling under the residential density increase provisions of the PUD ordinance is requested in the SFR-2 zoned portion of the project.

Based upon the evidence, the Planning Commission concludes that the deviations described above and in Section IV, will not materially impair the function, safety or efficiency of the circulation system or the development as a whole because:

1. The travel surfaces of the streets proposed to be private and which deviate from Medford standards, are of a width that is comparable to the types of city streets that this project would otherwise require. Therefore, the deviations related to streets will not materially

impair the function, safety or efficiency of the circulation system or the development as a whole.

2. Sidewalks and walkways proposed in applicant's plan will provide a safe, efficient and well-connected pedestrian circulation throughout the project and will connect to the public sidewalk system on Camina Drive, Veneto Circle, and Palermo Street. and Highgate Street.

3. Neither the proposed lot size deviation nor the agricultural buffering deviation will materially impair the function, safety or efficiency of the circulation system or the development as a whole because lot size and the agricultural deviation sought, will produce no affect whatsoever upon traffic.

4. The increase in traffic based upon there being one additional housing unit (over the permitted density in the SFR-2 zone) and the additional traffic from one additional housing will not, due to degree of magnitude, materially impair the function, safety or efficiency of the circulation system or the development as a whole.

5. Based upon Exhibits 15 and 16, the increase in traffic based upon a portion of the property being used for professional offices, will not materially impair the function, safety or efficiency of the circulation system or the development as a whole.

6. Two turnouts are proposed along Carino Lane. These turnouts will be sufficient to assure the safety, function and efficiency of Carino Lane will be not be materially impaired as a result of authorized deviations to allow the lane to exceed 450 feet in length and provide access to nine lots.

7. All accesses to McAndrews Road will meet or exceed Level of Service D and no operational or safety concerns are expected to result from the proposed development.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with PUD Criterion 4 because the proposed deviations will not materially impair the function, safety or efficiency of the circulation system or the development as a whole.

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PUD Criterion 5

5. The proposed PUD satisfies two or more of the purpose statements in Subsection 10.230(A)(1) through 10.230(A)(8).

Section 10.230 Planned Unit Development (PUD) - General Provisions.

A. **Purpose and Intent**: The PUD approach permits greater flexibility in urban development than would otherwise be possible under the strict requirements of this Code. The intent is to serve the following purposes:

1. To promote more creative and imaginative urban development.
2. To promote urban development that is more compatible with the natural topography.
3. To preserve important natural features and scenic qualities of the land.
4. To promote more economical urban development while not materially compromising the public health, safety or general welfare.
5. To promote a more efficient use of urbanizable land.
6. To promote a mixture of land uses and housing types that are thoughtfully planned and integrated.
7. To permit in-fill development on parcels that are otherwise difficult or impossible to develop.
8. To promote the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership.

Discussion; Conclusions of Law: The Planning Commission concludes that this PUD satisfies the following purpose statements:

1. Pursuant to Purpose Statement 2, this PUD *promotes urban development that is more compatible with the natural topography.* The topography of the west slope is such that the width requirements of standard City streets would result in large cuts and fills as part of a standard subdivision. While the layout of LaStrada Circle and Carino Lane does not entirely eliminate cuts and fills, the combination of a 35-foot right-of-way for LaStrada Circle and the ability to "top load" garages from the 24-foot Carino Lane for the houses on the uphill side of LaStrada Circle, will reduce the magnitude of cuts and fills. Reducing cuts and fills on the west slope of this highly visible hillside will provide a development that is more compatible with the natural topography. Based upon the foregoing, the Commission concludes that this PUD is consistent with PUD Purpose Statement 2.

2. Pursuant to Purpose Statement 6, this PUD includes *a mixture of thoughtfully planned non-residential land uses* that, in additional to single family detached housing, includes a park and professional office building. The park area is located to the south of McAndrews Road where most of the residential lots are proposed. The office building is proposed for a small knob that is adjacent to two major arterial streets and a local street. Considering the high intensity transportation uses abutting two sides of this small land area, the office building is thoughtfully planned as a transitional use to the residential uses planned to the northeast. Based upon the foregoing, the Commission concludes that this PUD is consistent with PUD Purpose Statement 6.

3. Pursuant to Purpose Statement 8, this PUD *promotes the development, utility and appropriate maintenance of open spaces and other elements intended for common use and ownership* because the proposed plan supplies parkland that the Commission concludes is adequate for the number of dwellings in the PUD. The City of Medford has emphasized

the development of regional parks and is in the process of developing two more, but the need for smaller scale local parks is also important. The proposed Canova Park will be privately owned an maintained and is proposed to include a walking path, putting green, benches, picnic tables, and other passive recreation elements. The project also includes a water feature at the entrance at McAndrews Road and Camina Drive that will be owned and maintained by the homeowners association. The water feature will provide an attractive visual cue for entering residents and visitors, while enhancing the McAndrews streetscape. A concept sketch of the water feature is provided in Exhibit 21. Based upon the foregoing, the Commission concludes that this PUD is consistent with PUD Purpose Statement 8.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of PUD Criterion 5 because it is consistent with two (2) or more of the purpose statements in MLDC 10.230(A).

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PUD Criterion 6

6. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.

Discussion; Conclusions of Law: The common elements include a water feature with a monument entrance sign, a local park, landscaped bikeway and frontage along McAndrews Road, private streets. These elements are described in Sections I and IV and are shown in Exhibits 3, 4, 5 and 21. The Planning Commission concludes that the private streets are appropriate for residential access and emergency vehicles, which constitute the intended use and function. The Planning Commission concludes the other common elements provide an appropriate set of common element amenities for a medium-sized single-family residential project.

Based upon the evidence, the Planning Commission concludes that the application satisfies the requirements of PUD Criterion 6.

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PUD Criterion 7

7. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D)(9)(b), the applicant shall alternatively demonstrate that either: 1) demands for the Category "A" public facilities listed below are equivalent or less than for one or more permitted use listed for the underlying zone, or 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.

Discussion; Conclusions of Law: The Planning Commission concludes that this application proposes an office building in the area where SFR-4 zoning is requested and that such use is neither a permitted or conditional in the SFR-4 zone. The Planning Commission herewith determines the findings of fact in Section IV and the conclusions of law for Zone Change Criterion 2 have demonstrated that Category "A" public facilities exist or can feasibly be provided as a condition of approval in sufficient condition and capacity to support the proposed office building. Therefore, this application is consistent with PUD Criterion 7.

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PUD Criterion 8

8. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(9)(b), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.

Discussion; Conclusions of Law: The Planning Commission concludes that this application proposes an office building in the area where SFR-4 zoning is requested and that such use is not a permitted or conditional in the SFR-4 zone. A single specific end use of this building has yet to be determined, nor is it categorically necessary to make this specific determination, at the time of preliminary PUD application. Under MLDC 10.230(D)(9)(b), the application has proposed a set of potential uses which are listed below, and these represent uses which may only be allowed in an SFR-4 zone through an authorized deviation as part of a PUD:[9]

- #615 Business Credit Institutions
- #621 Security Brokers, Dealers, and Flotation Companies
- #622 Commodity Contracts Brokers and Dealers
- #628 Security and Commodity Services
- #635 Surety Insurance
- #636 Title Insurance
- #637 Pension, Health, and Welfare Funds
- #654 Title Abstract Offices
- #655 Subdividers and Developers

[9] In Section VII, applicant has agreed that the uses not otherwise permitted in the SFR-4 zone will be limited to these specific commercial uses, unless so modified by a PUD amendment.

- #671 Holding Offices
- #672 Investment Offices
- #673 Trusts
- #679 Investing NEC
- #731 Advertising
- #732 Credit Reporting and Collection
- #733 Mailing, Reproduction, Stenographic
- #737 Computer and Data Processing
- #738 Business Services NEC
- #801 Offices of Doctors of Medicine
- #802 Offices of Dentists
- #803 Offices of Osteopathic Physicians
- #804 Offices of Other Health Practitioners
- #811 Legal Services
- #871 Engineering, Architectural & Surveying Services
- #874 Management and Public Relations Services
- #911 Executive Offices
- #919 General Government NEC
- #931 Finance, Taxation, & Monetary Policy

Under MLDC 10.230(D)(9)(b)[10], approval of the PUD is subject to compliance with the city's Conditional Use Permit criteria in MLDC 10.248 which states and requires (alternatively) as follows:

> The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.
>
> (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
>
> (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests. In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:

[10] MLDC 10.230(D)(9)(b) provides: "Use(s) not permitted in the underlying zone may, as permitted uses, be approved to occupy up to 20% of the gross area of the PUD provided that no portion of the use(s), including its parking, is located nearer than 100 feet from the exterior boundary of the PUD. If any portion of the use(s) is nearer than 100 feet from the exterior PUD boundary, then said use(s) shall be considered to be a conditional use and may be approved subject to compliance with the conditional use permit criteria in Section 10.248. However, this provision shall not apply where the land outside the PUD which is nearer than 100 feet from proposed use(s) is inside a zone in which the proposed use(s) is permitted."

The Planning Commission incorporates the findings of fact in Section IV with respect to impacts upon livability, value and appropriate development of abutting property and the surrounding area and concludes as follows:

1. While this office building might be occupied by one or more public uses, the end uses at this time are unknown. There are no other aspects of this project upon which it might be "in the public interest" pursuant to alternative criterion 2. Therefore, applicant is required to proceed under alternative criterion 1.

2. Based upon the findings of fact in Section IV and the evidence enumerated in Section II, the Commission concludes that this development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional, in compliance with PUD Criterion 8.

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PUD Criterion 9

9. If approval of the PUD application includes the division of land or the approval of other concurrent development permit applications as authorized in Subsection 10.230(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

Discussion; Conclusions of Law: Applicants have also applied concurrently for a zone change from County OSR and RR-5 and City SFR-00 to SFR-2 and SFR-4 and also for a land division to create 111 single-family residential lots, and lot for the Phase 3 office building. The Planning Commission herewith incorporates the findings of fact and conclusions of law pursuant to the above addressed approval criteria for zone changes. The Commission also herewith incorporates the findings of fact and conclusions of law pursuant to the criteria for subdivisions addressed herein below. The Planning Commission concludes adoption of findings of fact and conclusions of law for approval these concurrent development applications for zone change and land division demonstrates compliance with PUD Criterion 9.

C. LAND DIVISION – TENTATIVE SUBDIVISION PLAT

Land Division Approval Criteria

MLDC 10.270 Land Division Criteria.

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

Land Division Criterion 1

(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, 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 zone changes and PUD's as the same are hereinabove addressed and, based thereupon, the Planning Commission concludes that the land division is compliant. With respect to design standards of the MLDC, based upon the findings of fact in Section IV and evidence enumerated in Section II, the Planning Commission concludes that the land division is compliant with the requirements in MLDC Articles IV and V, except where authorized in this consolidated application by the Planning Commission under its authority to approve code deviations as part of a PUD, pursuant to MLDC 10.230(D). Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Criterion 1.

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Land Division Criterion 2

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

Discussion; Conclusions of Law: The Planning Commission finds, based on the Findings of Fact in Section IV and the Preliminary PUD plan that the applicant has provided street connectivity for future development of the adjoining urban and/or urbanizable land — land within Medford's UGB. The Commission concludes that the stubbing of Camina Drive and Palermo Street provides planned and adequate connectivity to the north. Palermo Street is stubbed to the east property line to connect with a future street system on this abutting property. No streets are stubbed to the west because an access to these properties fronting on Foothill Road would be of limited utility because land west of the subject property is divided from it by an existing irrigation canal. No urban and/or urbanizable lands are located to the south. Jackson County has no Transportation System Plan or other circulation plan as part of the Jackson County Comprehensive Plan that identifies the need for street or access connections in this area, nor has the County taken the requisite goal exceptions that would be required for adopting such a plan. The owner to the south, Hillcrest Corporation, provided a letter in Exhibit 19 indicating no desire for an urban street connection to their rural lands which are planned and zoned for Exclusive Farm Use and exist outside Medford's UGB. Applicant owns no other land in the vicinity of the subject property. Therefore, the Planning Commission concludes that the approval of this application 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 the MLDC, consistent with Land Division Criterion 2.

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Land Division Criterion 3

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

Discussion; Conclusions of Law: The name of the proposed subdivision/PUD is *Bella Vista Heights Subdivision*. Based upon the findings of fact in Section IV, the Planning Commission concludes that the proposed subdivision name does not use a word that 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 and is, in all ways, consistent with Land Division Criterion 3.

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Land Division Criterion 4

(4) Includes the creation of streets, that such streets are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary, to the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;

Conclusions of Law: The proposed land division includes the creation of new public streets. The Commission concludes that no adjoining properties have approved plats for which these new streets do not or will not conform in alignment or in any other way. As such, the Planning Commission concludes that the application is consistent with Land Division Criterion 4.

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Land Division Criterion 5

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

Discussion; Conclusions of Law: The proposed development does have streets that are proposed to be held for private use. The submitted plans distinguish the private streets from the public streets. Applicants have addressed the private streets as a permissible deviation through the PUD Ordinance and have agreed to provide the documents that establish a homeowner association and any Covenants, Conditions and Restrictions (CCR's) or other rules it may elect to impose. Applicant has agreed to provide the same for review and approval at the time an application for Final PUD Plan approval is filed with the City. The CCR document(s) will set forth any initial reservations or restrictions relating to the private streets. Based upon the foregoing, the Planning Commission concludes that this application is consistent with the requirements of Land Division Criterion 5.

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Land Division Criterion 6

(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: Conclusions of Law: Ideally, the maximum utilization of solar radiation occurs when the longest side of a home (or other habitable building) is oriented in a north/south direction. The longest side of the home is typically its front (and/or rear rather than its side) elevation. However, in this instance, a PUD had been filed in addition to a tentative plat, relieving the Planning Commission from speculating as to dwelling orientation and location. For this site, the topographic and access constraints are the physical characteristics that necessarily control the design. Opportunities for solar orientation will be maximized through the dwelling design process. Therefore, based upon the Exhibit 3 PUD Plan and Exhibit 5 Tentative Plat (and foregoing findings of fact and discussion) the Planning Commission concludes that this application is compliant with the requirements of Land Division Criterion 6 because the streets and buildings are oriented to make maximum effective use of passive solar energy, given the topographic and circulation constraints of the site.

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Land Division Criterion 7

(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: MLDC 10.802 states that if multiple applications are proposed, an agricultural impact analysis must only be done for the "first such application." This project has proceeded under consolidated applications and Medford's Agricultural Buffering Ordinance must now be considered. The subject property is adjacent to land that is outside Medford's Urban Growth Boundary and which is planned and zoned for Exclusive Farm Use (EFU) along its southerly boundary. This land is an operating pear orchard and vineyard. Pursuant to the findings of fact in Section IV, the Agricultural Impact Assessment Report, the *Agricultural Buffering Agreement* (provided as an attachment to the Agricultural Impact Report) and the Conclusions of Law addressing MLDC 10.804 hereinbelow, the Planning Commission concludes that the proposed agricultural buffering is sufficient to prevent an unmitigated land use conflict with orchard and vineyard operations to the south, consistent with Land Division Criterion 7.

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Agricultural Mitigation and Impact Management

MLDC 10.804 Mitigation and Impact Management.

1. Agricultural Classification (Intensive or Passive). Agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

2. Mitigation - Intensive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land which is in intensive agricultural use:

   A. Fencing. A wood fence, chain link fence, masonry wall, or other comparable fence, as approved by the approving authority not less than six (6) feet in height or such greater height as may be required, shall be installed at the rear or side property boundary where the urban development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long term maintenance responsibility for the fence.

   B. Landscaping. On the property proposed for urban development there shall be a landscaped strip adjoining the fence required in subsection 10.804(2)(a) which shall have a width of not less than eight (8) feet within which there shall be planted a row of evergreen trees spaced not more than eight (8) feet apart. The species and variety of evergreen trees proposed shall be approved by the approving authority and shall be selected on the basis of fast growth and vegetation density. The City may compile and adopt a list of trees suitable for agricultural buffering and once adopted, only trees from the approved list may be selected to satisfy the requirements of this section. The trees shall be served by an underground irrigation system. Information shall be provided regarding the long-term responsibility for care and maintenance of the landscaping.

   C. Deed Declaration. All urban land proposed for development which lies within two hundred (200) feet of an EFU or EA zoning district boundary shall be subject to a deed declaration that requires the owner and all successors in interest to recognize and accept common, customary and accepted farming practices. The declaration shall also provide that the perpetual maintenance of fencing, the horticultural care for and maintenance of landscaping, and the maintenance of other buffering features shall be the sole responsibility of the owners of property subject to the deed declaration. The deed declaration shall be in a form approved by the City. After the deed declaration is signed it shall be recorded in the official records of Jackson County, and copies shall be mailed to the owners of adjacent agricultural lands zoned EFU or EA.

   D. Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

3. Mitigation - Passive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:

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

10;731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence.

B. Deed Declaration. The deed declaration required in subsection 10.804(2)(c) shall be required.

C. Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

4. Discretionary Mitigation Measures/Design Considerations. In addition to the specific mitigation measures required in Subsections (10.804(2) and 10.804(3), an applicant shall also consider the following design items and the approving authority may, in its sole discretion, impose conditions which do any of the following:

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

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

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

D. Require fencing and landscaping, including the use of berms, in excess of that required in Section 10.804.

Regulate or require other mitigation measures or features deemed reasonably necessary and appropriate by the approving authority to protect the public health, safety and general welfare, and to make urban development compatible with agricultural uses which exist on adjacent lands zoned EFU or EA. [Amd. Sec. 4, Ord. No. 8014, Jan. 4, 1996.]

Discussion; Conclusions of Law: Applicants submitted an Agricultural Impact Assessment Report detailing all of the requirements of MLDC 10.804. As described under the conclusions of law for Land Division Criterion 7, lands to the south are outside the Urban Growth Boundary of the City of Medford and are planned and zoned for Exclusive Farm Use (EFU).

Orchard and vineyard operations are present on these abutting farm lands and are thus classified as intensive agriculture under the MLDC Agricultural Buffering standards. Fencing will be provided as shown on the Preliminary PUD landscape plan and will be consistent with MLDC 10.804(2)(A). Proposed landscaping in the buffer area is depicted in the preliminary PUD landscape plan. The PUD deviations hereinabove addressed include an exchange of the conifer-planting row with specific landscaping jointly agreed upon by applicant and the owner/operators of the adjacent Hillcrest Orchard and Roxy Ann Vineyards. Moreover, applicant has agreed to stipulate that it will record in the official records of Jackson County — as required by MLDC 10.804(2)(C) — the deed restriction accepting and acknowledging common, customary, and accepted farm practices on the lands to the south and the same will be a restriction on the title for all lots located within 200 feet of the south boundary of the subject property. The aspect of the Hillcrest farming operation slopes are to the south and west and thus drainage from agricultural activities onto the subject property will not occur. Applicant's storm drainage concept plan in Exhibit 13, includes a drainage system on the south property line to address storm water runoff from the project site onto the EFU lands and

the same was coordinated with the owners of Hillcrest Orchard and Roxy Ann Vineyards. Based upon the foregoing findings of fact and conclusions of law, the Commission concludes that the application is consistent with the requirements of MLDC 10.804, Medford's Agricultural Mitigation and Impact Management Ordinance.

VI

ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, the Planning Commission ultimately concludes that the case for zone change, Preliminary PUD Plan approval and Land Division is consistent with all of the relevant criteria in the Medford Land Development Code as hereinabove enumerated and addressed.

VII

STIPULATIONS OFFERED BY APPLICANTS

If made conditions attached to the approval of either of these land use applications, applicants herewith agree to stipulate:

1. **Pollution Control Devices**. Pollution control devices will be installed in all catch basins for new parking lot improvements contemplated in the PUD.

2. **Storm Drainage; Storm Water Detention**. Applicant will undertake detailed engineering of a storm drainage system to serve the property. The system will be engineered and constructed according to Medford standards.

3. **Association Documents**. Final documents that establish associations of unit owners and any Covenants, Conditions, and Restrictions (CC&R's) will be submitted to the City for review at the time applicants submit an application for Final Plat or Final PUD Plan approval, whichever first occurs.

4. **Final Landscaping Plans**. Detailed final landscaping plans will be furnished as part of the Final PUD Plans.

5. **Bicycle Parking**. Bicycle parking for the commercial buildings will be shown in sufficient numbers and locations as part of the more precise plans submitted for future Site Plan and Architectural Review for the proposed office building.

6. **Perimeter Fencing**: Applicants will install fencing around the south property boundary where required to satisfy Agricultural Buffering requirements.

7. **Construction Standards for Private Streets**: All private streets will be constructed to a structural standard that meets or exceeds the City standard for a street intended for comparable traffic.

8. **Concealment of Trash Receptacles and HVAC Equipment.** There will be at least one dumpster for the office building. Applicant will conceal trash receptacles and HVAC equipment consistent with the MLDC and designs for the same will be provided as part of a future Site Plan and Architectural Review for the commercial office building.

9. **Restrictive Covenant.** Pursuant to MLDC 10.804(2)(C) Applicant record in the official records of Jackson County, a deed restriction accepting and acknowledging common, customary, and accepted farm practices which occurs on the lands to the south. The restrictive covenant will be a restriction on the title of all lots located within 200 feet of the south boundary of the subject property.

10. **Uses Not Otherwise Permitted in the Underlying Zone.** In seeking the approval of certain uses not otherwise permitted in the requested SFR-4 zoning district, applicant agrees that the following language should be incorporated into any approval of this application as a condition attached thereto:

    There shall be no greater than 3.70 acres of land within the boundaries of the subject property devoted to commercial uses which are herewith defined as uses that are not permitted within an SFR-4 zoning district but are provided in one or more of the city's commercial zoning districts. The potential commercial uses (all as set forth in the Table of permissible uses in MLDC 10.337) shall be limited to the following:

    - #615 Business Credit Institutions
    - #621 Security Brokers, Dealers, and Flotation Companies
    - #622 Commodity Contracts Brokers and Dealers
    - #628 Security and Commodity Services
    - #635 Surety Insurance
    - #636 Title Insurance
    - #637 Pension, Health, and Welfare Funds
    - #654 Title Abstract Offices
    - #655 Subdividers and Developers
    - #671 Holding Offices
    - #672 Investment Offices
    - #673 Trusts
    - #679 Investing NEC
    - #731 Advertising
    - #732 Credit Reporting and Collection
    - #733 Mailing, Reproduction, Stenographic
    - #737 Computer and Data Processing

- #738 Business Services NEC
- #801 Offices of Doctors of Medicine
- #802 Offices of Dentists
- #803 Offices of Osteopathic Physicians
- #804 Offices of Other Health Practitioners
- #811 Legal Services
- #871 Engineering, Architectural & Surveying Services
- #874 Management and Public Relations Services

Dated:, February 3, 2005

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pdf created
01/05/2005 05:53:23

EXHIBIT 2

CITY OF MEDFORD
EXHIBIT # E supp
File # PUD-05-25

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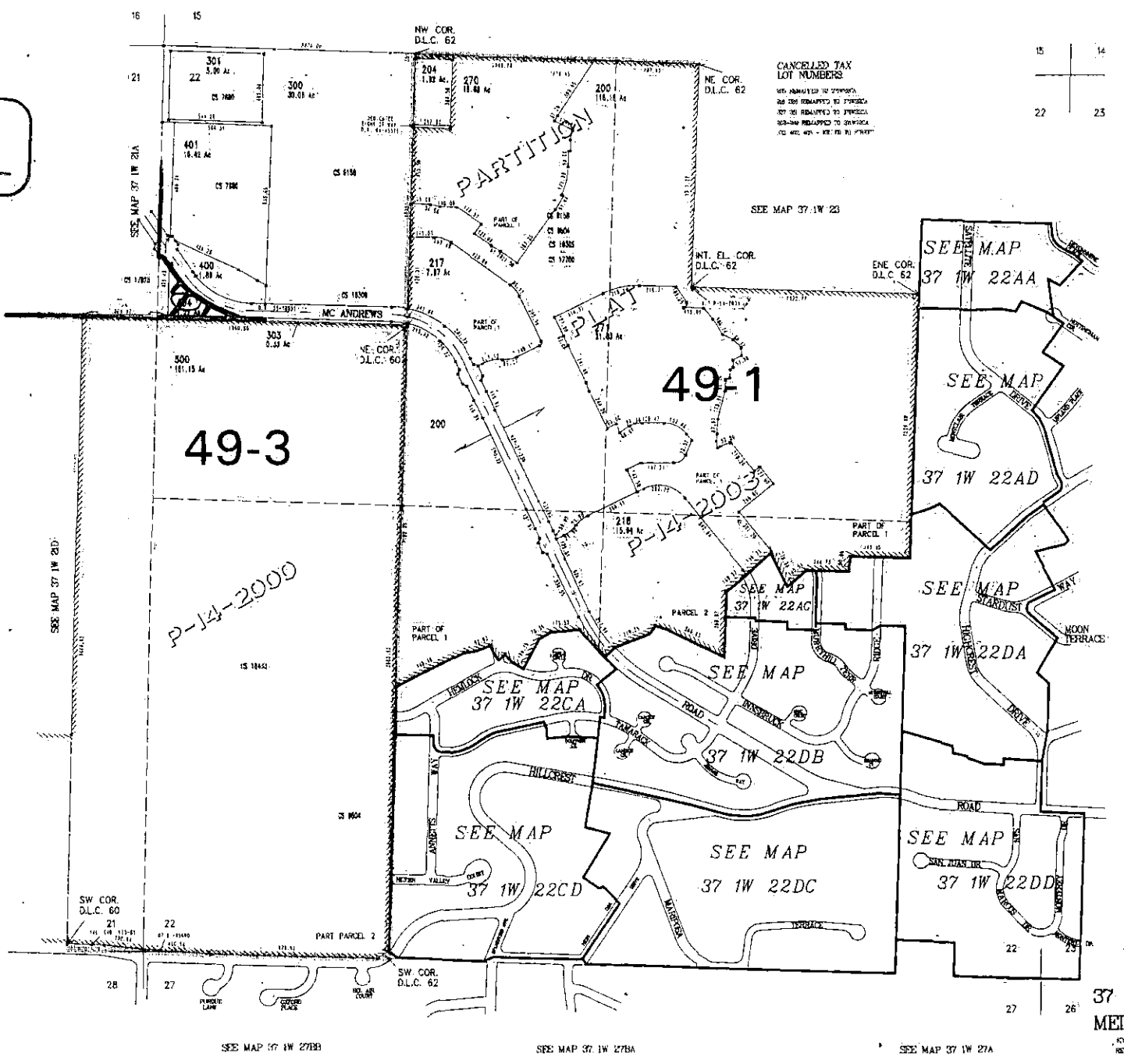
PLANNING DEPT.



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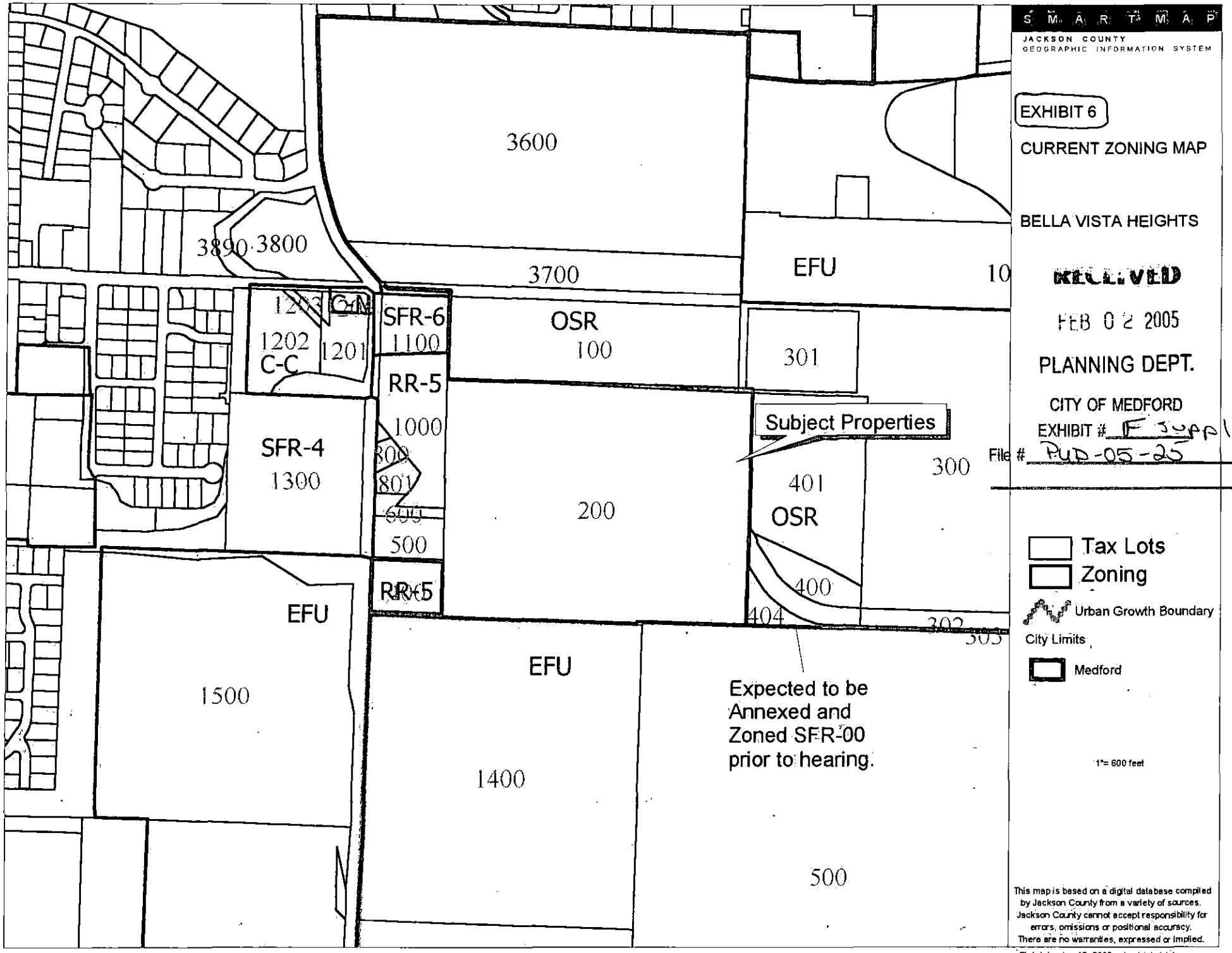

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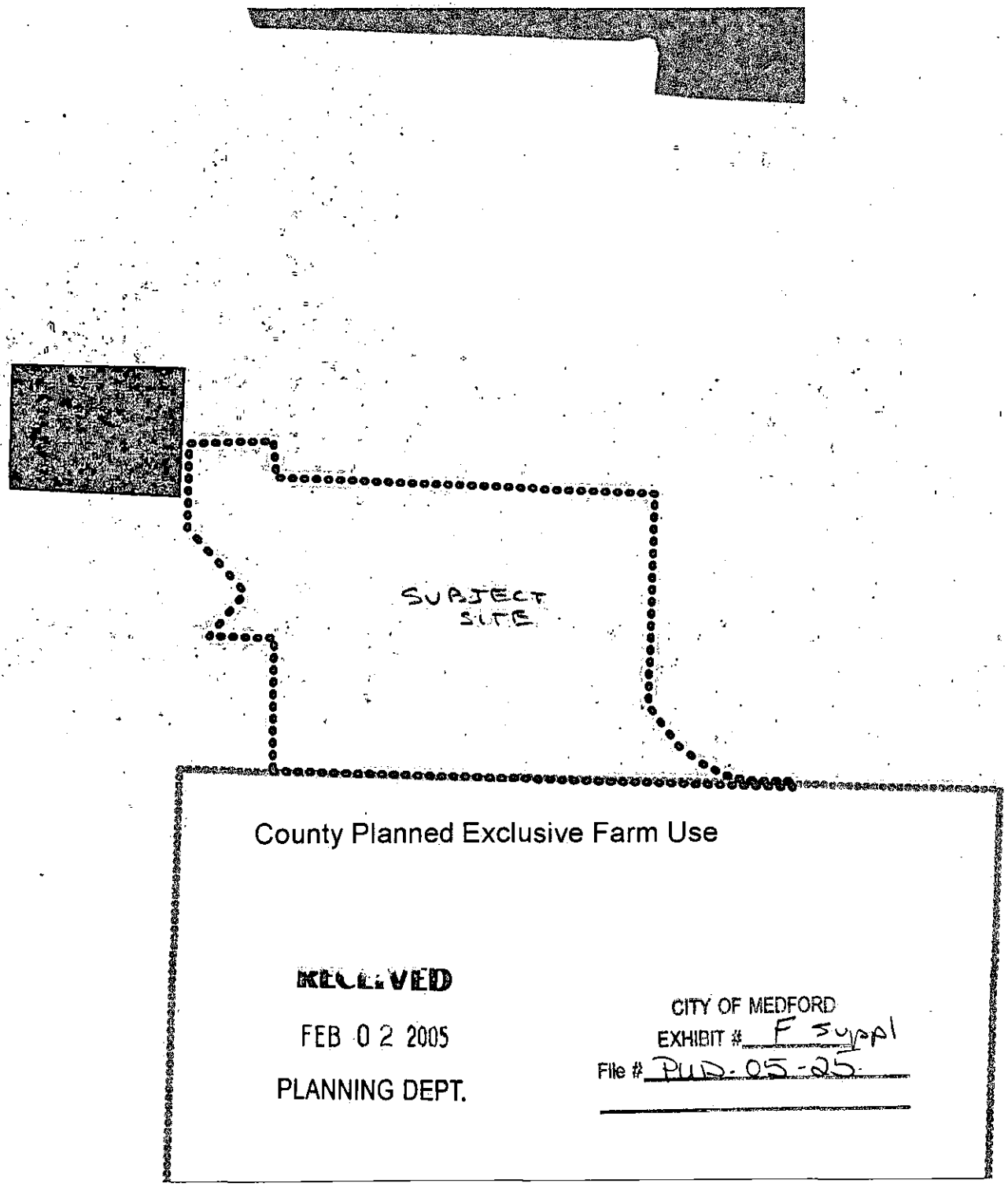

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PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # F suppl
File # PUD-05-25

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JACKSON COUNTY
GEOGRAPHIC INFORMATION SYSTEM

EXHIBIT 7

GLUP MAP

BELLA VISTA HEIGHTS

UGB

GLUP DESIGNATION

CM

LS

UH

UR

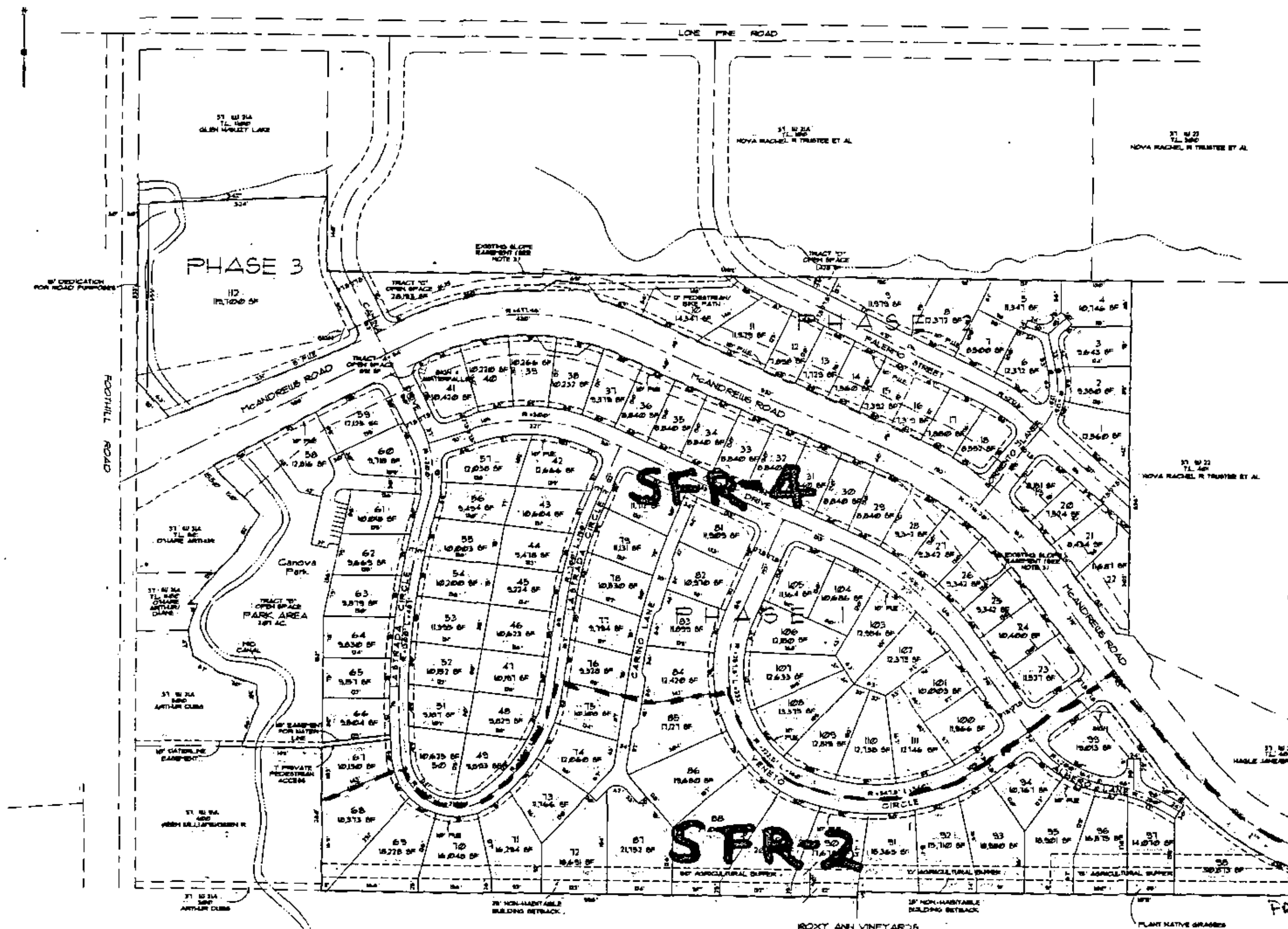
0 400 800 Feet

1"= 600 feet

This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied.

Plot date: Jan 12, 2005; c:\ws\dubs\dubsmaps.apr

.3



BELLAVISTA HEIGHTS SUBDIVISION

PHASES 1, 2 & 3

TENTATIVE PLAT

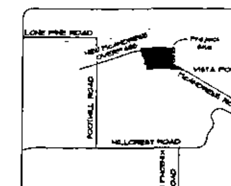
FOR

PACIFIC INTERNATIONAL ENTERPRISES

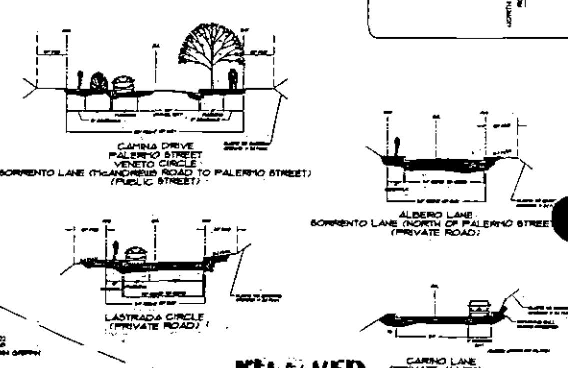
Located in:
Lots 2 & 3 and a Portion of Lot 1
of Block 1, PIERCE SUBDIVISION
in the Northeast 1/4 of Section 21, and
the Northwest 1/4 of Section 22,
Township 37 South, Range 1 West, W.M.,
Jackson County, Oregon
Tax Lots 200 & 1000

OWNER/APPLICANT
PACIFIC INTERNATIONAL ENTERPRISES
1133 S. RIVERSIDE, SUITE 1
MEDFORD, OREGON 97504
(541) 779-0550

AGENT
HOFFBUHR & ASSOCIATES, INC.
880 GOLF VIEW DRIVE, SUITE 201
MEDFORD, OREGON 97504
(541) 779-4641



SCHOOL DISTRICT:	549C
IRRIGATION DISTRICT:	M.I.D.
SANITATION DISTRICT:	MEDFORD
AREA:	45.7 AC.
ZONING:	SFR-2/SFR-4
EXISTING USE:	VACANT
PROPOSED USE:	RESIDENTIAL/COMMERCIAL



RECEIVED
FEB 02 2005
PLANNING DEPT.

PROFESSIONAL LAND SURVEYOR
OREGON
DAVID H. FINNECI
2346

PROPOSED ZONING BOUNDARY

CITY OF MEDFORD
EXHIBIT # E sub
File # PUD-05-25

EXHIBIT 8

50.2 PAGE 71

EXHIBIT ____
FILE NO. ____ DATE ____
ASSESSOR'S PARCEL NO. 371W21A TL 200 & 1000
ZONING DISTRICT ____
MIN. LOT SIZE ____
MAX LOT SIZE ____
COMP. PLAN DESIGNATION ____
RECEIVED BY ____ DATE ____
REVIEWED BY ____ DATE ____

NOTE:
1.) ALL RESIDENTIAL STREETS WILL HAVE A 10' PUE, ABUTTING RIGHT OF WAY.
2.) ALL COMMERCIAL STREETS WILL HAVE A 5' PUE, ABUTTING RIGHT OF WAY.
3.) SLOPE EASEMENT TO BE RELOCATED TO EXISTING TOP OF BANKS OR FUTURE CONSTRUCTED RETAINING WALLS.

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

Disclaimer:
This drawing is a Preliminary PUD Plan by nature & is not intended for any other use.

HOFFBUHR & ASSOCIATES, INC.
880 GOLF VIEW DR. SUITE 201
MEDFORD, OR 97504
(541) 779-4641

BY: DAVID FINNECI	LS 2346
DATE:	FEBRUARY 1, 2005
PROJECT:	
PROJECT NO.	04-164
DRAWING FILE NO.	04164TENT.DWG
SCALE:	1" = 100'
REVISION NO.	
REVISION DATE:	
BASIS OF BEARING:	
DRAWN BY:	DTT
REVIEWED BY:	
SHEET 1 OF	

Exhibit 9

Agricultural Impact Assessment Report

Bella Vista Heights Subdivision
Pacific International Enterprises
Medford, Oregon

Prepared by:
Craig A. Stone & Associates, Ltd.
January 3, 2005

I. Introduction and Authority

This Agricultural Impact Assessment Report has been prepared by Craig A. Stone and Associates, Ltd. in compliance with provisions of the Medford Land Development Code (MLDC) Sections 10.801 through 10.805.

The report has been prepared in cooperation with Jon Meadors, Operations Manager for the adjacent Hillcrest Orchards and Roxy Ann Vineyards, owned by the Cogswell Limited Partnership LLC, *See Appendix B*. Soils information was obtained from the Natural Resources Conservation Service (NRCS) based on soil surveys completed in 1987 and made available in 1993. Wind Roses were modeled by Mandy Matzke at Oregon State University College of the Oceanic and Atmospheric Sciences based upon data compiled from NOAA from 1961 to 1990. Spray Drift Documentation was obtained from publications by Norman B. Akesson, Consulting Agricultural Engineer, State of California Registry AG 175.

This report addresses the potential impacts of the proposed Bella Vista Heights PUD and subdivision.

II. Project Descriptions

A. Description of Proposed Bella Vista Heights Project

A proposed Planned Unit Development and subdivision, located on Tax Lots 200, 201, 1000, 1001 in Section 21A and 404 in Section 22, Township 37, Range 1W, of the Willamette Meridian, Jackson County, Oregon. The subject site is located within the corporate limits of Medford and adjacent to an existing farm use outside of the city limits of Medford within Jackson County.

B. General Description of Adjacent Agricultural Lands

1. Nature of Farm Use

Presently the lands to the south of the project site contain orchard and vineyard owned by the Cogswell Limited Partnership and commonly referred to as Hillcrest Orchard and Roxy Ann Winery. The proposed development is adjacent to the north boundary of the Hillcrest property where pear orchards and vineyard are adjacent to approximately 2,076 feet of common boundary. This location has been in farm use for over 100 years. The applicant has taken a proactive approach to address conflicts with the Hillcrest farming operation by executing an *Agricultural Buffering Agreement* with the Cogswell Limited partnership.

2. Topography

The topography of the proposed PUD and adjacent agricultural land is shown in Appendix C. A large knoll with slopes up to 25% dominates this agricultural impact study area. The proposed PUD is located on top of the knoll and wraps around from the northeast slope to the west slope. The Hillcrest property wraps from the knoll's west slope around to the east slope. The Hillcrest property extends up the south slope to within approximately 175 horizontal feet and 15 vertical feet of the knoll top.

3. Soils

Soil Survey from the Natural Resources Conservation Service (NRCS) information from information issued August 1993.

The Northern portion of the Hillcrest property consists of 3 NRCS soil classification designations, as depicted in Exhibit D.

27D Carney Clay: This is moderately deep, moderately well drained soil. Typically, the surface layer is dark brown clay about 6 inches thick. The next layer also is dark brown clay about 23 inches thick. Weathered bedrock is at a depth of about 35 inches. The depth of bedrock ranges from 20 to 40 inches. In some areas the surface layer is cobbly or stony.

Permeability is very slow in the Carney soil. Available water capacity is about 4 inches. The effective rooting depth is 20 to 40 inches. Runoff is slow, and the hazard of water erosion is slight. The water table fluctuates between depths of 3.0 and 3.5 feet from December through April.

The unit is used mainly for hay and pasture or for tree fruit. It also is suitable for homesite development and livestock grazing.

This unit is suited to irrigated crops. It is limited mainly by the high content of clay, a slow rate of water intake, and droughtiness. In summer, irrigation is needed for the maximum production of most crops. Sprinkler and trickle irrigation systems are the best methods of applying water. These systems permit an even, controlled application of water, help to prevent excessive runoff, and minimize the risk of erosion.

Land capability for non-irrigated soils is class IVe and is not rated for pear production. Land capability for irrigated soils is class IVe and will yield approximately 13 tons of pears per acre. Hillcrest Orchard has a long history of productive orchards. On a December 2004 site visit, John P. Day of Roxy Ann vineyards identified the hilled area composed almost exclusively of this soil unit, on the hill immediately south of the Dubs property, as the most productive vineyards on the farm.

33A Coker Clay: This is a very deep and somewhat poorly drained soil. Typically the surface layer is very dark gray clay about 20 inches thick. The next layer is very dark gray and dark grayish brown, calcareous clay about 26 inches thick. The subsoil to a

depth of 70 inches is dark grayish brown, calcareous clay. The depth of bedrock is 60 inches or more.

Permeability is very slow in the Coker soil. Available water capacity is about 9 inches. The effective rooting depth is limited by the water table, which is at a depth of 0.5 foot to 1.5 feet from December through April. Runoff is slow, and the hazard of water erosion is slight.

This unit is used mainly for hay and pasture or for tree fruit. It also is suitable for livestock grazing, small grain, and homesite development.

This unit is suited to irrigated crops. It is limited mainly by the high content of clay, a slow rate of water intake, wetness in winter and spring, and droughtiness in summer and fall.

Land capability for non-irrigated soils is class IVw and is not rated for pear production. Land capability for irrigated soils is class IVw and will yield approximately 10 tons of pears per acre.

17E Brader-Debenger loams: This soil unit is on ridges and knolls, characteristic of the Dubs property, corresponding to the mapping of this unit at the northern property line of the Hillcrest farm.

The Brader soil is shallow and well drained. Typically, the surface layer is dark brown loam about 6 inches thick. The subsoil layer is dark reddish brown loam about 7 inches thick. The depth to weathered bedrock is 12 to 20 inches. Permeability is moderate in the Brader soil. Available water capacity is about 2 inches. The effective rooting depth is 12 to 20 inches. Runoff is medium or rapid and the hazard of water erosion is moderate or high.

The Debenger soil is moderately deep and well drained. Typically, the surface layer is dark brown loam about 5 inches thick. The next layer is reddish brown loam about 4 inches thick. The subsoil is reddish brown and yellowish red clay loam about 18 inches thick. Depth to weathered bedrock is 20 to 40 inches. Permeability is moderate in the Debenger soil. Available water capacity is about 5 inches. The effective rooting depth is 20 to 40 inches. Runoff is medium to rapid, and the hazard of erosion is moderate to high.

This unit is used mainly for livestock grazing or homesite development. Some of the less sloping areas are used for hay and pasture.

Land capability for irrigated and non-irrigated Brader soils is class VIe and with only a minimal agricultural rating as pasture, supporting only 1 animal units months per acre. Land capability for irrigated and non-irrigated Debenger soils is class IVe and with only a minimal agricultural rating as pasture, supporting only 2 animal unit months per acre.

Agricultural Capability Classes:

Class III soils have severe limitations that reduce the choice of plants or that require moderate conservation practices.

Class IV soils have very severe limitations that reduce the choice of plants, require very careful management, or both.

Class VI soils have severe limitations that make them generally unsuitable for cultivation.

Capability Subclasses (limitations):

The lower case letter "e" following the capability class indicates that the *main limitation* is risk of erosion unless close-growing plant cover is maintained.

The lower case letter "w" following the capability class indicates that water in or on the soil surface interferes with plant growth or cultivation.

4. Historical Farm Use

This site is known to have been in use as an orchard for over 100 years. Over the last few years, portions of the Hillcrest Operation have been converted to vineyards and are producing some high quality wine grapes.

III. Operational Characteristics of Agricultural Use

A. Irrigation

1. Source and Method of Irrigation

Irrigation is supplied from Medford Irrigation District's east canal April 1st through September 30th. Application methods include drip, micro-sprinklers, solid set over-tree and under-tree sprinklers. Orchard areas are predominantly sprinkled and vineyard areas are predominantly drip irrigated.

2. Location of Irrigation Facilities

Water used in irrigation is pumped via PVC pipe from the irrigation canal which is located on the east side of Foothills Road.

B. Cultivation Practices

1. Method of Cultivation

A mower is used on regular basis to maintain grass which has been planted between rows. A tractor pulled disk or spring tooth is used less frequently to revitalize grass areas. Labor crews hand prune the trees and vines throughout the season to encourage a balanced crop production.

C. Spray Operations

1. Types of Materials Sprayed

The sprays that are typically used in the orchard areas include; fertilizers, pesticides, fungicides, herbicides, and plant growth regulators. Similar sprays are used in the vineyard areas with the exception of the growth regulators.

2. **Spray Equipment Used**

Tractor pulled fan driven air-blast sprayers apply the sprayed chemicals. Granular fertilizers are applied to the ground by a tractor pulled broadcaster. Strip spraying of fertilizers is accomplished with a tank mounted on a tractor with nozzles aimed directly at the ground. Some fertilizers are distributed in solution within the irrigation water.

3. **Normal Spraying Practices**

Herbicides are applied directly on the ground along the base of the fruit trees, hence the name Strip Spray. Additional spraying is done by an air blast sprayer. Application of fertilizers, fungicides, pesticides and hormones are applied monthly throughout the year with the exception of December. The hours and days of spraying are subject to weather and wind conditions. Spray activities are weather dependent and are coordinated on those days when wind is less likely to affect spray drift. Attempts are also made to perform spray activities during the least windy portions of the day.

D. Fertilization

1. **Types of Materials Applied**

Nitrogen, potassium, phosphorus, sulfur, and calcium are applied to both orchard and vineyard areas. Calcium polysulfide is also applied to the orchard areas. Magnesium is also applied to the vineyard areas.

2. **Method of Application**

Several methods of application are employed. Some is distributed through the irrigation system. Plant specific bands are sprayed in specific areas around the trees. Tractor pulled broadcaster applies granular fertilizers between rows and at the base of the trees.

E. Frost Protection

1. **Method(s) of Frost Protection**

Critical to the viability of the orchard is the protection of the trees soon after budding occurs. Vineyards are slightly more frost prone than orchards, thus requiring more regular frost protection activities. Wind machines provide the primary source of frost protection. These machines are then supplemented within the individual blocks with a combination of oil heaters, overhead sprinklers, and undertree sprinklers.

2. **Frequency of Frost Protection**

Overhead sprinkler protection is normally done 12 times throughout the frost protection season. This varies according to the weather conditions occurring within that season. The use of fans will normally be 12 to 24 times throughout the frost protection season. The increased use of fans is do to economical factors. Propane generated fans are more efficient to use than sprinkler protection and therefore are used more often.

F. Monthly Farming Practices

January: Pruning and trimming of trees. Mulching and general clean up with application of dormant spray. Vineyard-pruning.

February: Dormant spray applied, continued pruning and planting of new trees. Equipment repair. Vineyard-pruning.

March: Pruning, cutting grass; chopping pruning brush, frost control, disease control sprays. Vineyard-pruning.

April: Replant missing trees, insect and disease control sprays, chop brush and mow grass. Frost control. Begin Irrigation. Vineyard finish pruning, begin disease control sprays (Sulfur or oil).

May: Insect and disease control sprays, possibly apply fertilizers, irrigation, mowing grass. Vineyard-select and thin new shoots, and disease control sprays (Sulfur or oil).

June: Insect and disease control sprays, irrigation, possible fertilizer applications. Begin fruit thinning. Follow up weed control with supplemental herbicide applications. Vineyard- Select and thin new shoots, disease control sprays (Sulfur or oil). irrigation, fertigation, foliar fertilizer applications, and herbicide applications or mechanical weed control.

July: Insect and disease control sprays, irrigation, apply nitrogen fertilizer at recommended rates about 6-8 weeks pre-harvest. Vineyard- Shoot thinning and positioning in the trellis, disease control applications, irrigation, fertigation, foliar fertilizer applications

August: Irrigation, fruit thinning, cutting grass, other mechanical weed control measures. Insect and disease control sprays possible pre-harvest applications. Begin harvesting fruit. Vineyard- bird control using noise makers and nets, final fruit thinning, possibly one last disease control application, foliar fertilizer applications, mow grass before harvest.

September: Continue harvest, maintain irrigations up to harvest time including some post-harvest irrigation. Prepare orchard for harvest crews by mowing grass. Begin to apply foliar fertilizers containing Boron and Nitrogen. Vineyard- bird control using noisemakers and nets, grape harvest (hand harvest).

October: Finish tree fruit harvest, finish applications of foliar fertilizers containing Boron and Nitrogen. Spray post-harvest fungicide/insecticide containing lime sulfur, and oil. Begin tree pruning. Vineyard- - bird control using noisemakers and nets, grape harvest (hand harvest).

November: Prune fruit trees, maintain irrigation systems in the orchard. Other work done as weather permits including some fall herbicide weed control applications. Vineyard- some years may require late harvest, bird control using noisemakers and nets, grape harvest (hand harvest).

December: Prune fruit trees. Test or maintain frost control wind machines. Vineyard- Maintain trellises prepare for planting.

IV. Potential Adverse Impacts

A. Noise

1. Noise Sources

Noise is produced by the operation of farm equipment. Wind machines are used during frost protection and limited to that time of year when danger of frost is present. Tractor pulled sprayers and mowers are typically present year around. Noisemakers provide bird control for the vineyard plots. Chain saws, pole saws and chippers are used as needed for maintenance of the trees.

2. Noise Levels

The loudest sources of noise in proximity to the subject property are the vineyard noisemakers and wind machines. The noisemakers currently consist of an outdoor speaker system that plays background noises, bird distress calls, and predator imitations. These systems are located near the center of vineyard plots. Hillcrest has contemplated cannons and other 'booming' noisemakers, but has not found the need to introduce this type of system at this time. The wind machines generate noises, particularly when ambient winds strike the blades at certain angles.

3. Frequency of Noise

The operation of noisemakers for bird control varies by the intensity of bird pressure. As the vineyards begin to bear grapes the attractiveness of the vineyard increases. It is possible that this noise source will be operated 24 hours a day during periods of intense bird pressure.

The operation of wind machines is limited to frost protection and varies according to weather for a given year. In years with unfavorable weather conditions, these noise sources may operate over ten hours a day for over 14 days a year.

Other sources of noise such as tractors are less acute, but occur on a regular basis.

B. Dust

Hillcrest practices grass\weed cutting as a means of maintenance between rows. This surface of grass\weed prevents excessive amounts of dust during windy periods or while equipment is used. Due to the soil type (heavy as opposed to fine loam) very little dust is produced when disking the field and therefore dust has very little impact to the site. The dust that is generated occurs mostly during summer months and early fall when the ground is dry. Southerly winds that would have sufficient strength to carry dust particles from the Hillcrest property to the Bella Vista Heights project are rare during these times of the year.

C. Storm and Irrigation Water Runoff

The vast majority of the proposed development slopes away from the Hillcrest operations. Without an engineered storm drainage solution, there is potential for some erosion or other adverse impacts on the farming operation. The Hillcrest operation and associated irrigation systems are down slope from the proposed development, so impacts to the development from irrigation activities are not expected.

D. Trespass, Theft and Vandalism

Vandalism has occurred but is infrequent. Considering the location of the Hillcrest operation along existing major roadways, opportunities for vandalism, theft and trespass have been present for a considerable period. The proposed development is not expected to increase these opportunities.

E. Odor

Odors are most commonly caused by the application of lime sulphur, which produces a rotten egg smell. This product is usually applied in the fall and winter months.

F. Spray Drift

Southeasterly to Southwesterly winds present the greatest opportunities for spray drift into the proposed development. Southwesterly and southerly winds are relatively uncommon, but southeasterly winds are prevalent during the months of October through March. Southeasterly winds are historically the strongest winds observed at the Rogue Valley International Airport. These months have historically still had calm winds at least 20% of the time, with several of these months having calm winds over 30% of the time, *See Appendix E.*

V. Mitigation

A. Noise

Applicant acknowledges the presence of customary noise associated with agricultural use. A deed declaration will make the applicant and future owners aware that certain orchard and vineyard practices will impact their property.

B. Dust

Due to the soil type, very little dust is created even when disking. The dust that is generated occurs mostly during summer months and early fall when the ground is dry. Southerly winds that would have sufficient strength to carry dust particles from the Hillcrest property to the Bella Vista Heights project are rare during these times of the year. As depicted in the preliminary landscape plan and prescribed in the agricultural buffer agreement, applicant also will be planting a landscape buffer which will help to control the effects of dust.

C. Storm and Irrigation Water Runoff

Most of the property proposed for development drains away from the farming operation to the northwest and west. The storm water management plan included with this application has been engineered to minimize adverse storm water impacts on the Hillcrest operation for the lands that do drain onto the Hillcrest property. The Hillcrest property does not drain to the

property proposed for development, so runoff from the orchards and vineyards will not impact the proposed development.

D. Trespass, Theft and Vandalism

The applicants proposed development is not expected to exacerbate any existing trespass, theft or vandalism threats. The fencing required by the MLDC for intensive agriculture mitigation should provide a significant deterrent to using the Bella Vista Heights development as a point of unauthorized access to the Hillcrest property.

E. Odor

Applicant acknowledges the presence of customary odors associated with agricultural use. A deed declaration will make the applicant and future owners aware that certain orchard and viticulture practices will impact their property.

F. Spray Drift

Due to prevailing wind patterns and the low wind characteristics for optimal spraying conditions discussed above, acute conflicts as a result of spray drift are not expected. Site design features are also planned that will further mitigate spray drift impacts. The site plan provides for at least a 50' agricultural buffer for all habitable structures. The Preliminary PUD landscape plan depicts the Agricultural Buffer landscaping that was mutually agreed upon by the farm operators and Pacific International Enterprises, See *Appendix A- Agricultural Buffer Agreement*. John P. Day of Hillcrest Corporation has indicated on a letter dated January 12, 2005 that the landscaping proposed by the applicant should be sufficient to mitigate spray drift impacts.

VI. Appendices

A. Agricultural Buffering Agreement
B. Farm Use Questionnaire Response by Jon Meadors, Hillcrest Operations Manager
C. Contour Map
D. Soils Map
E. Wind Analysis
F. Data on Orchard Spray Equipment

HILLCREST CORPORATION
GENERAL PARTNER:
COGSWELL LIMITED PARTNERSHIP
MOUNTCREST LIMITED PARTNERSHIP

GENERAL OFFICES:
2303 SEATTLE TOWER
1218 THIRD AVENUE
SEATTLE, WA 98101
(206) 623-2874
FAX (206) 623-0838

HILLCREST ORCHARD:
3285 HILLCREST ROAD
MEDFORD, OR 97504
(541) 773-1487 OR
(541) 779-2043
FAX (541) 779-2043

January 13, 2005

MEMORANDUM TO: Jay Harland c/o Craig Stone & Associates
Fax: 541-779-0114
708 Cardley Ave
Medford, OR 97504

REF: Municipal Code Section 10.804 regarding Landscaping for Mitigation between development lands and intensive agricultural land

Any mitigation other than low growth planting in the are depicted along the boundary between the proposed Dubs' subdivision, called Bellavista Heights, would appear to be inappropriate.

It will be difficult to sustain life by any medium to large size conifer or evergreen due to the shallow soils and limestone base.

The topography in this general area and the prevailing northerly winds during spray periods do not present spray drift issues for operations in the orchard or vineyard immediately adjacent to the subdivision.

Thank you for your consideration regarding this matter.

Sincerely yours,

John P. Day by Susan Spencer, Sec/Treas.

John P. Day
Vice President

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CITY OF MEDFORD
EXHIBIT # F sub
File # PUD-05-25

EXHIBIT 10

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

TELEPHONE
(541) 774-2100
FAX: (541) 774-2552

November 3, 2003

Mr. Arthur Dubs
Pacific International Enterprises, Inc.
P.O. Box 1727
Medford, OR 97501

Subject: Waterline from Vista Pointe to Dubs Property at Station 52+50

I have reviewed the construction plans, which you provided for the subject project. I will be able to forward this project for Cory Crebbin's approval when the following is submitted to the Public Works Department for review:

1. Traffic Control Plan
2. Erosion Prevention and Sediment Control Plan.

Since most of the work will be performed in proximity to the existing sidewalk, Public Works is concerned there will be some damage to the sidewalk during the course of this project. The existing sidewalk will be videoed prior to the project, and any sidewalk damaged as a result of the waterline construction must be replaced at no cost to the City of Medford.

Should you have questions or need additional information, please do not hesitate to call.

Sincerely,

Larry Beskow

Larry Beskow, P.E.
City Engineer
City of Medford

CC: Larry Rains, P.E., Medford Water Commission

MEDFORD WATER COMMISSION

200 South Ivy Street - Room 177 Medford, Oregon 97501
Customer Service (541) 774-2430 • Administration (541) 774-2440
Fax (541) 774-2555 • wtrcom@ci.medford.or.us
www.medfordwater.org

November 17, 2004

Arthur Dubs
P.O. Box 1727
Medford, Oregon 97501

RE: McAndrews Road Waterline from Vista Point to Station 52+50

Dear Mr. Dubs,

Medford Water Commission has received plans, fees and a signed letter of agreement from you for the above stated project. MWC has prepared and issued a work order for this project. MWC is ready to proceed with this project once you satisfy Public Works requirements as stated in Larry Beskow's letter dated November 3,2003. Upon satisfying Public Works conditions, please have your contractor call MWC's inspector, Lester McFall, at 944-3690 to schedule a preconstruction to start the waterline.

Sincerely

Eric C. Johnson, P.E.
Principal Engineer

Cc: Larry Rains, MWC
Larry Beskow, Public Works

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CITY OF MEDFORD
EXHIBIT # F sub
File # PUD-05-25

EXHIBIT 12

CONSTRUCTION ENGINEERING CONSULTANTS INC.

P.O. BOX 1724 • MEDFORD, OR 97501 • PH (541) 779-5268 • FAX (541) 779-3139

November 22, 2004

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

RE: **Aurthur Dubs Property, Zone Change**

Dear Planning Staff:

We have completed an engineering study to determine if there is sufficient capacity in the existing sanitary sewer system to accommodate the requested zone change. The scope of the study, as determined by the City's Engineering and Development Division, included all downstream pipes smaller than 12-inches in diameter. Engineering staff supplied a table of pipes, their respective slopes, the existing pipe material type, and the number of existing homes connected to each pipe. Engineering staff also provided us with a map of the sanitary sewer branch in need of the capacity analysis. Both the table and the map have been included in our study.

The results of the study show that the existing sanitary sewer system has the capcity to accomodate the projected peak sanitary sewer flows generated from the specific property in question.

If you have any questions, comments, or need additional information please feel free to give me a call.

Sincerely,
CONSTRUCTION ENGINEERING CONSULTANTS

Patrick W. Havird, P.E.
cc: file
enc. Drawings, Calcs

REGISTERED PROFESSIONAL ENGINEER 15,993 PE OREGON JULY 21, 1992 PATRICK W. HAVIRD
Exp. 6/30/05

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CITY OF MEDFORD
EXHIBIT # F 306
File # PUD-05-25

EXHIBIT 12

CONSTRUCTION ENGINEERING CONSULTANTS INC.

P.O. BOX 1724 • MEDFORD, OR 97501 • PH (541) 779-5268 • FAX (541) 779-3139

January 18, 2005

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

RE: **Aurthur Dubs Property, Zone Change**

Dear Planning Staff:

We have completed a conceptual drainage plan to illustrate the probable method of providing a means of draining surface water from the proposed development. The scope and purpose of the plan is to show City staff and commission members that there is a viable means of providing drainage to the project. The plan shows the location of existing storm drain pipes and their respective sizes, the location of existing natural streams, and the location of existing man-made irrigation canals. The plan also shows the proposed location of new pipes, new inlet locations, new manholes, and proposed outlets. Preliminary calculations are made to verify that the existing down stream system can accommodate the anticipated flows produced by the new development. If these preliminary calculations indicate that the down stream system is not large enough to handle the anticipated flows, then the use of a detention system or an upgrade of the existing down stream system is considered. The proposed storm drain pipe sizes are not considered at this time as they are not important in determining if the existing system has capacity. Proposed pipe sizes will be determined at the time of detailed engineering for the project.

At present, the project site drains to four separate existing drainage facilities. Approximately 23.5 acres (50 %) drains westerly into the existing M.I.D. canal that runs along foothill road. Another 10.6 acres (23 %) drains northerly into the existing McAndrews Road storm drain pipe system. 6.8 acres (14%) on the north side of McAndrews Road drains northerly into Lone Pine Creek, and 6.1 acres (13%) drains southerly into a natural draw which continues to flow overland onto the agricultural property to the south.

The intent of our conceptual plan is to put as much storm water into the McAndrews system as it can handle. The McAndrews system contains detention basins for quality and quantity control near the overpass. The more we can put into this system the less we have to put in the canal. The canal is very flat and does not convey excess storm water very well. The net area that discharges to the canal will be reduced by diverting some of this area through pipes to the McAndrews system.. The portion of the project discharging to Lone Pine Creek will remain unchanged due to topgraphic constraints. The area that presently drains to the south onto the agricultural property will be reduced with some of this area intercepted and taken to the McAndrews system.

We have done the preliminary calculations and have concluded that the existing systems can handle the conceptual plan anticipated flows. These calcs are preliminary and some minor adjustments may have to be made once the detailed engineering is complete. It is even possible that some detention may be needed to *limit* flows, once the detailed calculations are done, but the overall conclusion is that the project storm runoff can be accomodated.

If you have any questions, comments, or need additional information please feel free to give me a call.

Sincerely,
CONSTRUCTION ENGINEERING CONSULTANTS

Patrick W. Havird, P.E.
cc: file
enc. Drawings, Calcs

Pacific International Enterprises, Inc.
A universal force in family film production and distribution.

October 4, 2004

JAY HARLAN Copy with Exhibits

Hand Delivered

Mr. Mike Montero/ Craig Stone
Montero & Associates, LLC
802 Nadia Way
Medford, OR 97504

RECEIVED
FEB 02 2005
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # F 3 of 3
File # PUD-05-25

RE: **Right In – Right Out exit to Dubs McAndrews Road Property at Station 48 and 50**

Dear Mike

Attached is a print dated September 20, 2004 of our latest Bella Vista Heights Preliminary PUD Plan.

Per your request we have reviewed our files and find absolutely no agreement with the City of Medford that specified Mr. Dubs would not be allowed a right in right out exit to his isolated 5+- acres northeast of McAndrews road. To the contrary we found the attached testimony from City personnel or experts in depositions or at the actual condemnation trial, all under oath, that Mr. Dubs property would be granted a right in right out exit.

3/20/02 Deposition testimony of Bob Deuel Medford City Engineer - in which he confirmed that the City of Medford Public Works Director and City Attorney had reviewed this possibility and will strongly recommend it.

4/8/02 Condemnation Trial testimony of Steve Ward, the Independent Civil Engineer the City of Medford hired to evaluate the McAndrews road project. Mr. Ward testified the he was told by Bob Deuel that the city of Medford would allow a Right in Right out to Mr. Dubs.

4/12/02 Condemnation trial testimony of Ron Doyle, City of Medford Attorney. Mr. Doyle testified that city regulations prohibit land locked parcels, that there is a history of right in right out approvals and the city would approve a right in right out for this exact piece of property.

4/12/02 Condemnation trial testimony of Duane Venekamp the City's hired appraiser. Mr. Venekamp testified that the City engineer advised him a right in right out would be approved. (This lowered the damage amount that Mr. Dubs would be paid.)

4/12/02 Condemnation trial testimony of Cliff Vandagrift another City hired appraiser. Mr. Vandagrift also advised the city told him a right in right out would be approved and so he based his damages on that assumption. (This again lowered the damage amount the Mr. Dubs would be paid.)

1133 SOUTH RIVERSIDE, SUITE #1 • P.O. BOX 1727 • MEDFORD, OREGON 97501 • (541) 779-0990 • FAX (541) 779-8880

EXHIBIT 14

There was no testimony at all stating a right in right out would not be granted. Please use the above in your justification/arguments for Mr. Dubs Right In Right Out access. Art and I would like to get together regarding two questions pertaining to the latest issues you raised in our office last week and review your total projected costs of our project. Please give Arthur a call. Thank You.

Warmest Regards,

Am S. Wihtol
Vice President
PACIFIC INTERNATIONAL

ASW/mae
cc: Arthur Dubs

JRH TRANSPORTATION ENGINEERING

ARTHUR DUBS PROJECT

TRAFFIC IMPACT ANALYSIS

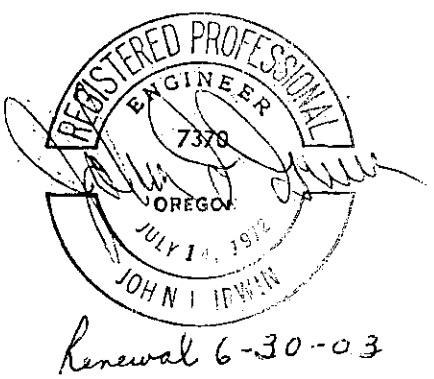
FEBRUARY 26, 2003

4765 VILLAGE PLAZA LOOP, SUITE 201 EUGENE, OREGON 97401 | www.jrhweb.com | (541) 687-1081

ARTHUR DUBS PROJECT

TRAFFIC IMPACT ANALYSIS

February 26, 2003



Renewal 6-30-03

Prepared by:
JRH TRANSPORTATION ENGINEERING
4765 Village Plaza Loop
Suite 201
Eugene, Oregon 97401

(541) 687-1081

EXECUTIVE SUMMARY

1.0 DESCRIPTION

This report addresses transportation and traffic issues related to the development of Township 37 Range 1W Sections 21A and lots 200, 500, and 1000 in Medford, Oregon. The 46.2 acre site is located east of Foothill Road and south of Lone Pine Road in the southeast quadrant of the Foothill Road and McAndrews Road interchange. The subject parcels are currently vacant. The parcels are currently zoned Open Space Reserved (OSR).. The proposed zoning for these parcels is MFR-15 and SFR-10, with a Planned Unit Development (PUD) with a density of 10 units of less per acre.

The site plan includes the development of 232 multi-family housing units, 156 townhomes units, 14 single-family housing units, and 28 custom homes units. Full build out in Year 2004 is expected to generate 271 PM peak hour trips with 180 entering and 91 exiting. All trips to and from the site are considered new trips. Local access is being proposed from three access points on McAndrews Road.

2.0 RESULTS

The City of Medford requires the analysis of any intersection to which the proposed development contributes a total of 25 or more peak hour trips. They further require that the transportation facility operate at an acceptable level of service (LOS) with the addition of the traffic generated by the development. The minimum acceptable LOS for intersections under City of Medford jurisdiction is LOS D.

A total of 11 intersections on McAndrews Road and 3 intersections on Foothill Road were found to be impacted by 25 or more peak hour trips generated by the proposed development.

These intersections were analyzed for operation in Year 2004, both with and without the proposed development traffic. The analysis included the adjustment of traffic volumes for both growth and pipeline trips. (Pipeline traffic represents the traffic growth in the area due to developments other than those being investigated as part of this study.)

All of the signalized and unsignalized intersections analyzed maintained a minimum of LOS D for the Year 2004 both with and without traffic generated by the proposed development.

Based on this analysis it is recommended that the proposed zone change and PUD be approved without any mitigation or improvements required.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

1.0 INTRODUCTION

This report addresses transportation and traffic issues related to the proposed zone change of Township 37S, Range 1W, Sections 21A, tax lots 200, 500, and 1000 in Medford, Oregon. The 46.2 acre site is located in the southeast quadrant of the McAndrews Road and Foothill Road Interchange. The subject parcels are currently vacant and are zoned as Open Space Reserved (OSR). The proposed zoning change for these parcels is to MFR-15 and SFR-10 with a planned unit development (PUD) of 10 units or less per acre.

The site plan includes the development of 232 multi-family housing units, 156 townhome units, 14 single-family housing units, and 28 custom single-family housing units. Access to the development will be from local streets, which connect to McAndrews Road. No direct access will be made to McAndrews Road.

Completion of the development is scheduled for Year 2004. On completion the development is expected to generate 271 PM peak hour trips with 180 trips entering and 91 trips exiting the development. All trips entering and exiting the site are considered new trips.

A vicinity map and site location is provided in Figure 1.

This analysis addresses requirements set forth by the City of Medford in the scope of work letter dated December 12, 2002. A copy of this letter is included in Appendix I.

2.0 SITE DESCRIPTION

The proposed development site is located east of Foothill Drive and south of Lone Pine Road in the southeast quadrant of the Foothill Drive and McAndrews Road interchange. Local access to the site is being proposed at three locations on McAndrews Road: one at a four-way intersection at Sta 36+50 (west entrance); one at a right-in/right-out access, to the north of McAndrews Road, at Sta 48+50 (center entrance); and one to the south of McAndrews Road at a four-way intersection at Sta 52+50 (east entrance).

2.1 ROAD SYSTEM

The general characteristics of streets in the study are provided in Table 1.

Table 1: Study Area Roadway Characteristics

Roadway	Jurisdiction	Classification	Number of Lanes Per Direction	Posted Speed
FootHill Road	City of Medford	Arterial	1-2	50
McAndrews Road	City of Medford	Arterial	1-2	35-45

The following intersections are included in the study area:

Signalized Intersections

- McAndrews Road at Brookdale Avenue
- McAndrews Road at Springbrook Road
- McAndrews Road at Crater Lake Avenue
- McAndrews Road at Royal Avenue
- McAndrews Road at Poplar Avenue
- McAndrews Road at Biddle Road
- McAndrews Road at Rogue Valley Mall entrance
- McAndrews Road at Riverside Avenue

Unsignalized Intersections

- Foothill Road at Lone Pine Road
- Foothill Road Interchange – southbound on-ramp
- Foothill Road Interchange – northbound on-ramp
- McAndrews Road at west access
- McAndrews Road at center access
- McAndrews Road at east access

Lane configurations for all of the intersections included in the study area are shown in Figure 2.

2.2 TRAFFIC COUNTS

Traffic counts for the intersection of Foothill Road at Lone Oak Road and the intersections on McAndrews Road west of Foothill Road interchange were provided by the City of Medford. Traffic count data for these intersections is included in Appendix II.

McAndrews Road currently ends at Foothill Road; however, the extension of McAndrews Road east of Foothill Road has been constructed but is not curently open to traffic. This required the adjustment of traffic at the Foothill Road interchange to reflect eastbound traffic movements onto McAndrews Road.

Traffic counts for the Foothill Road interchange and McAndrews Road east of Foothill Road were derived from the RVCOG EMME/2 model, Scenario 2005, for PM peak hour counts at the Foothill Road interchange.

The model did not include any traffic projections for the ramp connections to McAndrews Road eastbound. The assumption was made that 10 percent of the north and southbound traffic on Foothill Road would travel east on McAndrews Road. The interchange PM peak hour traffic was redistributed to reflect the addition of the movements onto McAndrews Road eastbound. The RVCOG EMME/2 model information and redistribution of projected traffic volumes is included in Appendix III.

The network PM peak hour for the intersections in the study area, based on existing traffic volumes, is 4:30 PM to 5:30 PM.

3.0 TRIP GENERATION

In order to determine the traffic impacts of a development on a roadway system, the number of vehicle trips resulting from the development must be estimated. This is the trip generation. The estimated trip generation for this development is based on the ITE Trip Generation Manual.

The proposed site plan includes the development of 232 multi-family housing units, 156 townhome housing units, 14 single-family housing units, and 28 custom housing units.

The peak hour trips generated were determined using the average for land use code 220 Multi-Family Dwelling Units, code 230 Townhouse Units, and code 210 Single-Family Units. The PM peak hour trip generation is shown in Table 2.

Table 2: PM Peak Hour Trip Generation

Land Use	Number of Units	Peak Hour Rate	Trips	% In	In	%Out	Out
Multi-Family (Code 220)	232	0.62	144	67	97	33	48
Townhouse (Code 230)	156	0.54	84	67	56	33	28
Single-Family (Code 210)	42	1.01	42	64	27	36	15
Total			271		180		91

4.0 TRIP DISTRIBUTION AND ASSIGNMENT

After determining the trip generation, the next step in the analysis requires distributing and assigning the trips to the existing traffic network. Trip distribution allocates the trips generated from the development to/from their destinations/origins.

Trips accessing the development were distributed with 95 percent to/from the west and 5 percent to/from the east. All other distributions were computed using existing intersection splits. Care was taken to ensure that the trip distribution and assignment made sense and was reasonable, which means that in a few cases trip distribution did not follow exactly the existing intersection splits.

Trip distribution to and from the proposed site is included in Appendix IV.

5.0 TRAFFIC VOLUMES ADJUSTMENT

5.1 YEAR 2004 (NO-BUILD) VOLUMES AND PIPELINE ADJUSTMENTS

The proposed development is scheduled for completion in Year 2004. The existing traffic volumes were adjusted to represent Year 2004 traffic conditions. This was accomplished by applying a growth rate of two percent per year to the existing counts. The City of Medford provided the 2 percent growth rate used in this study.

In addition to adjusting volumes to Year 2004 conditions, pipeline trips were also added to the traffic volumes. Pipeline traffic represents the traffic growth in the area due to developments other than those being investigated as part of this study.

The City of Medford supplied pipeline trip information for the following approved development projects.

- Hillcrest Acre Subdivision
- Hillcrest Meadows Subdivision
- Crystal Ridge Subdivision
- Becker-E Barnett
- Breeze-E Barnett
- Pactrend-Stonegate Estates
- Mahar Homes

Pipeline trip information is included in Appendix V.

Year 2004 (No-Build) adjusted traffic volumes including the 2 percent annual growth factor and pipeline trips is included in Appendix VI.

5.2 YEAR 2004 (BUILD) VOLUME ADJUSTMENTS

Traffic volume adjustments including Year 2004 (No-Build) traffic volumes and traffic volumes generated by the proposed development are included in Appendix VII.

5.3 PEAK HOUR FACTORS

Traffic demand fluctuates throughout any given hour. To account for volume fluctuations, peak-hour factors (PHF) are used to adjust volumes. In general, traffic facilities are analyzed for the heaviest fifteen-minute period of the peak-hour intersection volume. The peak fifteen-minute volume is determined by dividing the peak hour traffic volumes by an applicable peak hour factor. The peak hour factor is defined as the hourly volume divided by four times the maximum 15-minute volume during that hour. The peak-hour factor is always less than or equal to 1.00, and is only determinable with real data collected over consecutive time intervals for at least one hour. While traffic volumes are projected, the natural fluctuations are not.

Peak hour factors for the intersection in the study area were computed based on the latest traffic volumes prior to making base year and pipeline trip adjustments for intersections where actual traffic counts were available.

At locations where EMME/2 model volumes were used, a PHF of 0.9 was used to evaluate intersection operation.

PM peak hour volumes including Year 2004 (No-Build) traffic, development generated traffic, and Year 2004 (Build) traffic are shown in Figure 3.

6.0 PERFORMANCE MEASURES

Level of service (LOS) was used as the performance measure for analysis of the intersections included in this study.

Level of service is a concept developed to quantify the degree of comfort (including such elements as travel time, number of stops, total amount of stopped delay, and impediments caused by other vehicles) afforded to drivers as they travel through an intersection or roadway segment. It was developed to quantify the quality of service of transportation facilities.

LOS is based on average delay, defined as the average total elapsed time from when a vehicle stops at the end of a queue until the vehicle departs from the stop line. Average delay is measured in seconds per vehicle per hour and then translated into a grade or level of service for each intersection. LOS is the performance standard for intersections under Medford's jurisdiction. LOS ranges from A to F, with A indicating the most desirable condition and F indicating the most unsatisfactory condition. LOS D is the minimum acceptable by the City of Medford. Table 3 shows the level of service criteria for unsignalized intersections, and Table 4 lists the criteria for signalized intersections.

Table 3 - HCM Level of Service Designations for Unsignalized Intersections

Level of Service	Delay Range*
A (Desirable)	≤ 10
B (Desirable)	> 10 and ≤ 15
C (Desirable)	> 15 and ≤ 25
D (Acceptable)	> 25 and ≤ 35
E (Undesirable)	> 35 and ≤ 50
F (Unsatisfactory)	> 50

* Delay Range relates to the range of average vehicle delay (in seconds per vehicle) that falls within the associated level of service.

Table 4 - HCM Level of Service Designations for Signalized Intersections

Level of Service	Traffic Flow	Comments	Delay Range*
A (Desirable)	Free	Traffic flows freely with minimal or no delay. Drivers can maneuver easily and find freedom in operation.	≤ 10
B (Desirable)	Stable	Traffic still flows smoothly with few delays. Some drivers feel somewhat restricted within groups of vehicles.	> 10 and ≤ 20
C (Desirable)	Stable	Traffic generally flows smoothly but occasionally vehicles may be delayed through one signal cycle. Desired urban area design level. Backups may develop behind turning vehicles. Most drivers feel somewhat restricted.	> 20 and ≤ 35
D (Acceptable)	Approaching Unstable	Traffic delays may be more than one signal cycle during peak hours but excessive back-ups do not occur. Considered acceptable urban area design level. Maneuverability is limited during short periods due to temporary back-ups.	> 35 and ≤ 55
E (Unsatisfactory)	Unstable	Delay may be great and up to several signal cycles. Short periods of this level may be tolerated during peak hours in lieu of the cost and disruption attributed to providing a higher level of service. There are typically long queues of vehicles waiting upstream of the intersections.	> 55 and ≤ 80
F (Unsatisfactory)	Forced	Excessive delay causes reduced capacity. Always considered unsatisfactory. May be tolerated in recreational areas where occurrence is rare. Traffic is backed up from other locations and may restrict or prevent movement of vehicles at the intersection.	≥ 80

* Delay Range relates to the range of average vehicle delay (in seconds per vehicle) that falls within the associated level of service.

For this study, level of service analyses were completed according to the Highway Capacity Manual (HCM) method implemented in SYNCHRO Version 5. The City of Medford provided the signal timing data. This is enclosed in Appendix VIII.

7.0 PERFORMANCE ANALYSIS

7.1 YEAR 2004 NO-BUILD PERFORMANCE ANALYSIS

Year 2004 no-build performance analysis was performed on all City of Medford intersections with a classification of collector or higher which had their volumes increased by 25 or more peak hour trips. Performance analysis was performed using the methodology described above.

Performance of the Year 2004 no-build conditions reveals intersection performance before the proposed development traffic was added. Volumes for the no-build performance were adjusted for the target year, and the pipeline trips were added. The no-build performance is shown in 5. No build SYNCHRO outputs are included in Appendix IX.

7.2 YEAR 2004 BUILD PERFORMANCE ANALYSIS

Performance of the 2004 build conditions reveals intersection performance after the proposed development traffic was added. Volumes for the build performance were adjusted for the target year, pipeline trips and proposed development trips were added. The build performance is shown in Table 5. Build SYNCHRO outputs are included in Appendix X.

Table 5 Year 2004 Performance Analysis

Intersection	Mobility Standard LOS	Year 2004 No Build LOS	Year 2004 Build LOS
SIGNALIZED			
McAndrews Roead at Brookkale Avenue	LOS D	LOS A	LOS A
McAndrews Road at Springbrook Road	LOS D	LOS C	LOS C
McAndrews Road at Crater Lake Avenue	LOS D	LOS D	LOS D
Mc Andrew Road at Royal Avenue	LOS D	LOS B	LOS B
McAndrews Road at Poplar Lane	LOS D	LOS D	LOS D
McAndrews Road at Biddle Road	LOS D	LOS D	LOS D
McAndrews Road at RV Mall	LOS D	LOS B	LOS B
McAndrews Road at Riverside	LOS D	LOS C	LOS C
UNSIGNALIZED			
Foothill Road at Lone Pine Road	LOS D	LOS C	LOS C
Foothill Road at SB on-ramp	LOS D	LOS C	LOS D
Foothill Road at NB on-ramp	LOS D	LOS C	LOS C
McAndrews Road at west entrance	LOS D	LOS A	LOS C
McAndrews Road at center entrance	LOS D	LOS A	LOS A
McAndrews Road at east entrance	LOS D	LOS A	LOS B

As shown in the table above no intersection falls below acceptable performance

8.0 MITIGATION REQUIRED FOR THE BUILD CONDITION

The City of Medford requires that a minimum level of service of LOS D be maintained on transportation facilities under their jurisdiction both with and without development-generated traffic at the time of the completion of the project.

Our analysis shows that all of the signalized and unsignalized intersections meet the minimum LOS requirements. Based on meeting or exceeding the City's requirements, no mitigation is required due to the traffic generated by this proposed development.

9.0 RECOMMENDATIONS AND CONCLUSIONS

The purpose of a traffic impact study (TIS) is to access the impact of traffic generated by a proposed development. The goal of the TIS is to insure that the traffic generated does not degrade the existing transportation facilities below the minimum standards established by the local agency. When minimum standards are exceeded, the TIS identifies mitigation measures and improvements that are required to maintain the minimum standards due to the additional traffic generated by the proposed development.

The proposed Dubs properties zone change request and planned unit development (PUD) are within the City of Medford and the TIS accesses the impact of new traffic generated by the development base on City of Medford development code requirements.

The City of Medford requires that any intersection which is impacted by 25 or more peak hour trips be analyzed to determine that the operation meets minimum standards for level of service both with and without the traffic generated when the development is completed.

The minimum level of service established by the City of Medford is LOS D, and the year of completion of the Dubs Properties development is Year 2004.

The traffic generated by the Dubs properties development is determined to be a total of 271 PM peak hour trips, with 180 of the trips entering the development and 91 trips leaving the development.

The distribution of the these trips resulted in analysis of 14 intersections on both McAndrews Road and Foothill Road. The intersections were analyzed using traffic volumes which were adjusted for growth, pipeline trips, and development-generated traffic for the Year 2004.

The analysis shows that all of the intersections meet or exceed the minimum LOS D requirement established by the City of Medford with any mitigation or improvements required.

Based on the results of this TIS, it is recommended that the Dubs properties zone change and PUD be approved without any required mitigation or improvements.

Appendix I

Scoping Letters

VOICE 541.687.1081 FAX 541.345.6599 WEB IRHWEB.COM
4765 VILLAGE PLAZA LOOP SUITE 201 EUGENE OREGON 97401

CITY OF MEDFORD
PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
411 WEST 8TH STREET
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www.ci.medford.or.us
TELEPHONE
(541) 774-2100
FAX: (541) 774-2552

December 3, 2002

Janis Casto
JRH
4765 Village Plaza Loop, Suite 201
Eugene, Oregon 97401

The proposed zone change from OSR to MFR-15 and SFR-10 on 46.2 acres (46.6 gross acres) east of Foothill Road between Hillcrest Road and Lone Pine Road requires a traffic impact analysis (TIA) to determine project impacts. The site is located on Township 37 Range 1W Section 21A and includes lots 200, 500, and 1000. The analysis must be prepared by a licensed engineer in the State of Oregon and follow our current TIA methodology. The general format is as follows.

1. A TIA should always analyze the potential traffic generation of a parcel(s) with the following exceptions:
   a. A Planned Unit Development (PUD) is being proposed with a site plan that the traffic analysis will be based on and stipulated to.
   b. The potential traffic generation of the parcel(s) cannot be supported by the transportation facilities and a stipulation is being proposed.

   The potential traffic generation of a parcel(s) is based on gross acreage, which considers half of the street right-of-way width for any street along a parcel's boundary.
2. It will be recommended that access be taken from local streets that connect to McAndrews Road, and that no direct access is taken to McAndrews Road or Foothill Road.
3. All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic then justification must be provided and approved by the Public Works Director prior to first submittal of the TIA.
4. Any intersection where the proposed development can be expected to contribute 25 or more trips during the analysis peak period shall be analyzed. Intersections having less than 25 peak period trips are not substantial and will not be included in the study area.
5. Pipeline traffic must be considered into the existing count data before the impacts of project traffic are evaluated. Once the study area is defined by the applicant's traffic engineer and a

written request is received, Public Works will supply all necessary pipeline information within one week.

6. The TIA shall determine all improvements or mitigation measures necessary to maintain facility adequacy at study area intersections. Mitigation measures may include stipulations and/or construction of necessary transportation improvements and shall be required to the extent that the transportation facilities, under City jurisdiction, operate at an acceptable level of service (LOS) with the addition of project traffic.

7. Peak period turning movement counts must be at least two-hour minimums and capture the peak period. Counts must be less than two years old and adjusted to the design year of the project. A seasonal traffic adjustment is required on study area streets if counts weren't prepared during the peak period of the year and count data shows a 10% increase in traffic volumes.

8. All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1800 vehicles per hour per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. Actual peak hour factors should be used for each movement or lane group in the analysis. For new intersections, peak hour factors exceeding 0.90 shall not be assumed unless justification is provided and approved by the Transportation Manager. ←

9. Unsignalized, City intersections involving collector and arterial streets shall be evaluated for signal warrants if the level of service (LOS) is determined to be below standard minimums. Channelization requirements, such as left and right turn lanes, shall also be evaluated where none are currently provided. ←

10. Signalized intersection analyses on City intersections shall be in accordance with the City's timing sheets. Analyses will follow either pre-timed, actuated-coordinated, or actuated-uncoordinated timing plans. Once the study area is defined by the applicant's traffic engineer and a written request is received, Public Works will supply all timing information within one week.

The City's complete TIA methodology can be found in the Medford Land Development Code, section 10.461. Any TIA which is not in accordance with this methodology will be returned to the applicant without review. If you have any questions, feel free to contact me at 774-2121.

Sincerely,

Kim Parducci, P.E.
Asst. to the Traffic Engineer

Cc: Alex Georgevitch, Transportation Manager

23

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December 6, 2004

Craig Stone
Craig A. Stone & Associates
708 Cardley Avenue
Medford, OR 97504

CITY OF MEDFORD
EXHIBIT # F sub
File # PUD-05-25

RE: Revisions to Arthur Dubs Project

Dear Mr. Stone:

At the request of Mr. Dubs, I am preparing this evaluation of the revisions to his proposed project, known as Bella Vista Heights Subdivision – PUD.

On February 26, 2003, JRH Transportation Engineering submitted a traffic impact report for the subdivision. At that time, the subdivision was planned for 232 multi-family housing units, 156 townhome units, 14 single-family housing units, and 28 custom home units. Full build-out was expected to generate 271 PM peak hour trips, with 180 entering and 91 exiting. Analysis in the report, in accordance with City of Medford scoping, analyzed the impacts at 14 intersections. All were found to operate within an acceptable level of service upon the opening of the development, including traffic from pipeline projects.

Table 1 shows the projected PM peak hour trip generation resulting from the revised land use. This land use includes 111 single-family units, as well as a 16,286 square foot medical office building.

Table 1: PM Peak Hour Trip Generation – Revised Land Use

Land Use	Units	Peak Hour Rate	Trips	% In	In	% Out	Out
Single-Family (Code 210)	111	1.01	112	64%	72	36%	40
Medical Office Bldg (Code 720)	16.286 KSF	3.72	61	27%	16	73%	45
			173		88		85
Feb. 26, 2003 Arthur Dubs Project TIA Trip Generation			271		180		91
REDUCTION IN TRIPS			**98**		**92**		**6**

EXHIBIT 16

As can be seen in the table, this revised land use has a reduction in daily traffic, as well as inbound and outbound traffic. Because total traffic, as well as traffic in each direction, is diminished, all intersections away from the site can be assumed to have traffic volumes less than originally projected and, therefore, a better than or equal to level of service than projected in the initial study.

To ensure that there will be no adverse effect, we also investigated the level of service at each of the entrances from the development onto McAndrews Road, to ensure that a spot problem will not result from the reallocation of the trips. For this analysis we used a peak hour factor of 0.75 for internal trips, and the previously used 0.90 was used for McAndrews Road. The results for this analysis are given below, in Table 2.

Table 2: 2004 Level of Service Analysis – PM Peak Hour

Entrance	Southbound Movements	Northbound Movements
West Entrance	LOS A	LOS B
Center Access	LOS A	N/A
East Access	N/A	LOS B

Based on this analysis, the conclusions contained in the original report remain, and the modifications to the proposal will have no adverse effect upon the transportation system.

Very truly yours,

James R. Hanks, P.E.

cc: Arthur Dubs

HCM Unsignalized Intersection Capacity Analysis
1: McAndrews Road & Dubs-West Ent

Build - 2004
Timing Plan: DEFAULT

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Volume (veh/h)	15	295	41	1	133	1	24	0	0	2	0	43
Peak Hour Factor	0.75	0.90	0.75	0.75	0.90	0.75	0.75	0.90	0.75	0.75	0.90	0.75
Hourly flow rate (vph)	20	328	55	1	148	1	32	0	0	3	0	57
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								None			None	
Median storage veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	149			382			529	547	191	355	574	75
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	149			382			529	547	191	355	574	75
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	99			100			92	100	100	100	100	94
cM capacity (veh/h)	1430			1173			402	436	818	569	421	972

Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	NB 1	SB 1
Volume Total	20	219	164	1	99	51	32	60
Volume Left	20	0	0	1	0	0	32	3
Volume Right	0	0	55	0	0	1	0	57
cSH	1430	1700	1700	1173	1700	1700	402	942
Volume to Capacity	0.01	0.13	0.10	0.00	0.06	0.03	0.08	0.06
Queue Length 95th (ft)	1	0	0	0	0	0	6	5
Control Delay (s)	7.6	0.0	0.0	8.1	0.0	0.0	14.7	9.1
Lane LOS	A			A			B	A
Approach Delay (s)	0.4			0.1			14.7	9.1
Approach LOS							B	A

Intersection Summary				
Average Delay	1.8			
Intersection Capacity Utilization	27.9%	ICU Level of Service		A
Analysis Period (min)	15			

HCM Unsignalized Intersection Capacity Analysis
2: McAndrews & Dubs-Center Ent

Build - 2004
Timing Plan: DEFAULT

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	13	284	128	1	1	7
Peak Hour Factor	0.75	0.90	0.90	0.75	0.75	0.75
Hourly flow rate (vph)	17	316	142	1	1	9
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	144				335	72
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	144				335	72
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	99				100	99
cM capacity (veh/h)	1437				627	976

Direction, Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	SB 1
Volume Total	17	158	158	95	49	11
Volume Left	17	0	0	0	0	1
Volume Right	0	0	0	0	1	9
cSH	1437	1700	1700	1700	1700	912
Volume to Capacity	0.01	0.09	0.09	0.06	0.03	0.01
Queue Length 95th (ft)	1	0	0	0	0	1
Control Delay (s)	7.5	0.0	0.0	0.0	0.0	9.0
Lane LOS	A					A
Approach Delay (s)	0.4			0.0		9.0
Approach LOS						A

Intersection Summary				
Average Delay	0.5			
Intersection Capacity Utilization	20.4%	ICU Level of Service		A
Analysis Period (min)	15			

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑		↑	↑↑	↑	
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	270	15	1	121	8	2
Peak Hour Factor	0.90	0.75	0.75	0.90	0.75	0.75
Hourly flow rate (vph)	300	20	1	134	11	3
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			320		380	160
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			320		380	160
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		98	100
cM capacity (veh/h)			1237		594	857

Direction, Lane #	EB 1	EB 2	WB 1	WB 2	WB 3	NB 1
Volume Total	200	120	1	67	67	13
Volume Left	0	0	1	0	0	11
Volume Right	0	20	0	0	0	3
cSH	1700	1700	1237	1700	1700	633
Volume to Capacity	0.12	0.07	0.00	0.04	0.04	0.02
Queue Length 95th (ft)	0	0	0	0	0	2
Control Delay (s)	0.0	0.0	7.9	0.0	0.0	10.8
Lane LOS			A			B
Approach Delay (s)	0.0		0.1			10.8
Approach LOS						B

Intersection Summary				
Average Delay	0.3			
Intersection Capacity Utilization	18.4%	ICU Level of Service		A
Analysis Period (min)	15			

NOV 1 6 2002 30.2 PAGE 105

JRH

November 18, 2002

CITY OF MEDFORD
EXHIBIT # F sub
File # PUD-05-25

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FEB 0 2 2005
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Arthur Dubs
Pacific International Enterprises
1133 South Riverside
Medford, OR 97501

RE: Recommended Driveway Location
for Property Located Northeast
of McAndrews Road, West of the Foothill Road Interchange

Dear Mr. Dubs:

This letter is in response to your question regarding the recommended access point for the portion of your 42.1 gross acre site. This is the triangular-shaped northeast corner, bordered by the north and east by your property line, and on the south by the alignment of McAndrews Road. The McAndrews Road street plans currently have a full access intersection at approximately Station 52+50. This intersection provides access to your property south of McAndrews Road; however, it does not supply access to your property north of McAndrews.

Based on a review of the horizontal alignment of McAndrews Road, I would recommend that a right-in, right-out driveway be provided to the property at approximately Station 48+50. This location is on the outside of a horizontal curve, thus affording maximum site distance for vehicles exiting the property, and the 400 foot spacing between intersections is sufficient to eliminate inter-intersection conflicts. Because this would be a right-in, right-out driveway, there would not be a problem with left-turn conflicts.

I would further recommend that the project design include a stub street to the property to the east, so that an eventual street network could connect to the full intersection at Station 52+50.

I would also recommend that any cul-de-sacs stay within the length limits established by the Fire Marshall.

Please let me know if you have any further questions regarding this.

Very truly yours,

James R. Hanks, P.E.

EXHIBIT 17

VOICE 541 687 1081 FAX 541 345 6599 WWW.JRHWEB.COM
4765 VILLAGE PLAZA LOOP SUITE 201 EUGENE OREGON 97401

RDK Engineering
TRAFFIC ENGINEERING/SIGNAL SYSTEMS
3350 Green Acres Dr., Central Point, OR 97502 - Phone (541) 664-0393 Fax (541) 664-9320

December 19, 2002

Arthur Dubs
Pacific International Enterprises, Inc.
1133 Riverside #1
Medford, OR 97501

RE: Proposed Access for Property on McAndrews Rd., East of Foothill.

Dear Mr. Dubs

The McAndrews Rd. project from Foothill Rd. to Tamarack Dr. is nearing completion. The street project has constructed a new full access intersection at sta. 52 + 50. The intersection will provide access to your property lying South of McAndrews Rd. The intersection does not provide access to your property to the North of McAndrews Rd.

I reviewed the site and the new section of McAndrews Rd. with you on December 13, 2002. A proposed new driveway location at Sta. 48 + 50 to serve the property to the North was reviewed. McAndrews Rd. has a concrete median barrier in place through this area which would limit turning movements to "Right Turn In" and Right Turn Out" only.

The driveway location is on the outside of a horizontal curve. This should provide in excess of. 500 ft. sight distance for approaching traffic. The proposed driveway will be 400 ft. West of the existing intersection. This is sufficient distance to clear any intersection conflicts.

The new driveway should be considered for approval.

Please let me know if you have any questions.

Very Truly Yours,

Robert D. Kortt
Transportation Engineer
RDK Engineering

CITY OF MEDFORD
EXHIBIT # F 506
File # PUD-05-25

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EXHIBIT 16

HILLCREST CORPORATION
GENERAL PARTNER:
COGSWELL LIMITED PARTNERSHIP
MOUNTCREST LIMITED PARTNERSHIP

GENERAL OFFICES:
2303 SEATTLE TOWER
1218 THIRD AVENUE
SEATTLE, WA 98101
(206) 623-2874
FAX (206) 623-0638

HILLCREST ORCHARD:
3285 HILLCREST ROAD
MEDFORD, OR 97504
(541) 773-1487 OR
(541) 779-2043
FAX (541) 779-2043

October 18, 2004

Medford Planning Commission
City of Medford

REF: Bella Vista Heights Subdivision

Ladies and Gentlemen:

We have reviewed the proposed plat done by Hoffbuhr and Associates, dated September 29, 2004, and agree with its design. The design does not provide for any connectivity to Cogswell Limited Partnerships property commonly known as Hillcrest Orchard. We feel that it would be inappropriate to have any connection in this general area of our property as we envision the development of the property to have no requirements for connections to McAndrews road in this immediate area. All transportation needs would be met through systems leading to Foothill road near the present alignments of the existing driveways.

Thank you for you consideration regarding this matter.

Sincerely,

Walter T. Bagnall
Senior Vice President, Operations
Hillcrest Corporation, General Partner

Cc: Metro and Associates, L.L.C. Consultants & Real Estate Development
Craig Stone

EXHIBIT 19

21

REAL PROPERTY CONSULTANTS MEDFORD

WILLIAM M. MILLER, MAI
ELLEN A. MILLER

P.O. Box 276 · MEDFORD, OR 97501
REAL ESTATE APRAISERS & COUNSELORS

541/773-2300
Fax 541/773-5764
E-Mail: rpcmedford@charter.net

January 3, 2005

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FEB 02 2005
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CITY OF MEDFORD
EXHIBIT # F sub
File # PUD-05-25

City Planning Commission
City of Medford
Lausmann Annex
Medford, Oregon 97501

Re: Retail and service commercial uses as part of a PUD plan for the Dubs Property, McAndrews Road at Foothill Road, Medford, Oregon.

Dear Commission:

At the request of Jay Harland, Craig A. Stone and Associates, this letter is to address potential valuation impacts on adjoining and surrounding property if retail and service commercial uses are permitted in the northwest corner of the Dubs Property that would be part of an overall planned unit development of this 40 plus acres larger parcel.

I have appraised the Dubs Property in the past. I am familiar with the attached proposed development plan and have recently inspected the property and its surroundings. A commercial use in the northwest section of the property will not adversely affect surrounding residential uses. In fact, if such a development is well designed, it could enhance the area by blending in with it and at the same time supplying surrounding properties with needed services.

There are numerous examples in support of this conclusion. A few include the established commercial use and zoning across Foothill Road from the subject, the garden style office park in the middle of the Alder Creek PUD approximately two miles south of the subject, the neighborhood shopping center at the southwest corner of North Phoenix Road and Barnett Road, and

EXHIBIT 20

numerous other examples in Medford and the Rogue Valley where neighborhood commercial development was provided adjoining the residential neighborhoods they serve. These developments do not adversely affect the residential uses adjoining them.

The physical characteristics of the proposed commercial portion also make it a logical transitional use between the McAndrews Road and Foothill Road arterials and any future adjoining residential uses to the north and east.

If you have any further questions on concerns, please call.

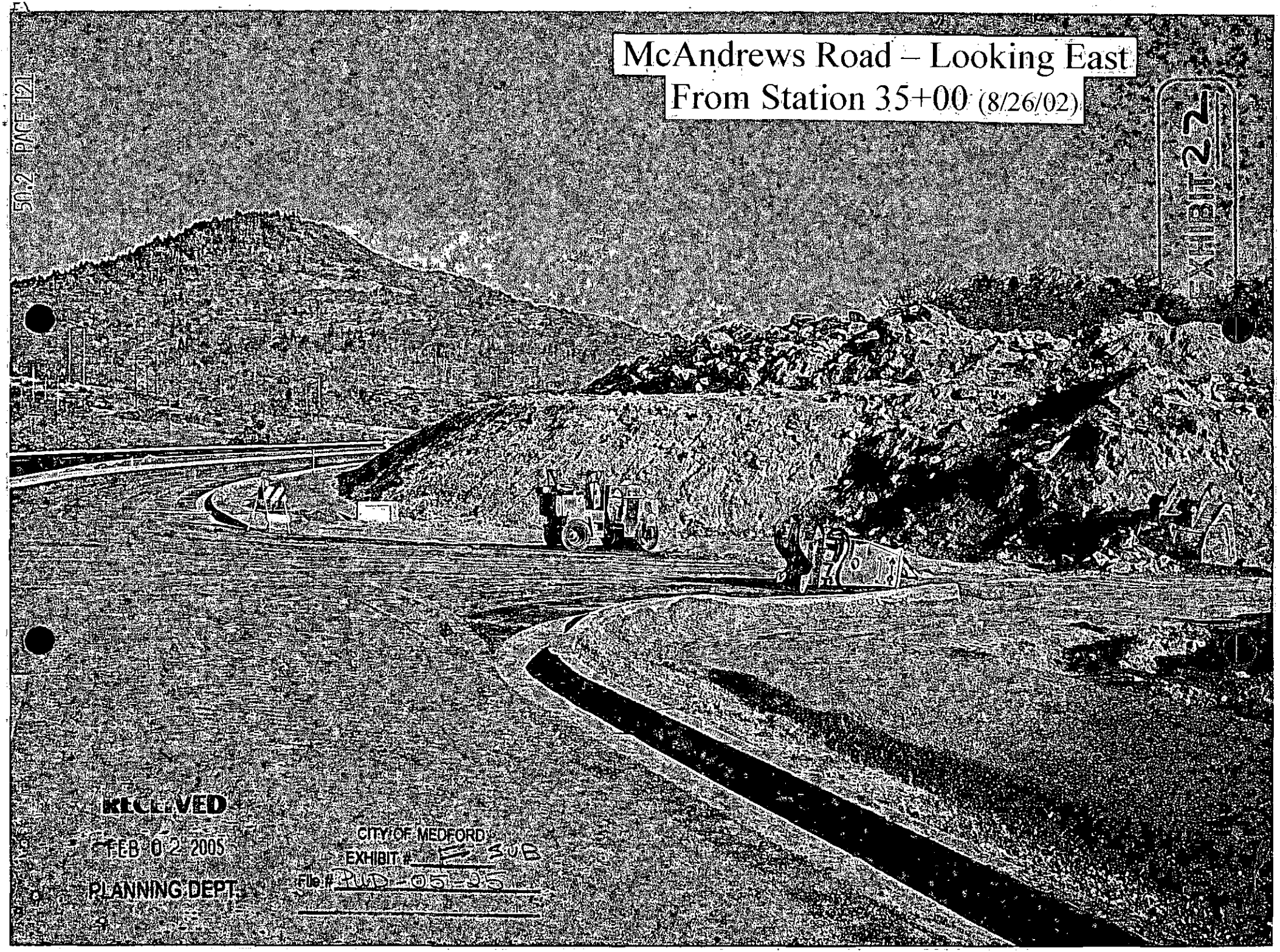
Respectfully submitted,

William M Miller

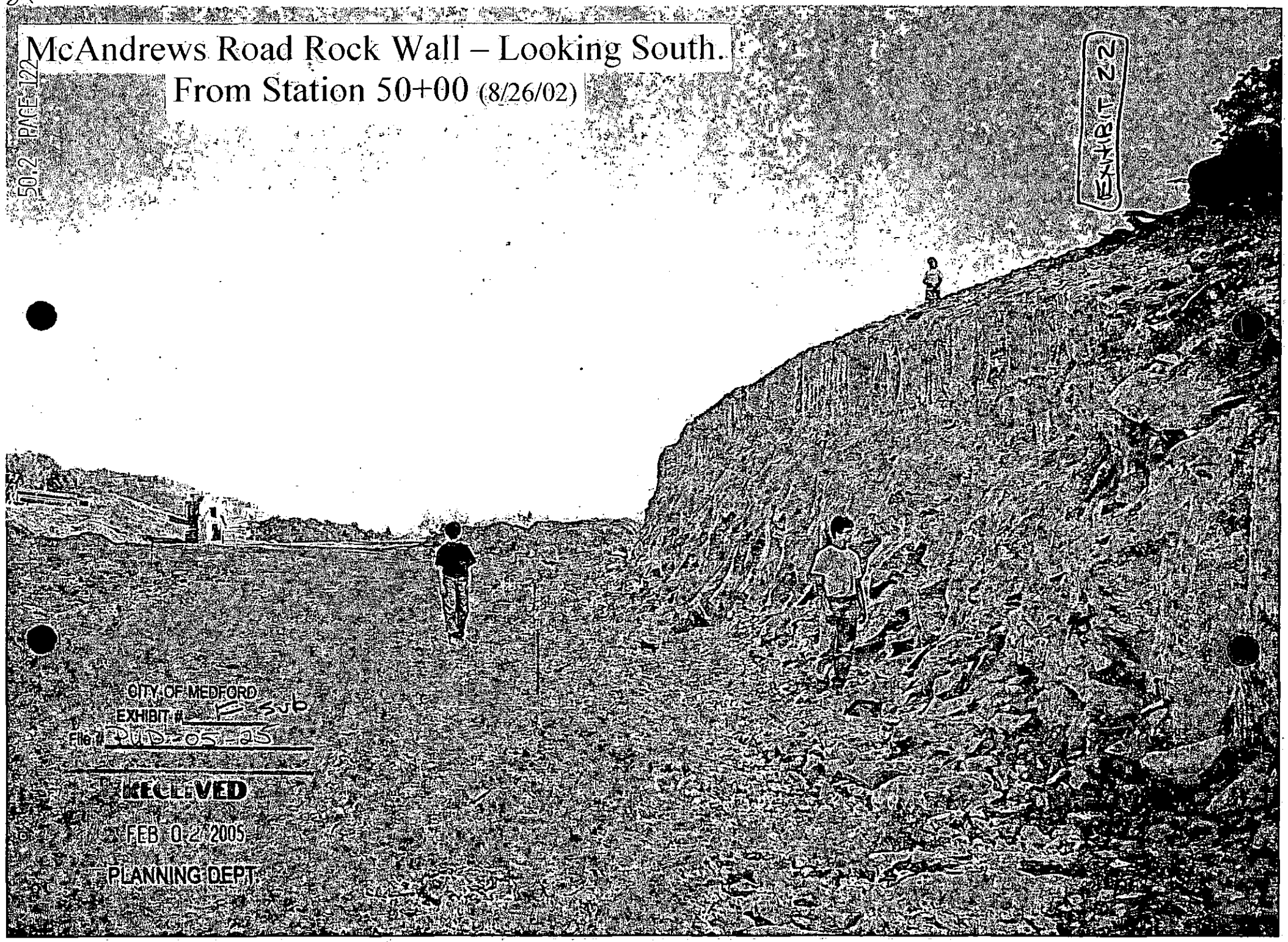
William M. Miller, MAI

McAndrews Road – Looking East From Station 35+00 (8/26/02)

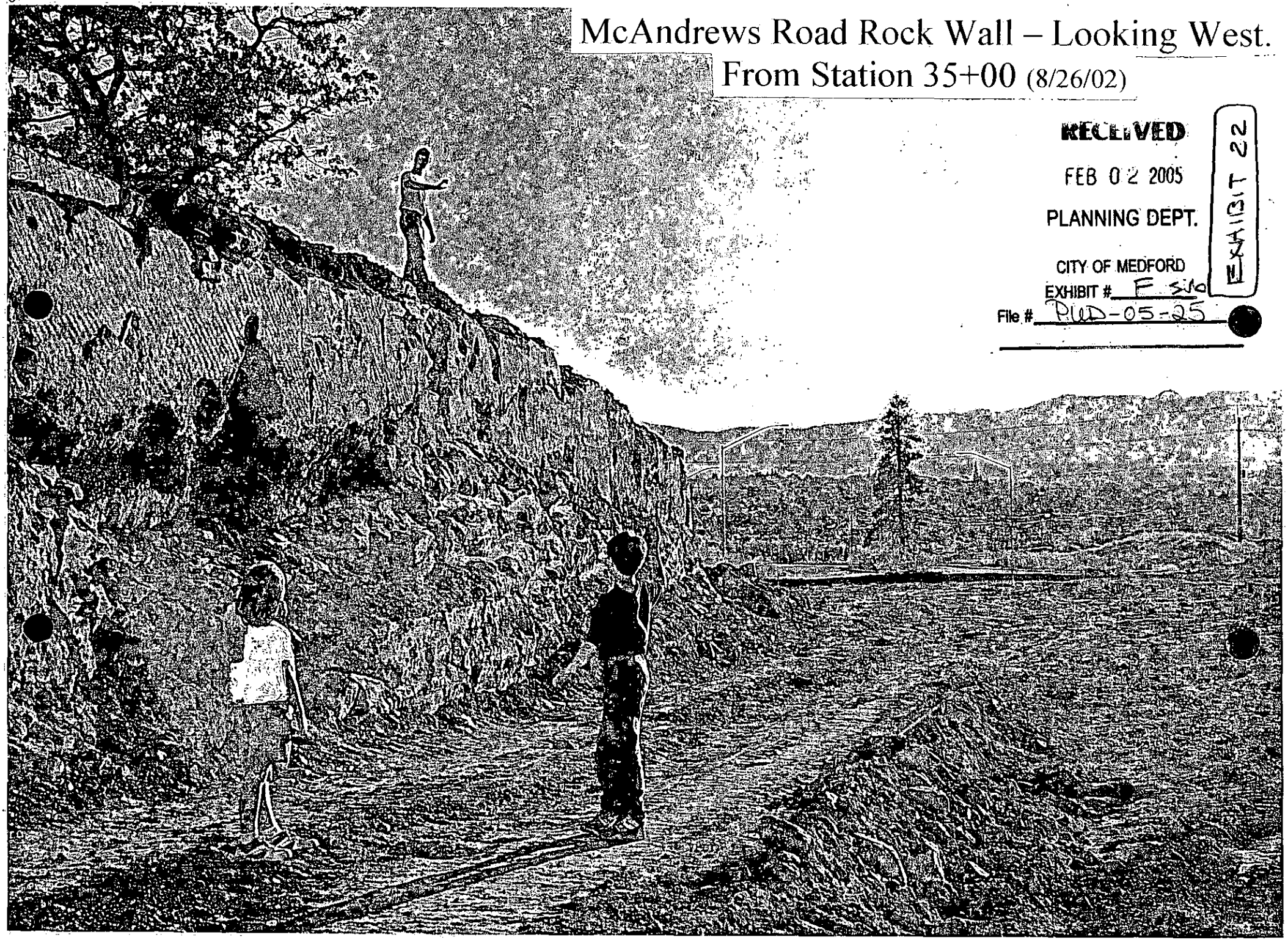
Exhibit 27



McAndrews Road Rock Wall – Looking South. From Station 50+00 (8/26/02)



McAndrews Road Rock Wall – Looking West.
From Station 35+00 (8/26/02)



DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS OF BELLAVISTA HEIGHTS, A PLANNED COMMUNITY

DRAFT

EXHIBIT 23

THIS DECLARATION, made this ____ day of _____, 2005, by Pacific International Enterprises Inc., a Subchapter S Corporation organized under the laws of the State of Oregon, hereinafter "Declarant",

CITY OF MEDFORD
EXHIBIT # F 506
File # PUD-05-25
(page document on file)

RECITALS

1. Declarant is the owner of real property within the City of Medford, Jackson County, Oregon (hereinafter sometimes "BellaVista Heights"), described in Exhibit A (the "Property") attached hereto, which real property and Lots are also described in the subdivision plat to be recorded in the official records of Jackson County, Oregon, a copy of which is attached hereto as Exhibit "B", and contains those Common Areas and other portions of the Property described below. The subdivision is a Class I Planned Community known as "BellaVista Heights", and is subject to ORS 94.550-94.783.

2. Declarant desires to provide for the preservation and enhancement of the property values, amenities, and opportunities in BellaVista Heights, and for the maintenance of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, conditions, restrictions, easements, charges, and liens hereinafter set forth, each and all of which is and are for the benefit of the Property and each owner of any Lot or unit thereof.

3. Declarant has deemed it desirable for the efficient preservation of the values and amenities in such community to create a non-profit corporation, to which should be delegated and assigned the powers of owning, maintaining and administering the common property and facilities and administering and enforcing the Covenants, Conditions, and Restrictions, and disbursing the assessments and charges hereinafter created, and promoting the recreation, health, safety and well-being of the members of the Association.

DEFINITIONS

The following definitions apply to the terms used in this Declaration, and the attached Bylaws.

1. "Articles", "Bylaws", and "Directors" shall refer to the Articles of Incorporation of the Association, the Bylaws of the Association (attached hereto as Exhibit "C"), and the Board of Directors of the Association, respectively.

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FEB 02 2005

PLANNING DEPT.

DRAFT

BYLAWS

OF

BELLAVISTA HEIGHTS HOMEOWNERS ASSOCIATION, INC.

AN OREGON NONPROFIT CORPORATION

1. NAME AND LOCATION.

The name of the corporation is BELLA VISTA HEIGHTS HOMEOWNERS ASSOCIATION, INC., (thereinafter referred to as the "Association"). The Association is organized under the Oregon Nonprofit Corporation Law. The principal office of the Association shall be located in the City of Medford, County of Jackson, State of Oregon, but meetings of Members and Directors may be held as such other places as are close as possible to the property within Jackson County, Oregon, as may be designated by the Board.

2. DEFINITIONS.

The terms used herein shall have the meanings set forth in Section 1, Declaration of Covenants, Conditions and Restrictions for BellaVista Heights, a Planned Community, recorded on _____, 2005, as Document No. _____ in the Official Records of Jackson County, Oregon (the "Declaration"), unless otherwise specifically provided for in these Bylaws.

3. MEMBERSHIP.

3.1 Qualification. Every person or entity who is a Owner of Lot 1 thru 111 in Phases 1 and 2 of BellaVista Heights which is subject by covenants of record to assessment by the Association shall be a Member of the Association and shall be entitled to one membership for each Lot owned. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. A vendee under a recorded land sale contract or recorded memorandum of land sale contract shall be considered the Owner for purposes of membership in the Association. Membership shall be appurtenant to and may not be separated from the ownership of any Lot which is subject to assessment by the Association. Ownership of such Lot shall be the sole qualification for membership. Any transfer of title to a Lot shall operate automatically to transfer the membership in the Association appurtenant thereto to the new Owner thereof.

3.2 Voting.

(a) All membership and voting procedures are governed by the Articles and Bylaws of the Association.

(b) The Association shall have two classes of voting membership:

EXHIBIT C

39

CRAIG A. STONE & ASSOCIATES, LTD.

Consultants in Urban Planning and Development

50.2 PAGE 126

708 Cardley Avenue ● Medford, Oregon 97504-6124
Telephone: (541) 779-4108 ● Fax: (541) 779-0114 ● E-mail: jay@cstoneassociates.com

MEMORANDUM

To: **Scott Rogers**

Date: **March 11, 2005**

Subject: **Incompleteness Letter for Bella Vista Heights PUD**

This memorandum addresses bullet items three and four of your incompleteness letter dated March 4, 2005.

Please add this memorandum and associated attachments to supplement the record for the land use permit request for the Bella Vista Heights PUD and Subdivision:

Findings of Fact pursuant to MLDC Section 10.806: Figure 7-1 of the Medford Transportation System Plan does not designate any streets in the vicinity of the proposed development as planned transit routes. Applicant's agent Dennis Hoffbuhr has contacted RVTD about the project. The District's response indicates no need for transit facilities.

MLDC Section 10.806 Discussion and Conclusions of Law: The Planning Commission concludes the City of Medford does not have sufficient nexus to require transit facilities as a condition of development approval, based upon the lack of existing or planned transit services in this area. As such, the Planning Commission necessarily concludes that a requirement for transit facilities, as a condition of development, would not be appropriate.

Attached you will find a PUD narrative, per your request in bullet item 4, and correspondence documentation between RVTD and applicant's agent, Hoffbuhr and Associates, Inc.

Please contact applicant's agent, Hoffbuhr and Associates, if you have any questions regarding

CRAIG A. STONE & ASSOCIATES, LTD.

Jay Harland
Consulting Planner

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MAR 16 2005
PLANNING DEPT.

Suppl. Finding
CITY OF MEDFORD
EXHIBIT #"G"
File # PUD-05-25

70

City Of Medford
Planning Department
City Hall
Medford, Oregon

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MAY 12 2005
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The Rogue Valley Transportation District has reviewed the tentative plat for BELLAVISTA HEIGHTS - PUD and find that this project Has:

☒ No need for mass transit facilities

○ Has the following need for mass transit facilities

Rogue Valley Transportation District

CITY OF MEDFORD
EXHIBIT # "G" SUBAL
File # PUD-05-25

71

DATE: July 6, 2005
NO.: P.U.D. 05-25

PUBLIC WORKS DEPARTMENT STAFF REPORT
BELLA VISTA HEIGHTS SUBDIVISION

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

A. ZONE CHANGE

1. Sanitary Services:

A. Currently serviced by:

This site is within the City of Medford sanitary sewer service area. There is an existing 8" sanitary sewer main at the northwest corner of this site.

2. Streets:

A. Current condition of nearest streets:

McAndrews Road, designated a Major Arterial Street, is an improved street with curbs, gutters, park strips and sidewalks through this site.

Foothill Road, designated a Major Arterial Street, is paved but without curb and gutter along the frontage of this site.

B. Who has maintenance responsibilities: City of Medford

C: Transportation analyses for the surrounding street system are stated below:

Transportation analysis for potential impacts to the surrounding street system and anticipated road improvements for the proposed zone change 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 tentative plat and zone change from County OSR (Open Space Reserve), RR-5 (Rural Residential – 5 acre lot size) and City SFR-00 (Single-Family Residential – 1 unit per lot) to City SFR-4 (Single-Family Residential – 4 units per acre) for an 88-lot residential planned unit development that will generate 842 average daily trips (ADT) and to SFR-2 (Single-Family Residential – 2 units per acre) for a 23-lot residential planned unit development that will generate 220 average daily trips (ADT). The net increase in trips to the transportation system is 1062 ADT. Based on this and the MLDC, section 10.461, a traffic impact analysis (TIA) is required. A traffic impact analysis was prepared two years ago and is out of date. A revised traffic impact analysis was prepared by JRH Transportation

CITY OF MEDFORD
EXHIBIT # "H"
File # PUD-05-25

Engineering.

The study shows two (2) intersections fail with pipeline traffic. The two intersections in question are the ramp terminals of McAndrews Road with Foothill Road. It further states that if signalized, the intersections run at an appropriate level of service (LOS D or better), including the traffic from this development. The study does not give any indication of how much development could occur before these two intersections would be impacted with 25 or more peak hour trips. Therefore the development shall either mitigate the two intersections by designing and building the traffic signals required, wait until the City builds the signals (not in the current TSP), or submit a revision or addendum to the TIA that shows how much development can occur prior to 25 peak hour trips impacting this intersection and provide a stipulation to that affect in their findings.

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

3. Drainage:

This site lies within the Lone Pine 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, one of the following criteria must be met prior to issuance of a development permit or a building permit:

a) Downstream facilities shall be improved to carry the additional flows resulting from the development under the new zoning district; or

b) An engineer registered in the State of Oregon shall perform a study, including modeling and/or calculations, subject to the approval of the City of Medford Engineering Division to demonstrate that the downstream facilities are adequate to accommodate the additional flows from the development; or

c) An engineer registered in the State of Oregon shall prepare a report which includes testing, plans and calculations necessary to demonstrate post-construction runoff would be limited to the current or predeveloped runoff rate. The report will be submitted to the City of Medford Engineering Division for review and approval.

At the time of zone changes, the City of Medford addresses capacity issues with respect to the sanitary sewer and storm drainage systems.

B. STREETS

a. DEDICATIONS

Foothill 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 westerly side frontage of Phase III of this proposed development.

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 dedication on Foothill Road and McAndrews Road, per the value established by the Medford Municipal Code, Section 3.815.

Camina Drive, Palermo Street, Veneto Circle and Sorrento Lane from McAndrews Road to Palermo Street shall be 55-foot rights-of-way dedicated to the public.

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 portion of McAndrews Road, through this development has been improved with curb, gutter and sidewalks. The setback for the sidewalks is currently 5.5-feet and does not meet the City Standard of 10-feet. Engineering recommends that the street improvements and sidewalks be left in there current location.

Camina Drive, Palermo Street, Veneto Circle and Sorrento Lane from McAndrews Road to Palermo Street shall be improved to Minor Residential Street standards with a 28-foot wide paved section, (designed to the City of Medford Standards), complete with curbs, gutters, 5-foot wide sidewalks and 8-foot wide park strips.

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

Albero Lane, Carino Lane, La Strada Circle and Sorrento Lane north of Palermo Street are private streets that will be maintained by a Home Owners Association. La Strada Circle is shown to be improved with a 28-foot wide paved section complete with curbs, gutters and a 5-foot wide sidewalk on one side. Albero Lane and Sorrento Lane north of Palermo Street are shown to be improved with a 24-foot wide paved section complete with curbs, gutters and a 5-foot wide sidewalk on one side.

Carino Lane is shown to be improved with a 24-foot wide paved section complete with curbs and gutters and two 7-foot wide parking bays on one side of the lane.

In accordance with Section 10.239 of the Medford Municipal Code these private streets are allowed deviations from the City standards, provided the structural sections meet the City standards.

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. 8 – street name signs
   - B. 4 – stop signs
   - C. 2 – dead end signs
   - D. 3 – dead end barricades

2. Street Lighting - Developer Provided & Installed
   - A. 4 – 100W street lights

The pedestrian lights shall be constructed on Camina Drive, Palermo Street, Veneto Circle, Sorrento Lane from McAndrews Road to Palermo Street, Albero Lane, Carino Lane, La Strada Circle and Sorrento Lane north of Palermo Street. The pedestrian lights shall be installed per Municipal Code Section 10.495. Base mounted cabinets (BMC) shall be installed to serve the pedestrian lights.

The street lights on Albero Lane, Carino Lane, La Strada Circle and Sorrento Lane north of Palermo Street shall be on separate electric meters and billed to the Home Owners Association.

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

c. ACCESS AND CIRCULATION

The Developer shall place a note of the Final Plat stating there shall be no access direct vehicular access from Lots 10 thru 22 and Lots 23 thru 41 and Lots 58, 59, 98, 99 and the proposed commercial site at the northwest corner of McAndrews Road and Camina Drive, to McAndrews Road.

B. SANITARY SEWERS

All public sanitary sewers shall be constructed to the standards of the Department of Environmental Quality in addition to standards approved by the City of Medford.

The developer will be required to provide and verify sewer capacity for future upstream development through this development. The sanitary sewer through this development will be constructed so there is sufficient capacity for all the anticipated upstream development. If capacity issues exist for the offsite downstream pipe for future upstream development, it will be the responsibility of the future upstream developers.

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 private streets and laterals crossing lots other then the one being served by the lateral.

All public sanitary sewers shall be located in public streets or in private streets with easements that will be shown on the Final Plat.

C. 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 Lone Pine Creek Drainage Basin. A drainage plan in which post-construction runoff rate does not exceed the predevelopment runoff rate shall be prepared by an engineer, registered in the State of Oregon, and submitted to the Engineering Division for approval. In lieu of performing a hydrology study, a controlled storm water release of no more than 0.25 C.F.S. per acre of development is acceptable. 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. Upon completion of the project, the developers design engineer shall certify that the construction of the controlled storm water release drainage system was constructed per plan. The Property Owners Association will be responsible for the maintenance of the storm drainage system.

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

If storm drainage discharge from this proposed development is directed to the MID irrigation canal the developer shall maintain the exiting hydrology and not increase the rate and quantity of storm drainage flow to the canal.

As required by the Medford Municipal Code if the M.I.D. canal is to be used as a storm drain it shall be sized and improved to City Standards as part of this development.

If storm drainage is discharged into Lone Pine Creek to the north, the developer will obtain offsite easements for the storm drain mains from the adjoining property owner.

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

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other then the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or in private streets with easements that will be shown on the Final Plat.

e. Wetlands

The Developer shall contact the Division of State Lands for the approval or clearance of the subject property with regards to wetlands and/or waterways, if they are present on the site.

For all areas susceptible to being inundated by water from any source, a drainage and hydrology study must be prepared by a licensed civil engineer. The study must establish the 100-year flood plain boundaries and the 100-year base flood elevations. It will be assumed that the property is susceptible to inundation if there is any watercourse, either natural or man-made on or near the subject property.

f. 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.

D. SURVEY MONUMENTATION

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

E. GENERAL

a. 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.

b. 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 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.

c. Phasing

The Tentative Plat shows that this will be developed in three phases. The Engineering Department recommends that any public improvements, which correspond with a particular phase, be improved at the time each phase is being developed. The public improvements that are not included within the phase being developed but are needed to serve each respective phase (IE. sanitary sewers, storm drainage) shall be constructed with each phase as needed.

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 or parcels other than the one being served by the laterals, including sanitary sewer and storm drainage mains within the private streets.

f. Permits

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.

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 are subject to reimbursement 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.

49

MEDFORD WATER COMMISSION

BOARD OF WATER COMMISSIONERS

Staff Memo

RECEIVED
APR 20 2005
PLANNING DEPARTMENT

TO: Planning Department, City of Medford

FROM: Rodney Grehn, Water Commission Staff Engineer

SUBJECT: **File No. PUD-05-25:** Land Development Committee Meeting

Developer/Location: Consideration of preliminary PUD plan approval, including tentative plat and a zone change from County OSR (Open Space Reserve), RR-5 (Rural Residential – 5 acre lot size), and City SFR-00 (Single-Family Residential – 1 unit per lot) to SFR-4 (Single-Family Residential – 4 units per acre) and SFR-2 (Single-Family Residential – 2 units per acre) zoning districts, for Bella Vista Heights, a single-family residential (111 units) and office commercial (3.7 acres) mixed use planned unit development on 46.9 acres located the north and south sides of East McAndrews Road, east of the intersection with Foothill Road; Pacific International Enterprises, Applicant (Hoffbuhr & Associates, Agent). Scott Rogers, Planner.

DATE: April 8, 2005

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. A meeting with MWC engineering staff is required to discuss master planning of proposed on site improvements prior to the design process begins.

4. A utility pre-design meeting with MWC engineering staff **IS REQUIRED** for on-site infrastructure development.

5. Easements will be required over all proposed Medford Water Commission water facilities located in private streets and across any private properties.

COMMENTS

1. The MWC system **DOES** have adequate capacity to serve this property.
2. Off-site water line installation **IS** required.
3. On-site water facility construction **IS** required.
4. MWC-metered water service **DOES NOT** exist to this property.
5. Access to MWC water lines for connection **IS** available.
6. This development is included with two pressure zones, zone 1 & 2 (See Condition 3)

CITY OF MEDFORD
EXHIBIT # I
File # PUD-05-25

AS

MEDFORD BUREAU OF FIRE PREVENTION
A Division of the Medford Fire Department
200 S. Ivy Street Room #257
Medford, OR 97501
Phone (541) 774-2300 FAX (541) 774-2514

Land Development Report
Inter-Office Memo

TO: Scott Rogers, Medford Planning Department

FROM: Dan Patterson, Fire Marshal

DATE: 11 April 2005

RE: File #: PUD-05-25 Pacific International Ent./Consideration of preliminary PUD plan approval

☐ We have no comments at this time.

☐ Fire apparatus access roads and water supply for fire protection (hydrants) are required to be installed and made serviceable prior to and during the time of construction. IAW, UFC 901.3.

☒ The following items are required for this application:

Address Signs/Numbers

☐ Address Numbers. Building numbers shall be placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. OFC Sect. 505.1.

- Additional notes:

Fire Hydrants

☒ Fire Hydrants and reflectors will be required for this project. IAW UFC Sect.901.4.3 and Sect.903.4.2.

- Hydrant locations as follows: As indicated on map, 12 required where parking is restricted to one side.

☒ 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. IAW UFC sect.901.2.2.2.

- Additional notes:

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EXHIBIT # 5
File # PUD-05-25

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☐ Fire hydrant spacing in Commercial areas to be a maximum of 300 feet, due to operational needs of the fire department hydrants on arterial streets and some collector streets shall be located on the same side of the street as the project. IAW UFC Art. 903.4.2.

- Additional notes:

Minimum Access Streets-No Parking Signs

☐ Minimum Access Streets, Residential Lanes and Minor Residential Streets do not allow parking on either side. An approved "NO PARKING" sign shall be erected at a predetermined location. This "NO PARKING" restriction must appear on the final plat or be deeded with the property. See attachment. IAW, UFC 901.4.2.

- Additional notes:

☐ Parking bays are required on minimum access streets. IAW UFC Art. 901.2.2.1 and 902.2.2.1.

- Additional notes:

☒ The developer must provide a minimum access Address sign. See attached minimum access street address sign installation sheet for the proper installation information. A pre-approved address sign can also be utilized. IAW, UFC 901.4.5.

- Additional notes: At entrance to Carino Lane.

Fire Department Access

☐ Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. IAW UFC Art. 902.2.1.

- Additional notes:

☐ Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches, IAW UFC Art. 902.2.2.1. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 902.2.2.1, shall be maintained at all times. IAW UFC Art. 902.2.4.1.

- Additional notes:

File #: PUD-05-25 *Continued*

☐ Medford Fire Department response times may be increased where the Medford Planning Department and or Medford Planning Commission allows 55 ft. ROW with a 28 Ft. paved travel surface with parking on both sides, therefore Medford Fire Department will require fire hydrants at each intersection and spacing to meet operational needs. IAW UFC 1001.9.

- Additional notes:

☒ Reminder that this project is located in a "Wildfire Hazard Area" ingress for fire vehicles and egress for residents would be difficult due to road grade therefore we require a 20 foot clear and unobstructed roadway. This requirement will necessitate 28-foot streets (Minor Residential Streets) to have "NO PARKING" signs installed on one side of the street. IAW UFC Sect. 902.2.2.1.

- Additional notes: As per submittal

☐ Fire department access shall be maintained between and also between lots and . Access control devices must be approved by Medford Fire Department. IAW UFC Art. 902.2.1 and Art.902.2.4.1.

- Additional notes:

Fire Department Turn-Arounds

☒ Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. IAW UFC Sect. 902.2.2.4.

- Additional notes: as per submittal

☒ "NO PARKING" signs are required along fire department access roads and in fire department turn-arounds. This restriction shall appear on the final plat or be deeded with this property. IAW UFC Sect. 901.4.2.

- Additional notes: Carino Lane Turn-around

☐ A fire department turnaround shall be located at the terminus of . When is complete and makes a circulation connection the requirement of the turnaround will be removed. Fire department turn-around must be posted with "NO PARKING" signs. IAW, UFC Art. 901.4.3.

- Additional notes:

File #: PUD-05-25 *Continued*

Fire Sprinkler System Requirements

☐ A fire sprinkler system will be required for this project as noted.
IAW, UFC 902.2.1, 1003.

- Additional notes:

☒ There are several large lots that could require Residential Fire Sprinklers. UFC Section 902.2.1 states, "Required access". Fire apparatus access roads shall be provided, for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building. Exception: When buildings are completely protected with an approved automatic fire sprinkler system. This potential requirement shall appear on the final plat.

- The following lots are affected: 68,69,70,71,72,87,88,89,90-92,93,95 and 98. .
- This restriction may apply to other lots as identified.
- Additional notes:

☐ Horizontal Standpipe System is required for this project IAW the Medford Fire Department handout. Prior to construction the proposed Standpipe System shall be approved by the Fire Marshal.

- Additional notes:

☐ The Fire Department Connection shall be located within 75 feet of a fire hydrant. The fire hydrant and fire department connection shall be located on the same side of the fire department access route.

- **Water flow alarm bell to be attached to FDC.**
- Additional notes:

☐ Comments for this project dated , also apply.

☐ Other:

4/4

CITY OF MEDFORD

INTER-OFFICE MEMORANDOM

To: Scott Rogers, Associate Planner

From: Paula Hoffmann, Database/Address Technician

Date: April 15, 2005

Subject: Bella Vista Heights Subdivision PUD

Street naming convention dictates that "you cannot have a street loop around in a manner that would create two intersections of the same two streets. One leg of it would have to be designed to create a definite intersection and, therefore, have a different street name."

This PUD indicates that the two intersections with the same names are La Strada Circle and Camina Drive as well as Veneto Circle and Camina Dr.

In addition, a street when changing directions will not have the same name. Camina Drive changes its direction at LaStrada Circle. Either the north/south Camina Drive or the east/west Camina Drive will have to be renamed.

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EXHIBIT # K 1/2
File # PUD-05-25

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APR 20 2005
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50

CITY OF MEDFORD

INTER-OFFICE MEMORANDOM

To: Scott Rogers, Associate Planner

From: Paula Hoffmann, Database/Address Technician

Date: April 28, 2005

Subject: Bella Vista Heights Subdivision PUD

Attached is the approval for the East/West designations for Veneto Cir. and La Strada Cir.

Veneto Cir. will split between Lots 108 and 109 and Lots 88 and 89. "E" will include Lots 109, 110, 111, 100, 23, 99, 94, 93, 92, 91, 90, and 89. The "W" directional will include Lots 108, 107, 106, 105, 81, 82, 83, 84, 85, 86 and 88.

La Strada Cir. will split between Lots 69 and 70 and 49 and 50. The "E" directional will apply to Lots 49, 48, 47, 46, 45, 44, 43, 42, 80, 79, 78, 77, 76, 75, 74, 73, 71, and 70. The "W" directional will apply to 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 62, 63, 64, 65, 66, 67, 68 and 69.

Directional designations are to be indicated on the Final Plat.

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APR 28 2005
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CITY OF MEDFORD
EXHIBIT # K 2/2
File # PUD-05-25

RECEIVED
APR 18 2005
PLANNING DEPT

JACKSON COUNTY
Oregon

Roads, Parks and Planning Services
Thomas Bizeau
Assistant Planning Manager

10 S. Oakdale Avenue
Medford, OR 97501-2902
Phone: 541-774-6942
Fax: 541-774-6791
bizeaute@jacksoncounty.org

April 11, 2005

RE: FILE NO. – **PUD - 05 -25**

TO: SCOTT ROGERS
Lausman Annex
200 S. Ivy Street – Rm. 240
Medford, OR. 97501

Legal: T37 - R1W - Sec.21A - TL.'s 200,201, 1000 & 1001; Section 22, TL 404.

Scott,

I am in receipt of a notice for the above case file for a Planned Unit Development. I have one point that I would like to make and maybe you have already noted the problem on the proposal. The buffer strip that is proposed along the southern boundary of Tax Lots 200 and 404 shows an Agricultural Buffer which does not meet the standards of Section 10.801- 10.805 of the Medford Land Development Code (January 29th, 2002 version). Unless this section has changed, I believe that the applicant would be required to meet these requirements. Modification of this section does not appear to be possible and no intent to modify was described in the Land Use Notice.

Aerial photos clearly indicate that property to the south of these tax lots is in "intensive" agricultural use as described in this section of the code and is outside of the Urban Growth Boundary at this time. The Land Development Code requires that an Agricultural Impact Assessment Report be completed as well as Mitigation measures depicted for fencing, landscaping with evergreen trees, 8 feet on center [See specifications in subsection 10.804 (2)(b)]. The plan proposal as noticed, indicates that only native grasses will be planted in the buffer area, in violation of the required mitigation. There is also the requirement for deed declarations for all lots within 200 feet of this boundary which would need to be made a condition of any approval of the final development plan. I would also suggest that the deed declaration indicate the responsibility of homeowners who are adjacent to the boundary to maintain the vegetation with replacement in like fast growing species, irrigation and natural growth.

It may be that one of the motivating marketing factors for the lots may be the view into adjacent agricultural lands. However, the buffer is required to minimize impacts to both the agricultural land and to mitigate adverse impacts on urban development. Please consider these comments when writing recommendations and conditions for this proposal.

Give me a call with any questions and or comments that you might have concerning the County's interest in this matter.

Sincerely,

Thomas Bizeau

CITY OF MEDFORD
EXHIBIT # "L"
File # PUD-05-25

15

Pacific International Enterprises, Inc.
A universal force in family film production and distribution

April 22, 2005

VIA Fax 774-2564
(2 pages)

Mr. Scott Rogers
City of Medford Planning Department
Lausman Annex
200 South Ivy St. Room 200
Medford, OR 97501

File PUD-05-25 - Agricultural Buffer along southwest border

Dear Mr. Rogers

In reviewing the materials you gave me Wednesday morning at the Land Development Committee meeting, of the input you had received on our above project, I became aware of the letter of April 11, 2005 sent to you by Thomas Bizeau.

As you know, the matter that Mr. Bizeau addresses in his letter was not even discussed at the meeting. As you will note in reviewing our entire application we have spent many hours with Jack Day of the Hillcrest Orchard in discussing, preparing and executing a detailed written agricultural buffer agreement. That buffering agreement is fully satisfactory to the orchard owners and Pacific International and tailored to the specifics of our respective properties. The buffering plans and deviations are discussed on pages 17,21,22,29,30 and 39-42 of our Finding of Facts and Conclusions of Law.

An Agricultural Impact Assessment report and a copy of the executed Buffering Agreement were also submitted with our application detailing and supporting the specified buffers. I have also attached for review a copy of the letter Mr. Jack Day, Vice President of Hillcrest Corporation submitted on January 13, 2005 regarding this matter.

I will contact you the first of next week to review this further. Thank you for your assistance.

Arn Wihtol
Vice President
Pacific International
Ent. Inc.

cc: Thomas Bizeau via fax 774-6791
Arthur R. Dubs - President Pacific International
Dennis Hoffbuhr via fax 770-2573
Pat Havird via fax 779-5268

CITY OF MEDFORD
EXHIBIT # "M"
File # PUD-05-25

JAN 1 4 2005

HILLCREST CORPORATION
GENERAL PARTNER:
COGSWELL LIMITED PARTNERSHIP
MOUNTCREST LIMITED PARTNERSHIP

GENERAL OFFICES:
2303 SEATTLE TOWER
1218 THIRD AVENUE
SEATTLE, WA 98101
(206) 623-2874
FAX (206) 623-0538

HILLCREST ORCHARD:
8383 HILLCREST ROAD
MEDFORD, OR 97504
(541) 773-1487 OR
(541) 779-2043
FAX (541) 778-0043

January 13, 2005

MEMORANDUM TO: Jay Harland c/o Craig Stone & Associates
Fax: 541-779-0114
708 Cardley Ave
Medford, OR 97504

REF: Municipal Code Section 10.804 regarding Landscaping for Mitigation between development lands and intensive agricultural land

Any mitigation other than low growth planting in the are depicted along the boundary between the proposed Dubs' subdivision, called Bellavista Heights, would appear to be inappropriate.

It will be difficult to sustain life by any medium to large size conifer or evergreen due to the shallow soils and limestone base.

The topography in this general area and the prevailing northerly winds during spray periods do not present spray drift issues for operations in the orchard or vineyard immediately adjacent to the subdivision.

Thank you for your consideration regarding this matter.

Sincerely yours,

John P. Day By Susan Sperreen, Sec/Treas.

John P. Day
Vice President

CITY OF MEDFORD
EXHIBIT # M SUPPL
File # PUD-05-25

17

AGRICULTURAL BUFFERING AGREEMENT

Appendix A
Exhibit 9 suppl

"Effective Date": 10/5/, 2004
(date of last signature)

Parties:

COGSWELL LIMITED PARTNERSHIP, ("Cogswell")
a Washington Limited Partnership
c/o Hillcrest Corporation
attn: Walter T. Bagnall
2303 Seattle Tower
Seattle, WA 98101

RECEIVED
FEB 2 2005
PLANNING DEPT.

ARTHUR R. DUBS ("Dubs")
2249 Dellwood Ave.
Medford, OR. 97504

Recitals:

1. Cogswell is the owner of the real property described in EXHIBIT "A", attached hereto ("Cogswell property"). Dubs is currently the owner of the real property described in EXHIBIT "B", attached hereto ("Dubs property").

2. The parties desire to settle all issues between them relating to the development of the Dubs property (EXHIBIT B) and the creation of an agricultural buffer between their properties (EXHIBITS A and B).

Agreements:

1. No Opposition by Cogswell. Cogswell agrees that neither it nor any Affiliate will appear in opposition to, or appeal the decisions on a Plat Application, a PUD Application or Future Land Use Applications so long as: i) such applications do not seek approval for uses other than those allowed under the Single-Family Residential or Multiple-Family Residential zoning districts of the Medford Land Development Code in effect as of the Effective Date; and ii) such applications or decisions do not allow for modification of the Agricultural Buffer for the property that is the subject of such application or decision, as provided in Section 3 hereof. For purposes of this Agreement, "Affiliate" shall mean with respect to any person or entity: i) any person or entity controlling Cogswell; ii) any person or entity controlled by Cogswell; or iii) any person or entity under common control with Cogswell. The terms "controlling", "controlled by" or "under common control with" shall mean, with respect to an entity, the possession of the power to direct the management and policies of an entity.

CITY OF MEDFORD
EXHIBIT # "N"
File # PUD-05-25

2. Water Control, Fencing, Vegetation, Irrigation and Easement. Dubs agrees to provide the following water control, fencing, vegetation, irrigation and easement:

a) Dubs shall vegetate the agricultural buffer (described in section 3) as required by the Medford Land Development Code and in a manner that will reasonably prevent erosion onto the Cogswell Property. In the event erosion occurs as a result of Dubs negligence, Dubs shall indemnify Cogswell from any costs or damages resulting from erosion.

b) Dubs shall construct a drain system commonly known as a "french drain" along the entire boundary between the Cogswell property and the Dubs property to prevent the drainage of ground water and surface water from the Dubs property onto the Cogswell property. An engineer shall design the drain system. Dubs shall bear the engineering cost. Cogswell shall have the right to review and approve the engineered plans with Cogswell's own engineer prior to construction. Cogswell's approval shall not be unreasonably or arbitrarily withheld and Cogswell shall bear the expense of it's own engineer.

c) On or before the expiration of 60 days following the execution of this Agreement, Dubs shall install a standard 7-foot chain link fence on the northern boundary of the Cogswell property. The fence shall be constructed within and immediately adjacent and contiguous to the north boundary of the Cogswell property. The existing fence, brush and other obstacles to the installation of such fence shall be removed by Dubs. The fence will be installed from the northwest corner of the Cogswell property to the westerly terminus of an existing chain link fence along the northerly boundary of the Cogswell property. The fence shall include two gates. One gate shall be installed approximately mid-way in the easterly half of said fence and one gate should be installed approximately mid-way in the westerly half of said fence. The boundary line between the Cogswell property and the Dubs property shall be surveyed and staked prior to the construction of the fence. Dubs shall bear the cost of the survey and staking. Cogswell shall have the right to review and approve the survey and staking prior to the construction of the fence. Cogswell's approval shall not be unreasonably or arbitrarily withheld.

d) Dubs shall vegetate the agricultural buffer (described in Section 3) prior to receiving final plat approval from the City of Medford. When the agricultural buffer is planted with vegetation, Dubs shall construct an irrigation system adequate to support the vegetation. The irrigation system may be constructed in a manner allowing the

use of a single water meter. Dubs shall be responsible for providing water to vegetation within the agricultural buffer during development of the subdivision and shall also be responsible for replacing or repairing any damage to the vegetation, irrigation system or the boundary fence occurring during development and construction of the subdivision. After a homeowner's association has been formed for the purpose of managing common areas within the subdivision (the Dubs property), the homeowner's association shall also be responsible for providing adequate water to vegetation within the agricultural buffer and shall be further responsible for replacing or repairing any damage to the vegetation, the irrigation system or the boundary fence. Upon receiving final plat approval, Dubs agrees to record restrictive covenants creating the homeowner's association and requiring said association to maintain and replace any damaged or dead vegetation within the agricultural buffer requiring the association to provide adequate water to such vegetation and requiring the association to replace or repair any damage to the irrigation system or the boundary fence between the Dubs and Cogswell properties. Dubs shall provide a copy of the restrictive covenant to Cogswell within a reasonable time after receiving final plat approval. The irrigation system shall be constructed in a manner that will permit Cogswell to access and utilize city water for the purpose of providing water to the vegetation within the agricultural buffer. Cogswell's access to city water for such purposes shall be located within the easement described in Section 2(e) of this agreement. Cogswell shall not be required to water or maintain any vegetation within the agricultural buffer (which shall remain the responsibility of Dubs and the homeowner's association), but may do so at its discretion. Dubs and/or the homeowner's association shall pay the cost of any city water furnished to irrigate vegetation within the agricultural buffer.

e) Upon approval of any tentative plat for the development of the Dubs property, Dubs shall forthwith execute and record a non-exclusive, perpetual easement granting Cogswell the right to enter upon the agricultural buffer described herein for the purpose of maintaining, replacing, adding or improving the vegetation, or using, maintaining or replacing the irrigation system.

3. Agricultural Buffer. The Cogswell property is used for agricultural purposes. Dubs intends to develop his property for residential purposes. In order to provide a buffer between the agricultural use and residential use on the properties, Dubs shall provide one or more of the following buffers (depending on the type of use) within the Dubs property:

a) Single-family residential. If the use is single-family residential, as

defined in the Medford Code as of the Effective Date, the following buffering requirements shall apply:

i) A 50-foot agricultural buffer shall be designated on the tentative and final subdivision plats and shall be described in restrictive covenants. The agricultural buffer is to be located along the most southerly portion of the Dubs property and adjacent to the boundary with the Cogswell property. Notwithstanding anything herein to the contrary, the agricultural buffer shall be 75 feet along a portion of the most southerly boundary with the Cogswell property. The westerly end of the portion of the boundary affected by the 75 foot buffer is to be located in the center of a gully located in the easterly portion of the common boundary between the Dubs property and the Cogswell property. The easterly end of the boundary affected by the 75 foot buffer is the easterly end of common boundary between the Dubs property and the Cogswell property. Upon receiving final plat approval, Dubs agrees to place restrictive covenants on the Dubs property imposing the agricultural buffer requirements provided for herein and, specifically, providing that within areas designated for single-family residential use, no structures or improvements of any type or nature will be erected, placed, altered or permitted to remain on, under or within the agricultural buffer, except as provided herein.

ii) Ground cover shall be planted in a 25-foot wide area within the southerly most portion of the agricultural buffer. The ground cover species shall include Arctostaphylos v. 'Emerald Carpet' (Kinnikinnick), Cotoneaster salicifolla 'Repens' (Willowleaf Cotoneaster) and Baccharis pilularis (Coyote Brush). Alternate species may include Arctostaphylos v. 'Massachusetts' (Kinnikinnick), Cotoneaster dammerii 'Lowfast' (Bearberry Cotoneaster) and Hypericum Calycinum (St. Johns Wart). These species are the same species used between the southerly boundary of McAndrews Road and the northerly boundary of the Cogswell property in a location that is easterly of the agricultural buffer described in this agreement. Dubs will provide any additional landscape vegetation required by the City of Medford pursuant to its land development code.

iii) No habitable structures may be constructed within the 50 or 75 foot agricultural buffer. Garages and other non-habitable structures may be constructed in the northerly 25 feet of the agricultural buffer, provided the doors and other openings to

any such buildings face north. No uncovered or unenclosed garages, habitable structures or open-air parking areas maybe constructed or maintained within the 50 or 75 foot agricultural buffer.

b) Multiple-family residential. If the use is multiple-family residential as defined in the Medford Code as of the Effective Date, the following buffering requirements shall apply:

i) A 50-foot agricultural buffer shall be designated on the tentative and final subdivision plats and shall be described in restrictive covenants. The agricultural buffer is to be located along the most southerly portion of the Dubs property and adjacent to the boundary with the Cogswell property. Notwithstanding anything herein to the contrary, the agricultural buffer shall be 75 feet along a portion of the most southerly boundary with the Cogswell property. The westerly end of the portion of the boundary affected by the 75 foot buffer is to be located in the center of a gully located in the easterly portion of the common boundary between the Dubs property and the Cogswell property. The easterly end of the boundary affected by the 75 foot buffer is the easterly end of common boundary between the Dubs property and the Cogswell property. Upon receiving final plat approval, Dubs agrees to place restrictive covenants on the Dubs property imposing the agricultural buffer requirements provided for herein and, specifically, providing that within areas designated for single-family residential use, no structures or improvements of any type or nature will be erected, placed, altered or permitted to remain on, under or within the agricultural buffer, except as provided herein.

ii) Ground cover shall be planted in a 25-foot wide area within the southerly most portion of the agricultural buffer. The ground cover species shall include Arctostaphylos v. 'Emerald Carpet' (Kinnikinnick), Cotoneaster salicifolia 'Repens' (Willowleaf Cotoneaster) and Baccharis pilularis (Coyote Brush). Alternate species may include Arctostaphylos v. 'Massachusetts' (Kinnikinnick), Cotoneaster dammerii 'Lowfast' (Bearberry Cotoneaster) and Hypericum Calycinum (St. Johns Wart). These species are the same species used between the southerly boundary of McAndrews Road and the northerly boundary of the Cogswell property in a location that is easterly of the agricultural buffer described in this agreement. Dubs will provide any additional landscape vegetation required by the

City of Medford pursuant to its land development code.

iii) No habitable structures may be constructed within the 50 or 75 foot agricultural buffer. Garages and other non-habitable structures may be constructed in the northerly 25 feet of the agricultural buffer, provided the doors and other openings to any such buildings face north. No uncovered or unenclosed garages, habitable structures or open-air parking areas maybe constructed or maintained within the 50 or 75 foot agricultural buffer.

c) Plat/deed declaration. Upon receiving final plat approval, Dubs agrees that restrictive covenants shall forthwith be placed on the Dubs property and on the final subdivision plat and such restrictive covenants shall: i) identify and describe the applicable agricultural buffer described above (the restrictive covenants, not the plats, shall describe each of the buffering requirements applicable to the intended use); ii) include the following declaration, "This property abuts or lies within close proximity to agricultural land. Property owners may be subjected to noise, dust, odor, spray residue or other types of pollution incidental to common, customary and accepted farm practices"; iii) contain a restriction that removal or damage to boundary line fences on the Cogswell property is prohibited; iv) contain a restriction to the effect that the construction of cross fences in the most southerly 25 feet of the agricultural buffer is prohibited unless gates are included in the fences in order to allow Cogswell to exercise the easements rights granted pursuant to this agreement and v) contain a requirement that the owners of property adjacent to the Cogswell property notify the superintendent of Hillcrest Orchard prior to spraying any chemicals within 100 feet of the Cogswell property.

d) Additional restrictions and covenants. Upon receiving final plat approval Dubs shall forthwith place and record restrictive covenants against the entire Dubs property which provide for the acknowledgments and restrictions set forth in EXHIBIT "C" which is attached hereto.

e) Utility system appurtenances. Cogswell acknowledges that the following above ground appurtenances to utility systems do not constitute structures and may be permitted within agricultural buffers: transformers, vaults, manholes and other vertical appurtenances associated with underground utilities. Cogswell acknowledges that the following are examples of non-habitable structures: covered, enclosed garages; workshops, storage sheds

provisions of this Agreement.

f) Severability. If a court of competent jurisdiction or an arbitrator finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such findings shall not render that provision invalid or unenforceable as to any other persons or circumstances, and all other provisions of this Agreement in all other respects shall remain valid and enforceable.

g) Interpretation and Construction. The provisions of this Agreement have been examined, negotiated, and revised by counsel for each Party, and no implication shall be drawn against any Party hereto by virtue of the drafting of this Agreement.

h) Attorneys. Cogswell is represented by Kellington, Krack, Richmond, Blackhurst, Sutton & Glatte,LLP, Medford, Oregon. Dubs is represented by Frohnmayer, Deatherage, Pratt, Jamieson, Clarke &.Moore PC, Medford, Oregon. Each of the parties is relying entirely upon the advice and counsel of their separate attorneys and acknowledge that they are voluntarily entering into this Agreement with the advice and consent of their own attorneys. Each party further acknowledges that they are not relying upon the attorney or attorneys of the other party for the preparation of this Agreement or for any matter whatsoever.

5. Binding Effect. This Agreement is binding on and will inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.

6. Execution. This Agreement will be executed in duplicate originals. Each original may consist of multiple counterpart signature pages. Facsimile copies of signatures will be deemed as effective as original signatures, but will be replaced with original signatures as soon as possible.

7. Notice. Any notice or communication given pursuant to this Agreement shall be in writing and shall be given by personal delivery, by United States mail or United States Express Mail, or other established express delivery service, postage or delivery charges prepaid, return receipt requested, to the addresses listed below. All notices shall be deemed given upon "receipt", meaning the earliest of any of the following: (A) the date of delivery of the notice as shown on the return receipt; (b) the date of actual receipt; or (c) the date of attempted delivery, as evidenced by postmark on the return receipt or the date of receipt of notice of non-delivery.

If to Cogswell:

Carl R. Krack
Kellington, Krack, Richmond, Blackhurst and Sutton, LLP
P.O. Box 1583
Medford, OR 97501

If to Dubs:

Arthur R. Dubs
2249 Dellwood Ave.
Medford, OR. 97504

8. Attorney Fees. In the event of any suit, action or arbitration arising out of this Agreement, or in the further event suit or action is instituted to enforce any of the restrictions, covenants or agreements contained herein, the prevailing party shall be entitled to his or its reasonable attorneys fees in such suit, action or arbitration and shall be entitled to recover from the losing party such sums as the court may adjudge reasonable as attorney fees in such case, suit or action or in any appeal therefrom.

IN WITNESS WHEREOF, the Parties have hereto affixed their signatures.

Dated: June 29, 2004 COGSWELL LIMITED PARTNERSHIP

By Walter T. Bagnall
Walter T. Bagnall, President
and CEO of Hillcrest Corporation, its General Partner

Dated: 10/5, 2004 Arthur R. Dubs

By Arthur R. Dubs
Arthur R. Dubs

RECEIVED
APR 18 2005
PLANNING DEPT

AB

MEDFORD IRRIGATION DISTRICT
1340 Myers Lane
Medford, Oregon 97501
Phone (541) 779-1462

City of Medford
Planning Department
200 South Ivy Street
Medford, Oregon 97501

April 8, 2005

File No. PUD-05-25

To Whom It May Concern:

The Medford Irrigation District's East Main Canal is on the ~~East~~ west side of this development along tax lot 1000. All easements and District's ownerships need to be recognized. The District's standard easement on the Main canal is 50 feet wide, 25 feet on each side of the center. The maintenance road and easement, needs to remain as it is, and there should be no walkway or landscaping in this area.

A six-foot fence needs to be installed for public safety. This is an open canal and it is a requirement of the District.

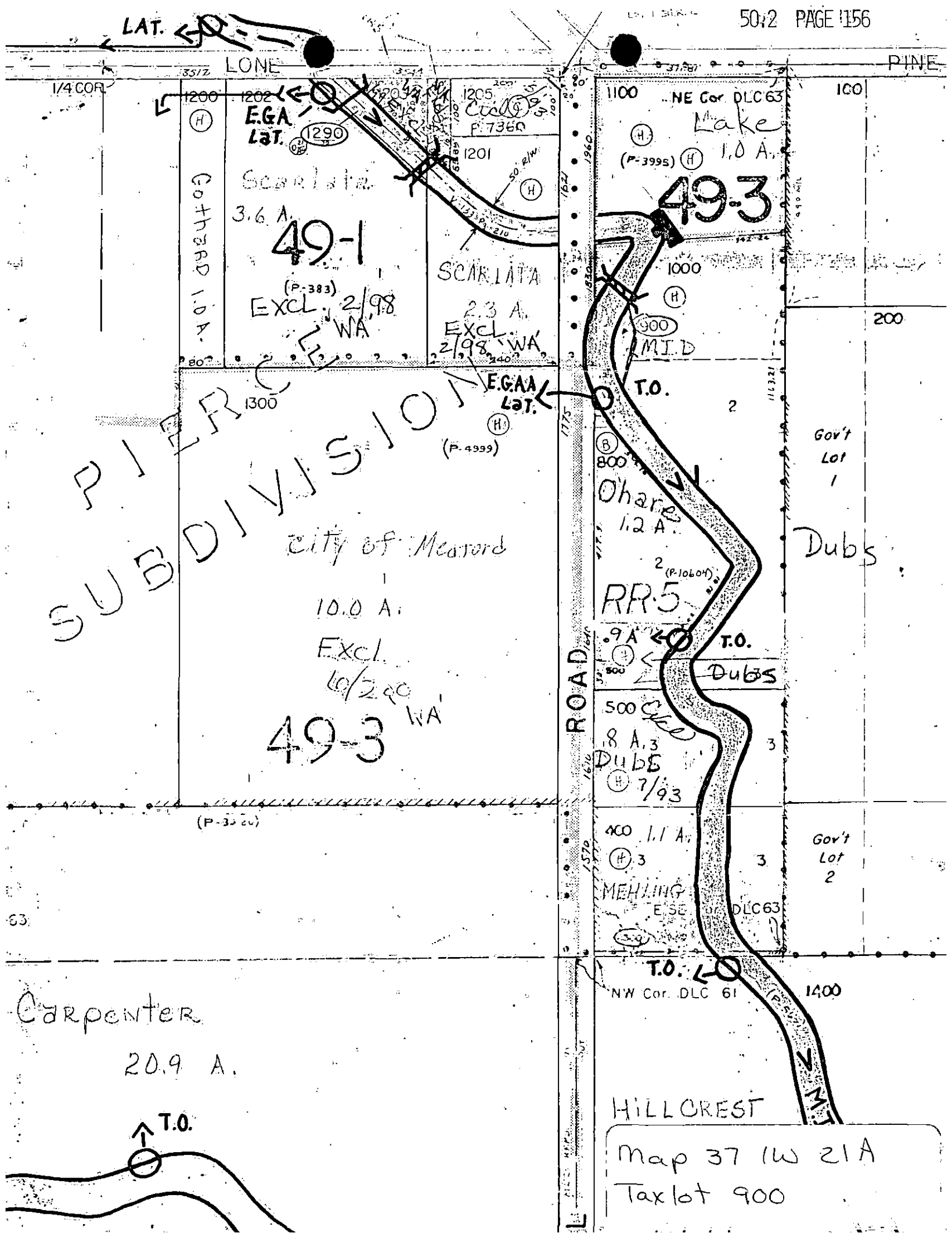
The Medford Irrigation District is not a storm drainage District, storm drainage is not to be released into the District's canal. Storm drainage issues need to be addressed by the City of Medford.

In review we have discovered a purge of tax lot 900 (37-1W-21A) done in 1999. The District was not notified the ownership was transferred from and given to the owner of tax lot 1000. How can this happen without notifying us? We expect a response on this matter.

Sincerely,

CITY OF MEDFORD
EXHIBIT # "O"
File # PUD-05-25

Carol Bradford
District Manager


LAT.
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1205
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50' R/W
Scarlata
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49-1
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EXCL. 2/98 WA
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2.3 A.
EXCL. 2/98 WA
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E.G.A.A. LAT.
(P-4999)
PIERCE
SUBDIVISION
City of Mearord
10.0 A.
EXCL.
49-3
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NE Cor. DLC 63
Lake
1.0 A.
(P-3995)
49-3
1000
900
MID
T.O.
2
Gov't Lot 1
800
O'hare
1.2 A.
2
(P-10604)
RR 5
Dubs
.9 A.
500
T.O.
Dubs
500
.8 A.
Dubs
7/93
3
400
1.1 A.
3
3
MEHLING
Gov't Lot 2
E.SE.
DLC 63
T.O.
N.W. Cor. DLC 61
1400
ROAD
Carpenter
20.9 A.
T.O.
HILLCREST
Map 37 1W 21A
Tax lot 900

51

PACIFIC INTERNATIONAL ENTERPRISES INC.

Pacific International Enterprises, Inc.
A universal force in family film production and distribution

April 22, 2005

Via Fax 774-2564
5 Pages

Mr. Scott Rogers
City of Medford Planning Department
Lausman Annex
200 South Ivy St. Room 200
Medford, OR 97501

RECEIVED
APR 27 2005
PLANNING DEPT.

File PUD-05-25

Dear Mr. Rogers

In reviewing the copies you gave me at the Land Development Committee meeting Wednesday morning of the correspondence you had received on our companies above project I became aware of the April 8, 2005 letter sent to you by Carol Bradford of the Medford Irrigation District.

The matter Ms. Bradford is addressing in her letter regarding tax lot 900 first surfaced in 1999 when our President Mr. Arthur Dubs purchased this property from Mrs. Edna Zundel. The Title Insurance report discovered that tax lot 900 had been erroneously deeded to the MID by the county even though it was only a right of way and easement on Mrs. Zundels Tax lot 1000. Copies of the Title report and subsequent corrections are attached. As you will note the Jackson County Cartographer had copied the MID when this correction was made in 1999.

The attached should answer the question regarding the purging of tax Lot 900. I will be contacting you and Ms Bradford to confirm this information is satisfactory. We also acknowledge the additional points raised in Ms. Bradford's letter regarding easement locations, that we will be required to build a fence and the Storm Drainage issues. Thank you for your assistance.

CITY OF MEDFORD
EXHIBIT # "P"
File # PUD-05-25

~~Ann Wihtol~~ (signature)
Vice President
Pacific International
Ent. Inc.

cc: Carol Bradford MID District Manager (including attachments) via fax 779-3594

16

DEPARTMENT OF ASSESSMENT
DANIEL G. ROSS
Jackson County Assessor
10 South Oakdale Room 300
MEDFORD OR 97501

JACKSON COUNTY
Oregon

Information	541-774-6059
Drafting	541-774-6095
Personal Property	541-774-6094
FAX	541-774-6701

September 21, 1999

Arn Wihtol
1133 S. Riverside #1, Box 1727
Medford, OR 97501
Fax: (541) 779-8880

Re: Assessors Map/Tax Lot 371W21A-900, Account No. 1-49672-2

Dear Mr. Wihtol:

The above referenced tax lot was created by document recorded Vol 388 Pg. 336. This document is conveying a perpetual right-of-way and easement only, to the Medford Irrigation District, not fee title. Since there is no title being transferred on this document, only the rights to use the described area, tax lot 900 should not have been created.

Tax lot 371W21A-1000 includes this area in it's legal description by recorded document Vol. 400 Pg. 323. We will be correcting the map by consolidating tax lot 900 back into 1000 after certification of the tax roll (October 25, 1999) for collection. When the taxes are paid on tax lot 1000, we will be able to add this area back into the lot. State law requires that the taxes be paid on the property before we can add tax lot 900 back into it.

Thank you for bringing this problem to our attention. We will be correcting the map as soon as we can.

Respectfully yours,
Ann E. Cacka
Cartography Manager

cc: Medford Irrigation District
Edna F. Zundel

ROGERS 4/22/05 2 of 5

JACKSON COUNTY TITLE
DIVISION OF OREGON TITLE INSURANCE COMPANY
502 WEST MAIN - P.O. BOX 218
MEDFORD, OREGON 97501
TEL: (541)779-2811/FAX: (541)772-6079

OCT 07 1999

OCT 07 1999

October 5, 1999

ARTHUR R. DUBS

P.O. BOX 1727
MEDFORD OR 97501

Re: Escrow No. 89325
1830 N. FOOTHILL — TAX LOT 1000 37 1W 21A
MEDFORD OR 97504

In connection with the above escrow, we are pleased to enclose Policy of Title Insurance for your records.

Again, we wish to thank you for the opportunity to assist you in the purchase of your property. Please consider us for any future property transactions you may have.

Sincerely,

Tamara Cory

TAMARA CORY
Escrow Officer

Enclosure

ROGERS 4/22/05 3 of 5

SCHEDULE B

This policy does not insure against loss or damage, nor against costs, attorneys' fees or expenses, any or all of which arise by reason of the matters shown or referred to in this Schedule except to the extent that the owner of any mortgage or deed of trust is expressly insured on page 1 of this policy.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public record; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public record.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

6. Taxes for the fiscal year 1999-2000 are a lien in an amount yet to be determined, but not yet payable.

7. Taxes, including the current fiscal year, are classed as non-assessable. If the exempt status is terminated under the statute prior to the date on which the assessment roll becomes the tax roll in the year in which said taxes are assessed, an additional tax may be levied.

(Code 49-3, Account #1-49672-2, Map #371W21A, Tax Lot #900)

* NOTE: It appears that Jackson County has erroneously assessed Tax Lot 900 to the Medford Irrigation District based upon instrument recorded in Volume 388, page 336 of the Deed Records of Jackson County, Oregon. Said instrument is a grant of easement, not a conveyance of fee title. The parties should contact the drafting department of the Jackson County Assessors Office if they desire to pursue this matter. *

Vol. 388 Page 336

KNOW ALL MEN BY THESE PRESENTS that we, DAN E. PRATT and HAZEL O. PRATT, husband and wife, in consideration of the sum of $10.00 to us paid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto MEDFORD IRRIGATION DISTRICT, a public corporation of Oregon, a perpetual right-of-way and easement for an irrigation canal and ditch on and over the following described tract of land, towit:

Commencing at the northeast corner of D.L.C. No. 63, Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon; thence North 89°43'40" West along the north boundary of Section 21, 371.70 feet to the center line of Foothill Road; thence South 0°10' West along the center line of said road 445.53 feet; thence East 80.55 feet to a point on the westerly right-of-way line of the Medford Irrigation District canal for the point of beginning; thence South 12°29'30" East 57.66 feet; thence South 12°29'30" East 57.66 feet; thence South 0°18'30" West 49.47 feet; thence South 14°41' West 42.90 feet to said canal right-of-way line; thence along said canal right-of-way line, as follows:

North 18°12' West 45.15 feet; North 8°13'30" West 48.17 feet; and North 19°07'30" East 60.0 feet to the point of beginning, containing 0.065 acres, more or less.

The grantors hereby grant unto the grantee the right to construct along said right-of-way and perpetually maintain and repair its irrigation ditch or canal.

TO HAVE AND TO HOLD said easement and right-of-way to said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 28th day of November, 1953.

Dan Pratt (SEAL)

Hazel O Pratt (SEAL)

STATE OF OREGON)
County of Jackson) ss

On this November 28, 1953, personally appeared the above named DAN E. PRATT and HAZEL O. PRATT, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Notary Public for Oregon
My commission expires: Apr 10, 1957

ROGERS 4/22/05 5 of 5

MARQUESS & ASSOCIATES INC
YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1957
P 541-772-7115 F 541-779-4079 1120 EAST JACKSON PO BOX 490 MEDFORD, OR 97501
EMAIL: info@marquess.com WEB: www.marquess.com

September 15, 2003

Arthur Dubs
Pacific International Enterprises, Inc.
1133 South Riverside, Suite #1
P.O. Box 1727
Medford, Oregon 97501

RE: SUPPLEMENTAL GEOTECHNICAL EVALUATION REPORT
ARTHUR DUBS PROPERTY
MEDFORD, OREGON
MAI JOB NO. 1-7249.1

Dear Mr. Dubs:

We are pleased to provide this supplemental geotechnical evaluation report for your property at the southeast corner of McAndrews and Foothill Roads in Medford, Oregon. The purpose of this supplemental evaluation was to observe the subsurface conditions exposed in several test pits and develop general conclusions regarding the excavation characteristics of the bedrock materials at the site for foundation engineering aspects of the project. Detailed engineering recommendations for the site development were outside the scope of this work.

We previously prepared a preliminary geotechnical investigation report dated November 22, 1999, for the proposed development of the parcel. Present development plans are still conceptual; however, the project will likely include multi-family residential buildings and single family residences.

Method of Investigation

Nine additional exploratory test pits were observed on September 10, 2003, at the locations shown on Drawing 1, Site Plan. The test pits were dug by Johnny Cat on two different occasions at least one month previously. Two different trackhoes were used; a 4300 weighing 60,000 pounds and a 200 weighing 48,000 pounds. It is not known which trackhoe was used at each pit. A 36 inch bucket with conventional (non-rock) teeth was used in all test pits.

The pits were located by interpolation of the features shown on the site plan. These locations should be considered accurate only to the degree implied by the method used.

A. Surface

The surficial features are unchanged from our previous work at the site except now McAndrews Road is in and all of the deer brush previously at the top of the hill is now gone.

B. Subsurface

Test Pits A-D encountered conglomerate and sandstone bedrock at depths of 1.0 to 2.0 feet. The soils overlying the conglomerate included sandy gravels while the soils overlying the sandstone consisted of sands and gravels. Generally, the soils overlying the conglomerate and sandstone were very granular and low in clay content.

Test Pits E-H encountered clay soils overlying mudstone bedrock. The clay soils were highly expansive and varied between 2.5 and 6.5 feet thick.

Test Pit I encountered soil materials to the depth explored (eight feet). The soil included clayey sand, sandy clay, and silty sand. Based on the surrounding topography, Test Pit I appeared to have been located within an old landslide deposit. The landslide deposit appeared to be relatively old and stable based on the soil stratification observed in the test pit. The approximate limits of the landslide deposit are shown on Drawing 1.

The attached pit logs and related information depict subsurface conditions only at the specific locations shown on Drawing 1 and on the date observed. Soil and bedrock conditions at other locations may differ from conditions occurring at these locations. Also, the passage of time may result in a change of conditions at these pit locations due to environmental changes.

C. Groundwater

No free groundwater was observed in the test pits. Fluctuations in the groundwater level may occur, however, because of variations in rainfall, temperature, runoff, irrigation, and other factors not evident at the time our observations were made and reported herein.

D. Geology

The geologic map of the site vicinity ("Preliminary Geologic Map of the Medford East and Medford West Quadrangles, Jackson County, Oregon"; by Wiley and Smith, 1993, DOGAMI OFR 0-93-13) indicates the site is underlain by the Upper Eocene portion of the Payne Cliffs Formation. The unit consists of sandstone, conglomerate, and mudstone.

Preliminary Conclusions

A. Bedrock Distribution

The conglomerate and sandstone materials form a "caprock" that covers the upper elevations of the hill as shown on Drawing 1. The lower areas, especially the steep west-facing hillside, are underlain by mudstone. The conglomerate and sandstone are relatively stronger and more resistant to natural erosive processes than the mudstone and resultantly have formed topographic ridges.

B. Excavation

The mudstone and conglomerate bedrock is diggable with conventional equipment such as the 48,000 pound or 60,000 pound trackhoes.

The upper portion of the sandstone bedrock is diggable with the above trackhoes. The sandstone becomes progressively harder such that practical excavation refusal with conventional equipment will probably be encountered after penetrating the rock about five feet. (Rock excavation equipment, such as hoe-rams, will likely be needed to loosen the sandstone below this level.)

We have provided our preliminary conclusions in accordance with generally accepted geotechnical engineering principles and practices. No other warranty, either expressed or implied, is made.

If you have any questions regarding this report, please call.

REGISTERED PROFESSIONAL ENGINEER 16885 OREGON SEPT. 21, 1993 ERIC A. SWANSON

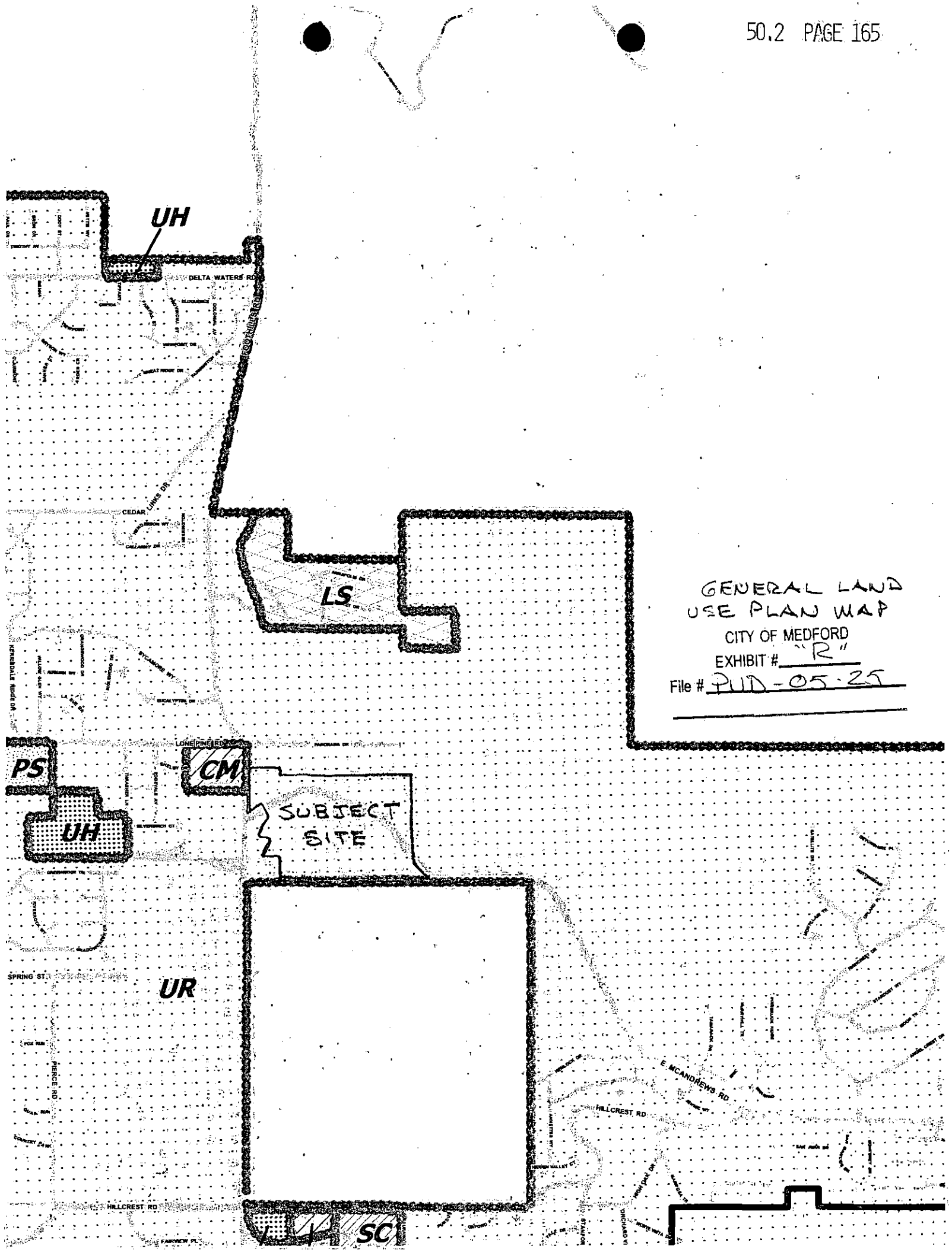
EXPIRES: 6-30-2004

Very truly yours,

MARQUESS & ASSOCIATES, INC.

Rick Swanson, P.E.
Civil Engineer 16885

RS/pma
Copies: Addressee (2)
Attachments: Site Plan, Drawing 1
Key to Boring and Pit Logs, Drawing 2
Key to Rock Descriptors, Drawing 3
Summary of Test Pits A-I, Drawings 4-6

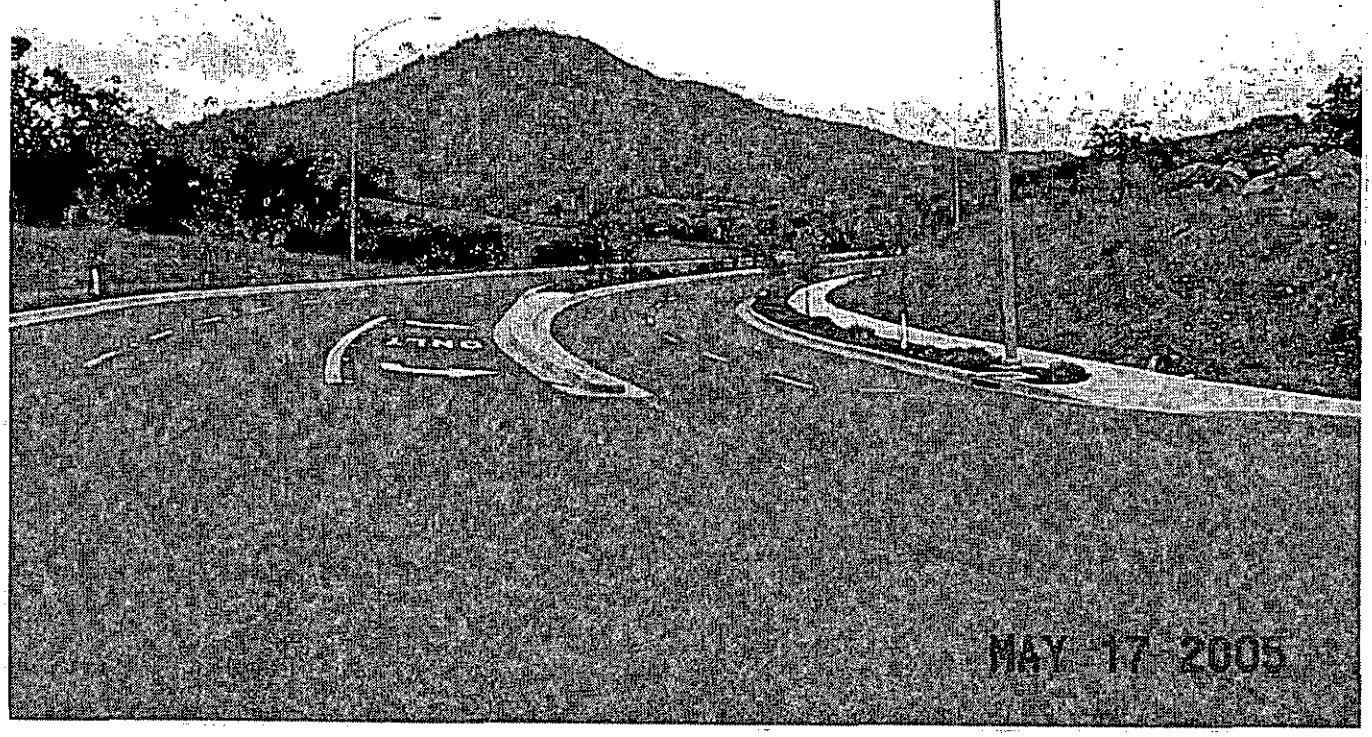


GENERAL LAND USE PLAN MAP
CITY OF MEDFORD
EXHIBIT # "R"
File # PUD-05-25

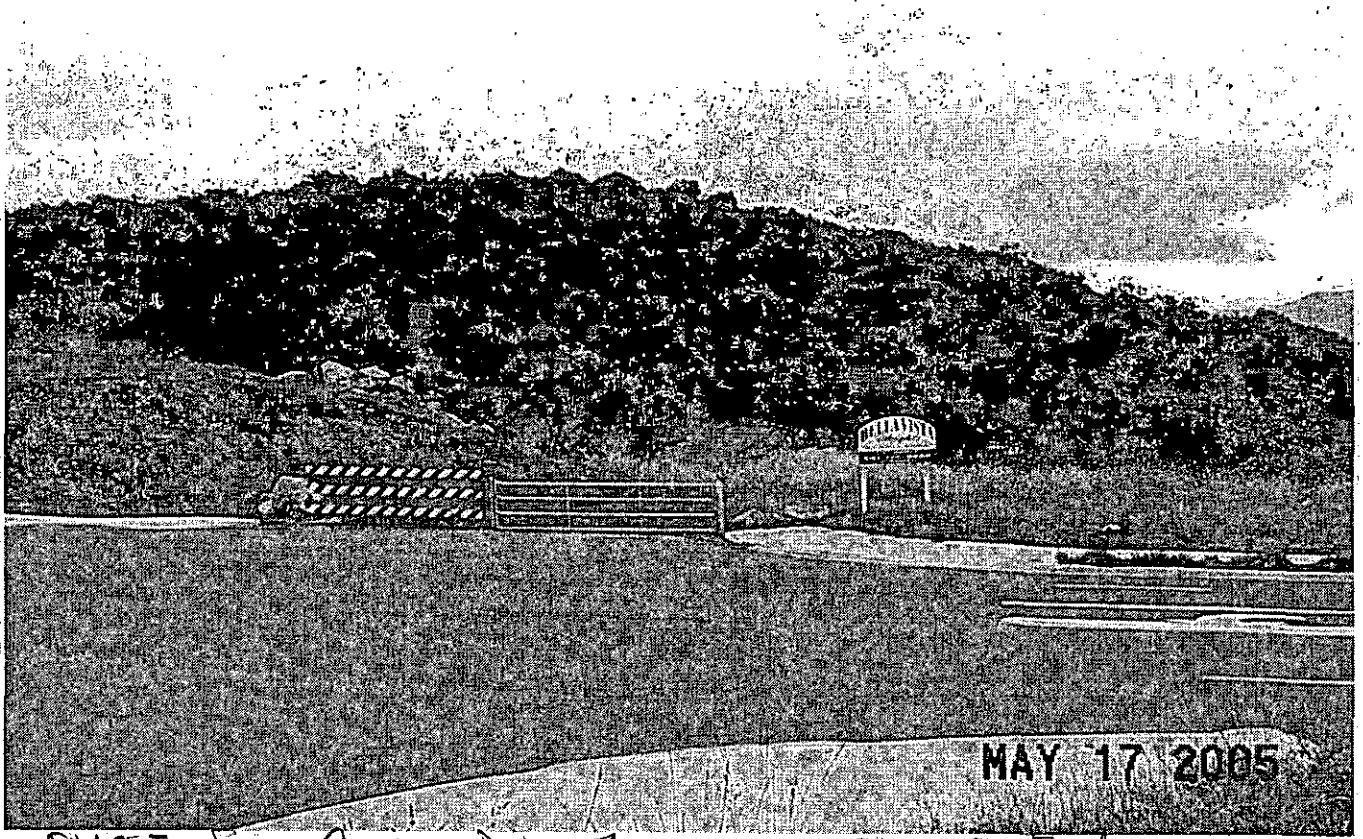
Site @ Camino Dr. entrance ↗

McAndrews frontage from Camino Dr ↘

CITY OF MEDFORD
EXHIBIT # 5 1/3
File # PUD-05-25

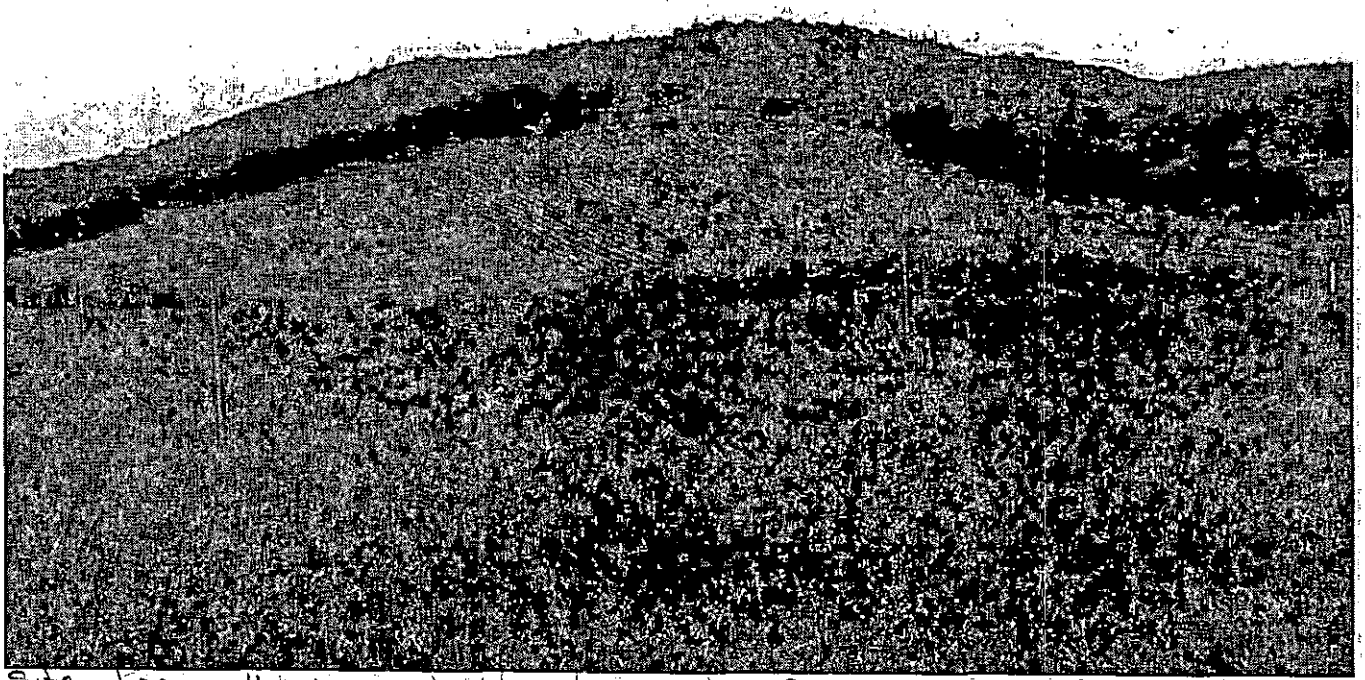


MAY 17 2005



PHASE I from Camino Drive ↗ Phase II Frontage ↘

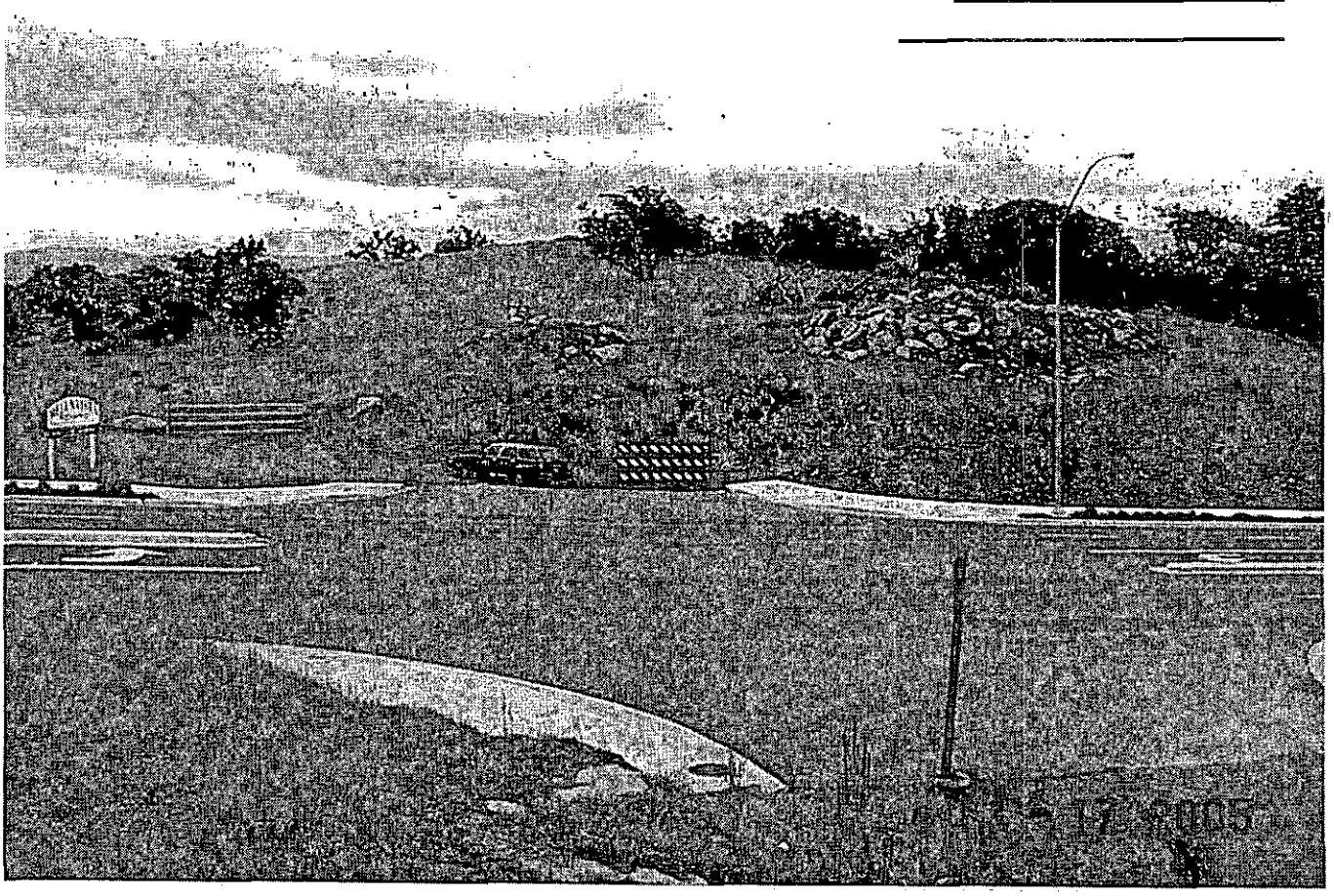
CITY OF MEDFORD
EXHIBIT # "5" 2/3
File # PUD-05-25

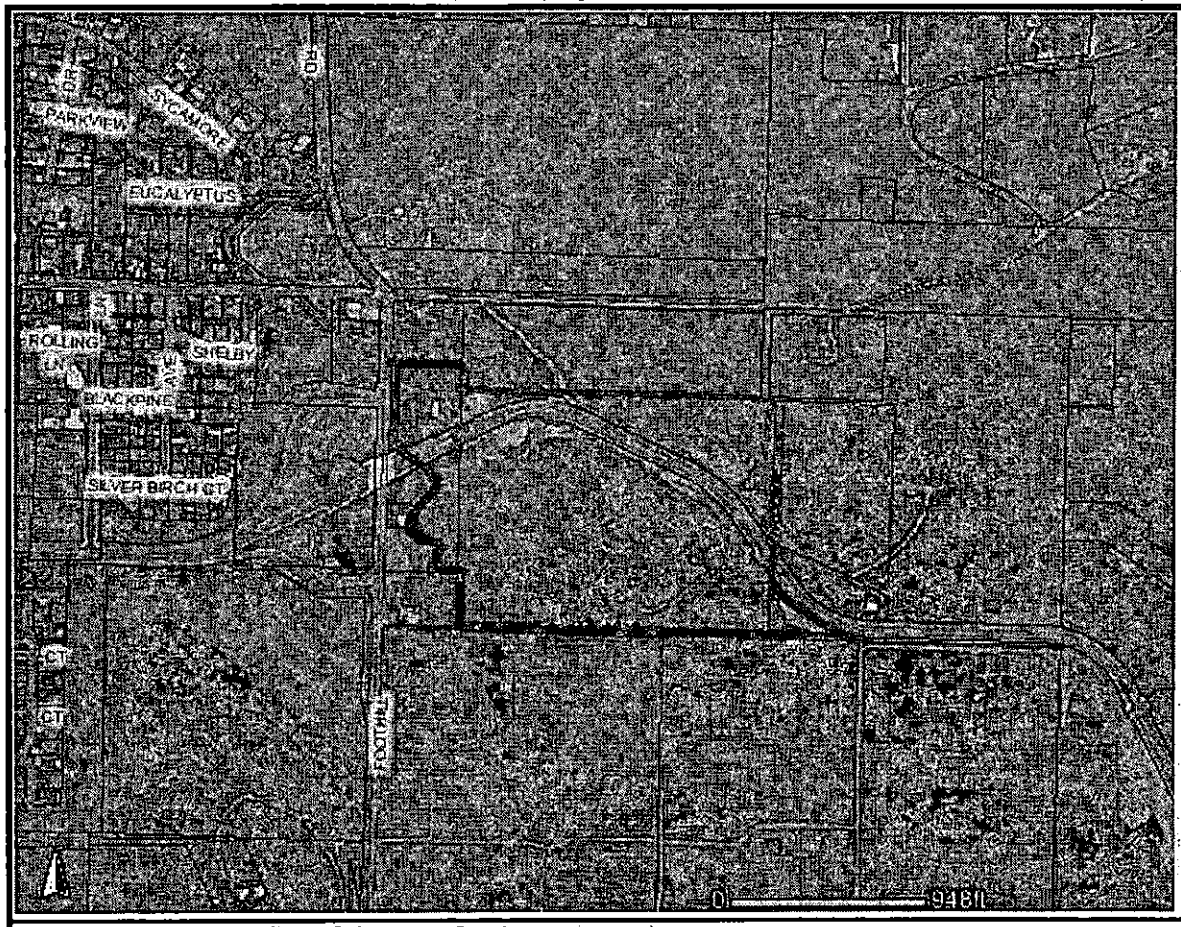


Site from adjoining agricultural property ↗

Phase I @ Veneto Cir ↘

CITY OF MEDFORD
EXHIBIT # "S" 3/3
File # PUD-05-25





Site Information

Assessor's Account #:	10496668
Maplot:	371W21A200
Acres:	29.08
Vacant Acres:	0
Owner Name:	PACIFIC INTERNATIONAL ENTERPRI
Site Address:	N FOOTHILL RD
In City?:	YES
Land Value:	263530
Improvement Value:	0
Owner Address:	PO BOX 1727 MEDFORD, OR 97501
Zoning:	OSR
Comprehensive Plan:	UR
Zoning Overlays:	Not in Zoning Overlay
Floodplain:	Not in FloodPlain
Historic District:	Not in Historic Site
Building Permits:	
Planing Projects File #:	PZ 5-39 , PZ 97-12 , PZ 1-112 , PZ 5-25 , PZ 99-145 , PZ 0-44 , PZ 99-145 , PZ 5-25
Occupational License:	
property Class:	400
Factor Book:	No Data
Ward:	4

CITY OF MEDFORD
EXHIBIT # "I"
File # PUD-05-25

LEGEND
street text | Interstate 5 | Road lines | Taxlots | Aerial Photo

Disclaimer Text:
The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County. GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes. THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. THE MAPS OR DATA MAY NOT BE SUITABLE FOR YOUR PARTICULAR USE. THIS INFORMATION IS BEING PROVIDED AS IS OR WITH ALL FAULTS. THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER AND IF INFORMATION IS DEFECTIVE, THE BUYER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICING.

The City of Medford, Oregon
411 West 8th St.
Medford, Oregon 97501
Phone: (541) 774-2524

50.2 PAGE 169

Scott G. Rogers

From: Alex T. Georgevitch
Sent: Friday, May 13, 2005 2:40 PM
To: Scott G. Rogers
Cc: Jim W. Maize; John R. Huttl; Cory J. Crebbin; David Y. Jiao
Subject: Bella Vista Recommendation for Denial
Attachments: Alex T. Georgevitch.vcf

RECEIVED
MAY 13 2005
PLANNING DEPT.

Scott,

We have reviewed the application for the above referenced project. At time of review we were told that the applicant had submitted a traffic study dated Feb. 2002 along with an update dated Dec. 2004. It is my understanding that the application date is March 31, 2005. The original scoping letter for this project was dated Dec. 2002. Due to the age of the data and the significant development that has occurred in the area, public works has requested an update to the submitted traffic data. This request was made in writing at the LD meeting. Immediately following the LD meeting the applicant and agent came to the PWD counter to request what was needed. At that time it was explained that the data was to old to be considered for a 2005 application and they would need to update their data to better reflect pipeline traffic (per MMC 10.461(5)(i)) in the area. At the time PWD gave the applicant the option of generating pipeline data for the Vista Point development (no traffic study is available to show trip distribution). Since that time the applicant has refused to generate the pipeline traffic or make changes to the study.

PWD has created pipeline traffic for the Vista Point subdivision as of today and we will provide this to the applicant and his agent and engineer. Unfortunately the applicant does not sound willing to make revisions. PWD has not reviewed the applicants traffic data submitted as it is not current nor does it meet the requirements of the scoping letter. The scoping letter, per MMC, requires pipeline traffic to be included in the study. Even though there may be pipeline included in the study, it is now old and does not meet the code due to the submittal date.

Without a revision to the traffic study to include pipeline traffic as well as updating (or adjusting) counts to 2005, PWD has no choice but to recommend denial for this application. Denial is based on a lack of information in the record to adequate facilities per MMC 10.462.

Please let me know if you have any questions or comments...

Thanks

Alex Georgevitch, PE
Transportation Manager
City of Medford
541.774.2114 v
541.618.1778 f

CITY OF MEDFORD
EXHIBIT # "U"
File # PUD-05-25

Jim 73 Watts

**AMMENDMENT TO FINDINGS OF FACT SUBMITTED
ON BEHALF OF
PACIFIC INTERNATIONAL ENTERPRISES
IN SUPPORT OF
APPLICATION # PUD-05-25
May 14, 2005**

RECEIVED
MAY 17 2005
PLANNING DEPT.

1.

During the review of the above referenced application the City of Medford Planning Staff found that Lots 74-80 and 81-86 are technically through lots because the have frontage on two streets. A deviation to Section 10.704 to the Medford Land development Code is thereby required.

This deviation is necessary to provide reasonable access to the referenced lots. The natural topography in this area is quite steep 20 -30 %, the through lots will allow the lots to be accessed from the uphill side to allow for driveways without the need for a large amount of cut that characterizes trying to serve lots from the downhill side in steep terrain.

The Planning Commission can find that the requested deviation does not violate substantive provisions of the Oregon Transportation Planning Rule.

2.

The Public Works Department has requested that the developer either dedicate additional right of way along McAndrews Road to meet the City Code requirement of 100 feet or request an exception to the Code in conformance with Section 10.251. The Public Works Department has stated that the additional right-of-way is not necessary. The applicant submits the following to meet the exception criteria contained in Section 10.253 of the Code.

(1) The granting of this exception will not be injurious to the general area or otherwise detrimental to the Public Welfare. McAndrews Road when constructed was approved by the Medford City Council with safety and welfare considerations in mind. The additional right-of-way would do nothing to improve the situation.

(2) The granting of this exception will not permit the establishment of a use not permitted in the zoning district.

(3) There are special circumstances in that the existing road as constructed was reviewed and approved by the City Staff and the

City Council. The Public Works Department has stated that the additional right-of-way is not needed and would not request the dedication except for the code requirement of 100' right-of-way width. The strict application of this code section would deprive the applicant the use of a portion of his property.

(4) The need for this exception is not the result of an illegal act.

(5) The requested exception would simply permit McAndrews Road to remain with an 85' right-of-way rather than the code required 100'. The request is the minimum exception that will accomplish this purpose. The applicant would be denied the use of the additional land dedicated to the street. The land would remain unused by the City because it is not needed but the City would be required to compensate the applicant for the additional right-of-way.

(6) The proposed exception will not impair adequate supply of light and air to adjacent property, substantially increase the congestion in the public street, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values.

Based on the above findings the Planning Commission can grant the proposed exception in accordance with Section 10.251 of the Land development Code.

Respectfully Submitted

Dennis Hoffbuhr
Applicants Agent

June 1, 2005

Arthur Dubs
Pacific International Enterprises
1133 South Riverside
Medford 97501

RE: Supplemental Analysis to Address Additional Pipeline Trips

Dear Mr. Dubs:

Subsequent to the completion review by the City of Medford, the Public Works Department has set a requirement for additional analysis regarding pipeline trips for projects approved after the initial scoping letter to you was provided. The first set of pipeline trips was sent in a letter from David Jiao to me, dated April 21, 2005. This letter included excerpts from five traffic impact analyses. The second letter, dated May 13, 2005, also from David Jiao to me, gives the pipeline trips for the Vista Pointe subdivision. These numbers were developed by City staff, because the Vista Pointe subdivision was not required to provide a traffic impact analysis.

The only locations impacted by the pipeline distributions provided by the City and the Bella Vista Heights project are the two intersections of the ramps between east McAndrews Road and Foothill Road and the intersection of east McAndrews Road and Brookdale Avenue. The traffic volumes attributed to these developments are listed in Table 1. Table 1 also adds background and Bella Vista Heights traffic.

Table 2 summarizes the results of SYNCHRO modeling runs at the three locations impacted by pipeline traffic. The intersection of McAndrews Road and Brookdale Avenue meets adopted mobility standards after full development of the Bella Vista Heights project and pipeline trips.

VOICE 541.687.1081 FAX 541.345.6599 WEB JRHWEB.COM
4765 VILLAGE PLAZA LOOP SUITE 201 EUGENE OREGON 97401

Table 1: Traffic Volumes at Locations Impacted by Pipeline Trips

McAndrews Road EB on/off Ramp at Foothill Road

	Southbound			Westbound			Northbound			Eastbound		
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Pipeline trips												
Vista Pointe	0	0	42	0	0	0	13	0	0	0	0	0
Mahar 48:84	0	23	0	0	0	0	0	21	0	10	0	8
Paul Edwards	0	0	6	0	0	0	1	0	0	17	0	7
Mahar 25:75	0	52	0	0	0	0	1	32	0	0	0	15
Mahar 23:92	0	30	0	0	0	0	1	35	0	0	0	10
Mahar 37:91	0	22	0	0	0	0	1	21	0	0	0	48
Total Pipeline Trips	**0**	**127**	**48**	**0**	**0**	**0**	**17**	**109**	**0**	**17**	**0**	**48**
Existing Trips	0	319	62	0	0	0	39	351	0	76	0	78
Total	**0**	**446**	**110**	**0**	**0**	**0**	**56**	**460**	**0**	**93**	**0**	**126**
Bella Vista Trips	0	39	47	0	0	0	18	23	0	0	0	6
Total Volumes	**0**	**485**	**157**	**0**	**0**	**0**	**74**	**483**	**0**	**93**	**0**	**132**

McAndrews Road WB on/off Ramp at Foothill Road

	Southbound			Westbound			Northbound			Eastbound		
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Pipeline trips												
Vista Pointe	0	0	0	0	0	0	0	0	0	43	0	2
Mahar 48:84	0	23	0	0	0	0	5	18	0	0	0	0
Paul Edwards	0	0	0	0	0	0	0	0	0	5	0	0
Mahar 25:75	0	51	0	0	0	0	6	26	0	0	0	1
Mahar 23:92	0	30	0	0	0	0	9	26	0	0	0	0
Mahar 37:91	0	21	0	0	0	0	5	16	0	0	0	1
Total Pipeline Trips	**0**	**125**	**0**	**0**	**0**	**0**	**25**	**86**	**0**	**48**	**0**	**4**
Existing Trips	0	369	66	0	0	0	87	340	0	34	0	12
Total	**0**	**494**	**66**	**0**	**0**	**0**	**112**	**426**	**0**	**82**	**0**	**16**
Bella Vista Trips	0	76	0	0	0	0	2	23	0	25	0	9
Total Volumes	**0**	**570**	**66**	**0**	**0**	**0**	**114**	**449**	**0**	**107**	**0**	**25**

McAndrews Road At Brookdale Avenue

	Southbound			Westbound			Northbound			Eastbound		
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Pipeline Trips												
Paul Edwards	1	0	0	1	8	1	0	0	2	0	14	0
Total Pipeline Trips	**1**	**0**	**0**	**1**	**8**	**1**	**0**	**0**	**2**	**0**	**14**	**0**
Existing Trips	2	51	27	17	78	7	42	96	24	36	158	44
Total	**3**	**51**	**27**	**18**	**86**	**8**	**42**	**96**	**26**	**36**	**172**	**44**
Bella Vista Trips	2	0	0	8	41	4	0	0	14	0	92	0
Total Volumes	**5**	**51**	**27**	**26**	**127**	**12**	**42**	**96**	**40**	**36**	**264**	**44**

Table 2: Level of Service

Intersection	LOS Without Bella Vista	LOS With Bella Vista
McAndrews Road WB on/off Ramp at Foothill Road		
Southbound Thru	A	A
Southbound Right	A	A
Northbound Left	A	A
Northbound Thru	A	A
Eastbound Left	F	F
Eastbound Right	F	F
McAndrews Road EB on/off Ramp at Foothill Road		
Southbound Thru	A	A
Southbound Right	A	A
Northbound Left	A	A
Northbound Thru	A	A
Eastbound Left	E	F
Eastbound Right	E	F
McAndrews Road at Brookdale Avenue (Signalized)	A	B

Both the eastbound and westbound ramps connecting McAndrews Road at Foothill Road are shown to exceed the adopted mobility standards, before the construction of the Bella Vista Heights project, for the eastbound left and right turns. Traffic signals at these locations will bring the locations into meeting mobility standards. If traffic from Bella Vista Heights is added to the signalized intersections needed to accommodate the pipeline trips, the mobility standards will still be met.

We have attached to this letter a copy of both pipeline trip letters from the City, a copy of the SYNCHRO runs with and without a traffic signal, and a printout showing the meeting of signal warrants.

Very truly yours,

James R. Hanks, P.E.

Enclosures

REGISTERED PROFESSIONAL ENGINEER
9652
OREGON
JULY 14, 1978
JAMES ROBERT HANKS
RENEWAL DATE 6/30/05

LETTERS FROM CITY OF MEDFORD REGARDING PIPELINE TRIPS

APRIL 21, 2005
MAY 13, 2005

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

TELEPHONE
(541) 774-2100
FAX: (541) 774-2552

April 21, 2005

James R. Hanks, P.E.
JRH Transportation Engineering
4675 Village Plaza Loop Suite 201
Eugene, OR 97401

Re: Additional Pipeline trips for Bella Vista Heights Subdivision

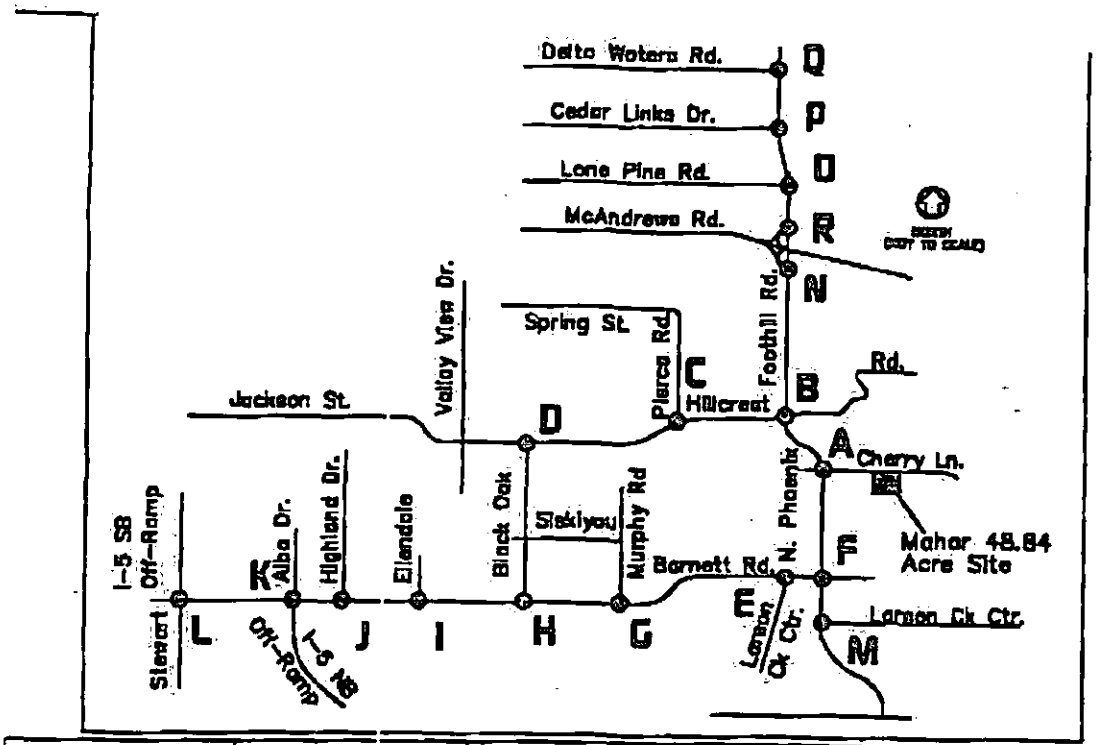
Mr. Hanks,

The attached files are the pipeline trips after your previous traffic study for Arthur Dubs Project. You may need them in your updated study.

If you have any questions, feel free to contact me at 774-2111.

Sincerely,

David Jiao
Asst. to the Traffic Engineer



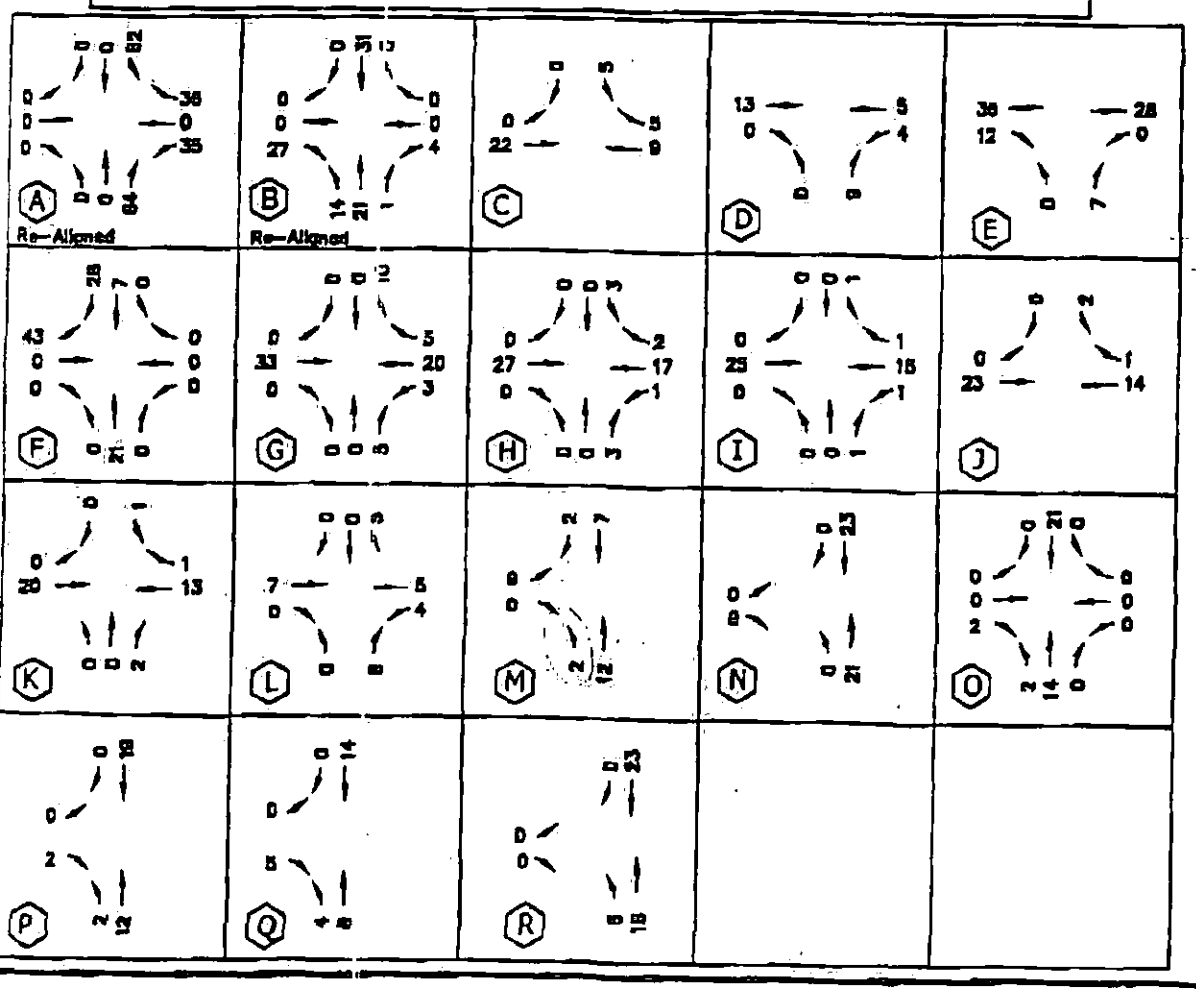


Figure 10
PM PEAK HOUR
SITE TRIP ASSIGNMENT

RDK Engineering

Mahar 48.84
Acre Site

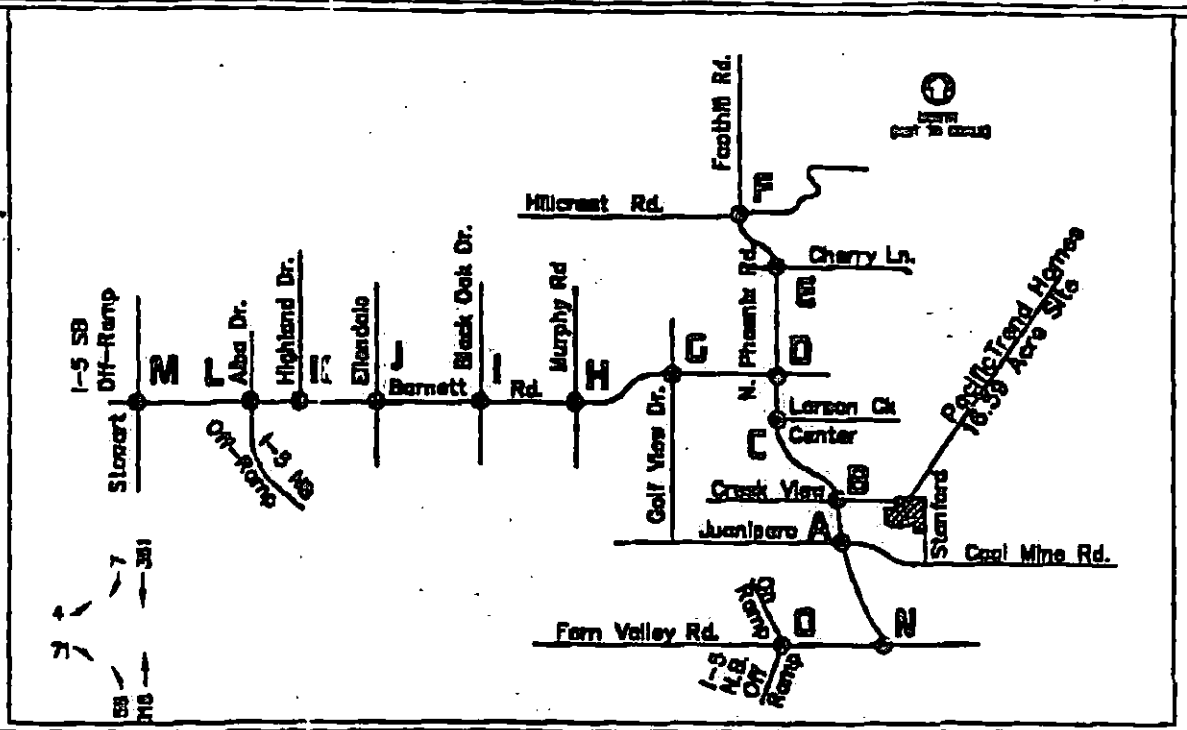
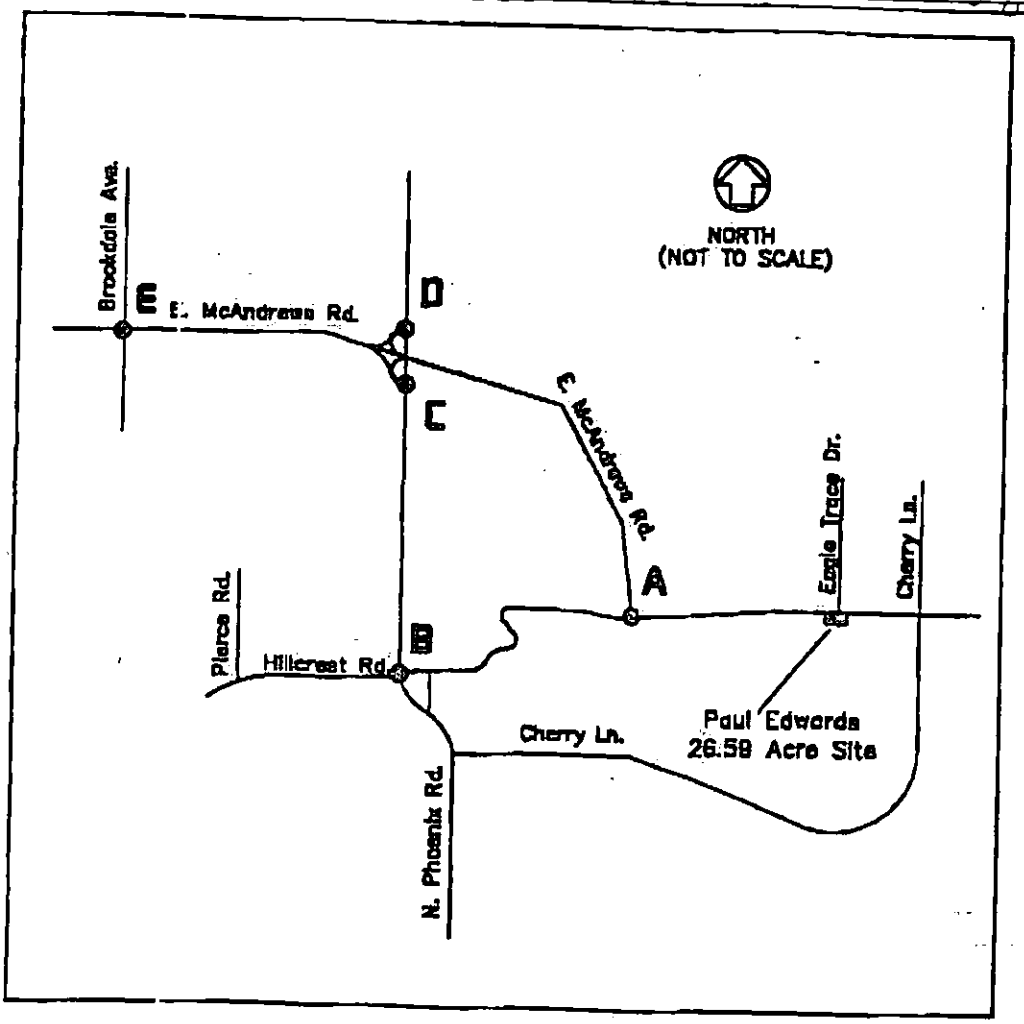
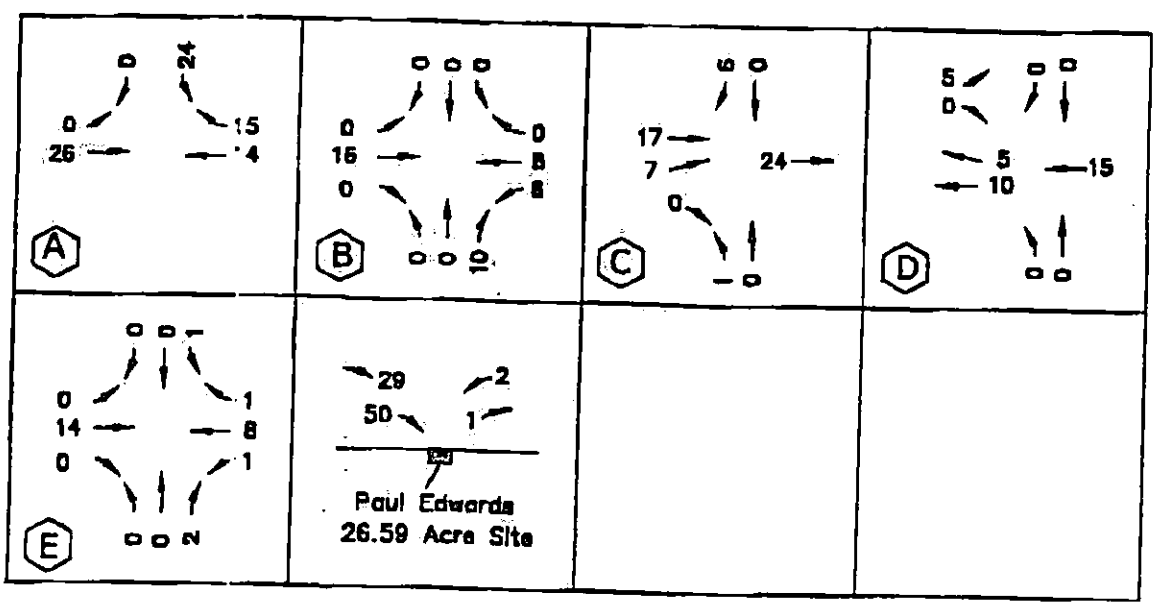


FIGURE 10
PM PEAK HOUR

PacTrend Inc





RDK Engineering

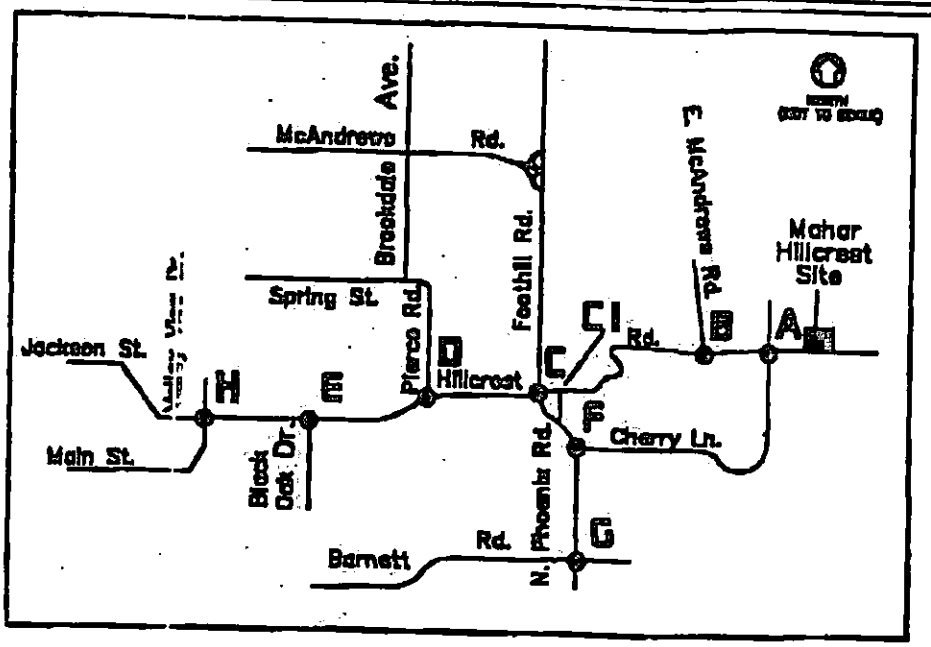
Figure 9

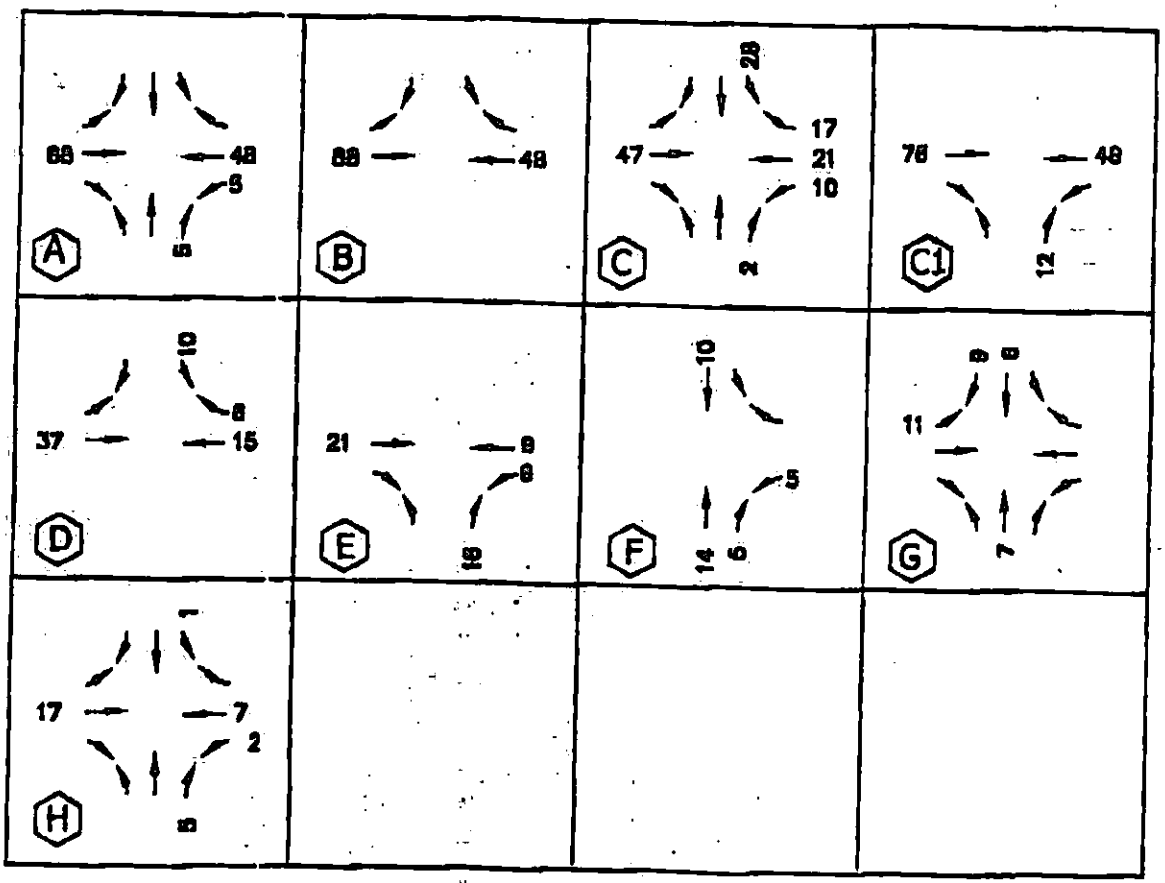
PM PEAK HOUR

SITE TRIP ASSIGNMENT

Paul Edwards

26.59 Site



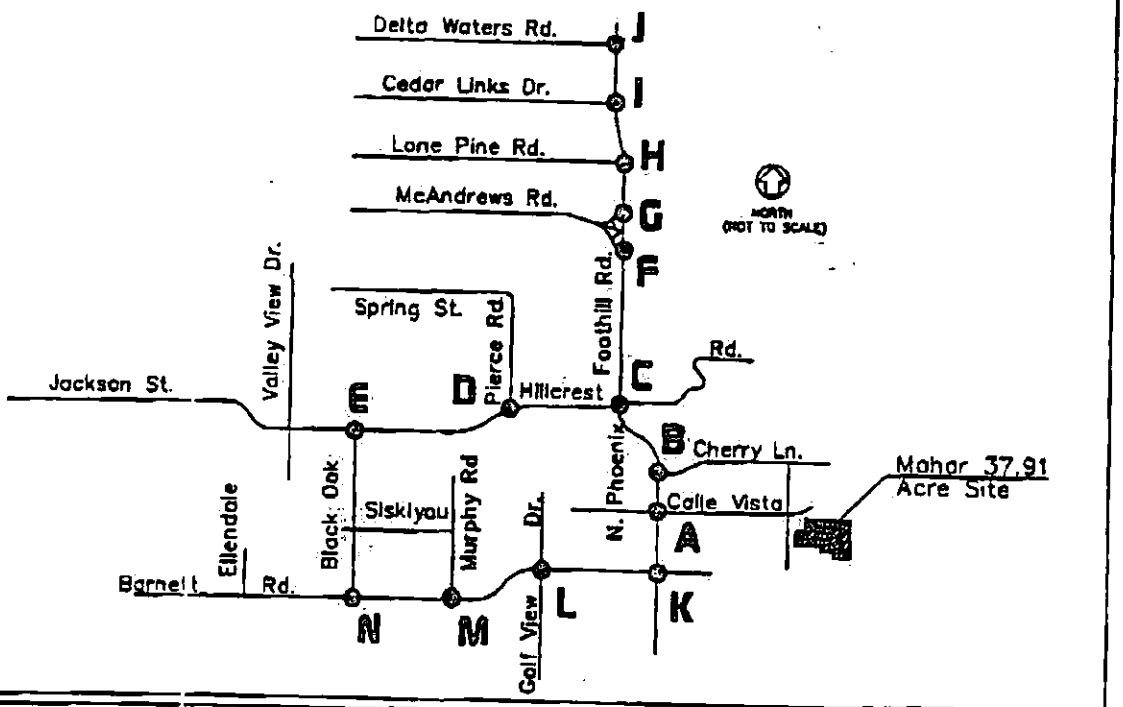


Existing includes re-alignment of N. Phoenix Rd. to Foothill Rd.
Existing includes extension of McAndrews Rd. to Foothill Rd.

Figure 9
PM PEAK HOUR

Hillcrest 72.63

April. 2003


Delta Waters Rd.
Cedar Links Dr.
Lone Pine Rd.
McAndrews Rd.
NORTH (NOT TO SCALE)
Spring St.
Valley View Dr.
Pierce Rd.
Foothill Rd.
Rd.
Jackson St.
Hillcrest
Cherry Ln.
Mahar 37.91 Acre Site
Calle Vista
N. Phoenix
Black Oak
Siskiyou
Murphy Rd
Dr.
Ellendale
Barnett
Rd.
Golf View
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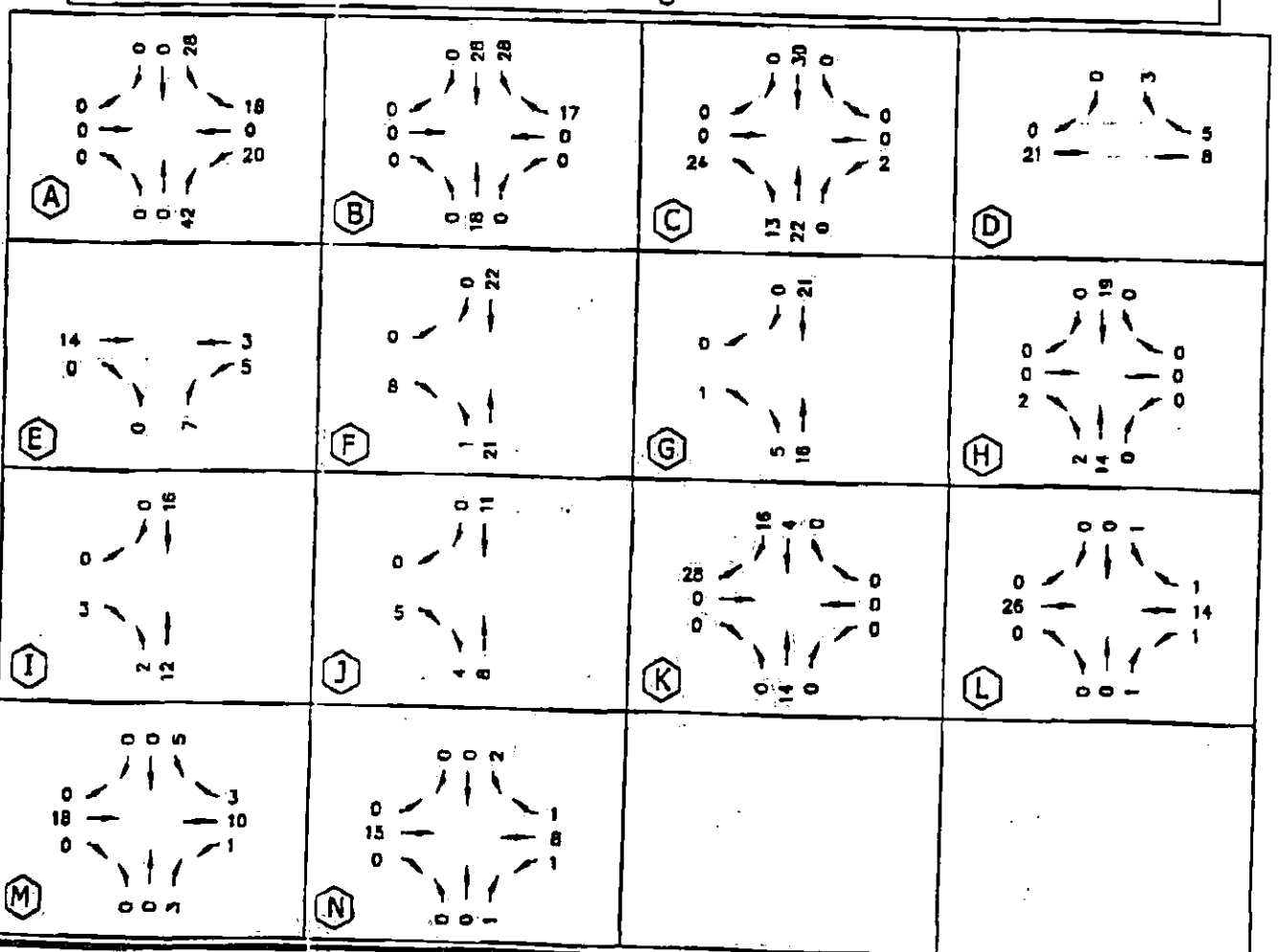
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CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

411 WEST 8TH STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE
(541) 774-2100
FAX: (541) 774-2552

May 13, 2005

James R. Hanks, P.E.
JRH & Associates
4765 Village Plaza Loop Suite 201
Eugene, Oregon 97401

RE: Pipeline Traffic from Vista Pointe Subdivisions

Dear Mr. Hanks:

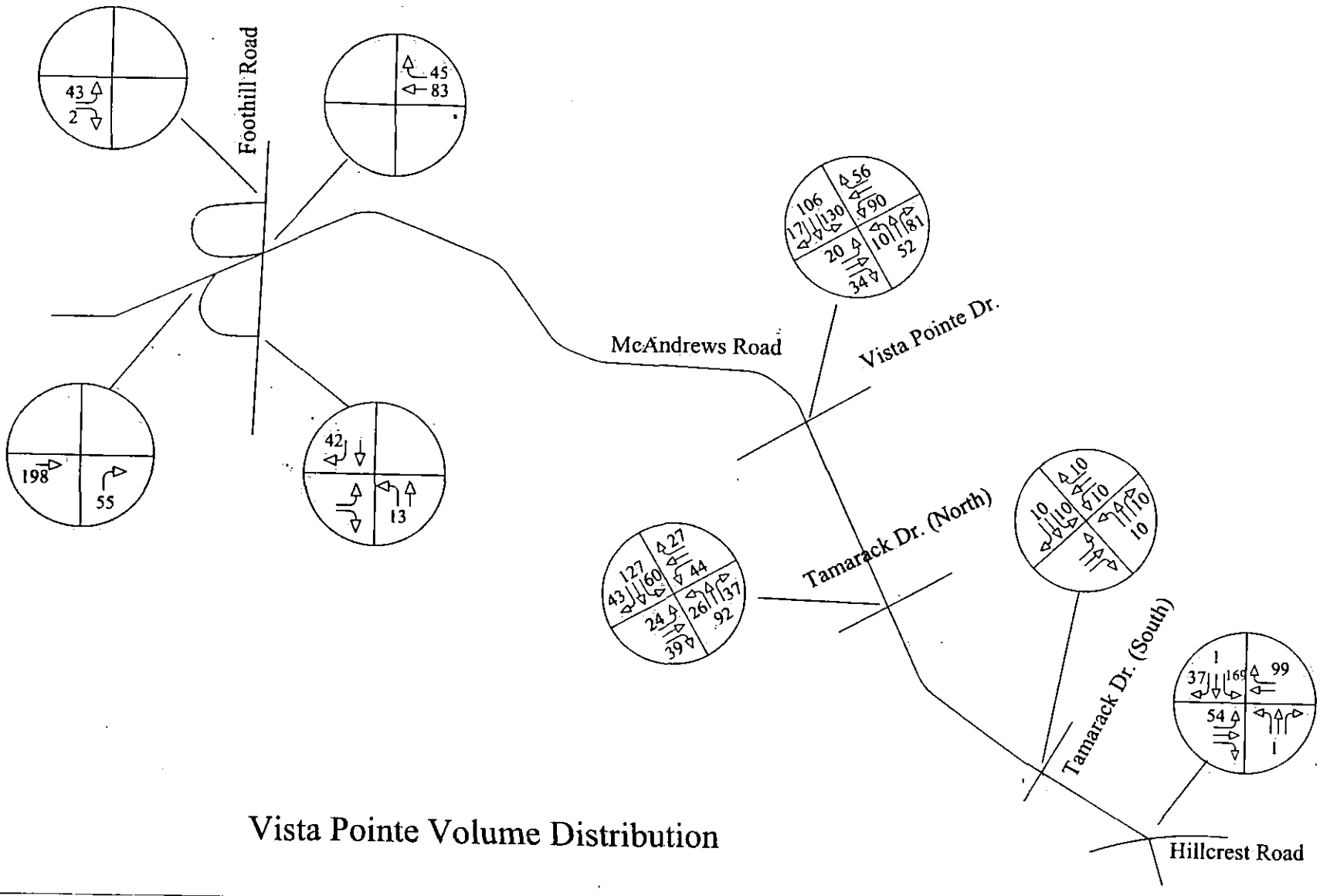
Public Works Department created the pipeline traffic from Vista Pointe Subdivision. The trip distribution has been attached for you to use in your traffic impact study.

If you have any questions, feel free to contact me at 774-2111.

Sincerely,

David Jiao
Assistant to the Traffic Engineer

Cc: Alex Georgevitch, Transportation Manager
Arthur Dubs, Pacific International Enterprises
Jim Maize, Senior Planner
John R. Huttl, Sr Assist City Attorney



Vista Pointe Volume Distribution

SYNCHRO RUNS

WITH AND WITHOUT TRAFFIC SIGNAL

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	107	25	114	449	570	66
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	119	28	127	499	633	73
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1386	633	707			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1386	633	707			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	12	94	86			
cM capacity (veh/h)	135	480	892			

Direction, Lane #	EB 1	NB 1	NB 2	SB 1	SB 2
Volume Total	147	127	499	633	73
Volume Left	119	127	0	0	0
Volume Right	28	0	0	0	73
cSH	157	892	1700	1700	1700
Volume to Capacity	0.94	0.14	0.29	0.37	0.04
Queue Length 95th (ft)	170	12	0	0	0
Control Delay (s)	112.9	9.7	0.0	0.0	0.0
Lane LOS	F	A			
Approach Delay (s)	112.9	2.0		0.0	
Approach LOS	F				

Intersection Summary			
Average Delay	12.0		
Intersection Capacity Utilization	56.2%	ICU Level of Service	B
Analysis Period (min)	15		

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	93	132	74	483	485	157
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	103	147	82	537	539	174
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1240	539	713			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1240	539	713			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	41	73	91			
cM capacity (veh/h)	175	543	887			

Direction, Lane #	EB 1	NB 1	NB 2	SB 1	SB 2
Volume Total	250	82	537	539	174
Volume Left	103	82	0	0	0
Volume Right	147	0	0	0	174
cSH	291	887	1700	1700	1700
Volume to Capacity	0.86	0.09	0.32	0.32	0.10
Queue Length 95th (ft)	186	8	0	0	0
Control Delay (s)	61.8	9.5	0.0	0.0	0.0
Lane LOS	F	A			
Approach Delay (s)	61.8	1.3		0.0	
Approach LOS	F				

Intersection Summary			
Average Delay	10.3		
Intersection Capacity Utilization	55.3%	ICU Level of Service	B
Analysis Period (min)	15		

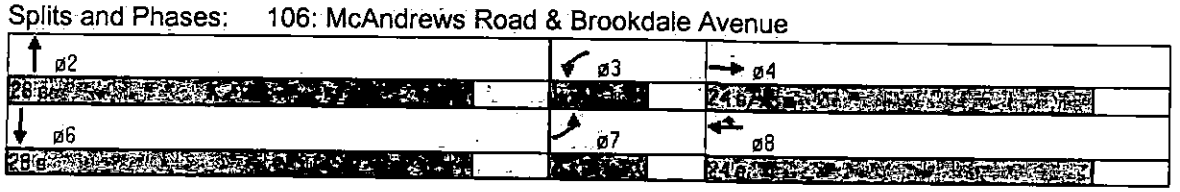
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800	1800
Storage Length (ft)	0		0	200		0	0		0	0		0
Storage Lanes	1		0	1		1	0		0	0		1
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	94	215		90	314	314	50	180		50	144	16
Trailing Detector (ft)	3	3		3	0	0	0	4		0	3	3
Turning Speed (mph)	15		9	15		9	15		9	15		9
Lane Util. Factor	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.975				0.850		0.972				0.850
Flt Protected	0.950			0.950				0.988			0.990	
Satd. Flow (prot)	1676	3269	0	1676	1765	1500	0	1695	0	0	1747	1500
Flt Permitted	0.659			0.485				0.914			0.931	
Satd. Flow (perm)	1163	3269	0	856	1765	1500	0	1568	0	0	1643	1500
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		236			1894			838			602	
Travel Time (s)		4.6			36.9			16.3			11.7	
Volume (vph)	36	264	44	26	127	12	42	96	40	5	51	27
Peak Hour Factor	0.73	0.80	0.66	0.67	0.82	0.88	0.71	0.74	0.82	0.25	0.64	0.65
Adj. Flow (vph)	49	330	67	39	155	14	59	130	49	20	80	42
Lane Group Flow (vph)	49	397	0	39	155	14	0	238	0	0	100	42
Turn Type	pm+pt			pm+pt		Prot	Perm			Perm		Perm
Protected Phases	7	4		3	8	8		2			6	
Permitted Phases	4			8			2			6		6
Detector Phases	7	4		3	8	8	2	2		6	6	6
Minimum Initial (s)	5.0	8.0		5.0	8.0	8.0	8.0	8.0		8.0	8.0	8.0
Minimum Split (s)	8.0	24.0		8.0	24.0	24.0	27.0	27.0		27.0	27.0	27.0
Total Split (s)	8.0	24.0	0.0	8.0	24.0	24.0	28.0	28.0	0.0	28.0	28.0	28.0
Total Split (%)	13.3%	40.0%	0.0%	13.3%	40.0%	40.0%	46.7%	46.7%	0.0%	46.7%	46.7%	46.7%
Yellow Time (s)	3.0	4.0		3.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
All-Red Time (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Lead/Lag	Lead	Lag		Lead	Lag	Lag						
Lead-Lag Optimize?	Yes	Yes		Yes	Yes	Yes						
Recall Mode	None	None		None	None	None	Min	Min		Min	Min	Min
Act Effct Green (s)	12.8	11.9		12.8	11.9	11.9		11.5			11.5	11.5
Actuated g/C Ratio	0.32	0.34		0.32	0.34	0.34		0.33			0.33	0.33
v/c Ratio	0.11	0.35		0.11	0.26	0.03		0.46			0.18	0.08
Control Delay	7.9	10.3		7.9	10.8	10.5		12.1			10.7	10.5
Queue Delay	0.0	0.0		0.0	0.0	0.0		0.0			0.0	0.0
Total Delay	7.9	10.3		7.9	10.8	10.5		12.1			10.7	10.5
LOS	A	B		A	B	B		B			B	B
Approach Delay		10.0			10.3			12.1			10.6	
Approach LOS		B			B			B			B	
Queue Length 50th (ft)	4	18		3	13	1		24			9	4
Queue Length 95th (ft)	16	68		13	64	12		84			33	18
Internal Link Dist (ft)		156			1814			758			522	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Turn Bay Length (ft)				200								
Base Capacity (vph)	433	1579		366	853	725		821			860	785
Starvation Cap Reductn	0	0		0	0	0		0			0	0
Spillback Cap Reductn	0	0		0	0	0		0			0	0
Storage Cap Reductn	0	0		0	0	0		0			0	0
Reduced v/c Ratio	0.11	0.25		0.11	0.18	0.02		0.29			0.12	0.05

Intersection Summary

Area Type: Other
Cycle Length: 60
Actuated Cycle Length: 34.6
Natural Cycle: 60
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.46
Intersection Signal Delay: 10.6 Intersection LOS: B
Intersection Capacity Utilization 40.4% ICU Level of Service A
Analysis Period (min) 15

Splits and Phases: 106: McAndrews Road & Brookdale Avenue



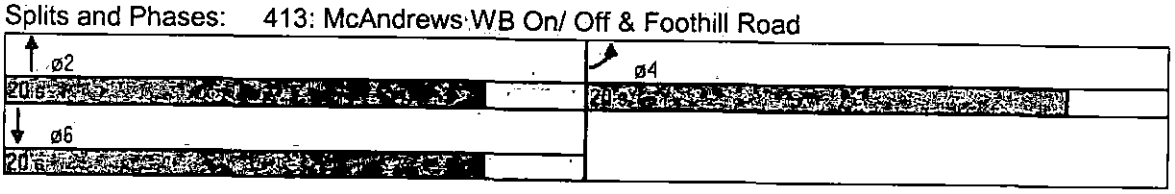
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800
Storage Length (ft)	0	0	300			300
Storage Lanes	1	0	1			1
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	50		50	50	50	50
Trailing Detector (ft)	0		0	0	0	0
Turning Speed (mph)	15	9	15			15
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.974					0.850
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1652	0	1676	1765	1765	1500
Flt Permitted	0.961		0.250			
Satd. Flow (perm)	1652	0	441	1765	1765	1500
Right Turn on Red		No				No
Satd. Flow (RTOR)						
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (mph)	30			50	50	
Link Distance (ft)	252			847	408	
Travel Time (s)	5.7			11.6	5.6	
Volume (vph)	107	25	114	449	570	66
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	119	28	127	499	633	73
Lane Group Flow (vph)	147	0	127	499	633	73
Turn Type			Perm			Perm
Protected Phases	4			2	6	
Permitted Phases			2			6
Detector Phases	4		2	2	6	6
Minimum Initial (s)	4.0		4.0	4.0	4.0	4.0
Minimum Split (s)	20.0		20.0	20.0	20.0	20.0
Total Split (s)	20.0	0.0	20.0	20.0	20.0	20.0
Total Split (%)	50.0%	0.0%	50.0%	50.0%	50.0%	50.0%
Yellow Time (s)	3.5		3.5	3.5	3.5	3.5
All-Red Time (s)	0.0		0.0	0.0	0.0	0.0
Lead/Lag						
Lead-Lag Optimize?						
Recall Mode	None		Min	Min	Min	Min
Act Effct Green (s)	10.6		39.6	39.6	39.6	39.6
Actuated g/C Ratio	0.18		0.72	0.72	0.72	0.72
v/c Ratio	0.49		0.40	0.39	0.50	0.07
Control Delay	11.6		14.2	5.8	8.5	4.3
Queue Delay	0.0		0.0	0.0	0.0	0.0
Total Delay	11.6		14.2	5.8	8.5	4.3
LOS	B		B	A	A	A
Approach Delay	11.6			7.5	8.0	
Approach LOS	B			A	A	
Queue Length 50th (ft)	29		12	46	65	5
Queue Length 95th (ft)	46		#73	118	#219	19
Internal Link Dist (ft)	172			767	328	

Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Turn Bay Length (ft)			300			300
Base Capacity (vph)	485		318	1272	1272	1081
Starvation Cap Reductn	0		0	0	0	0
Spillback Cap Reductn	0		0	0	0	0
Storage Cap Reductn	0		0	0	0	0
Reduced v/c Ratio	0.30		0.40	0.39	0.50	0.07

Intersection Summary

Area Type: Other
Cycle Length: 40
Actuated Cycle Length: 54.9
Natural Cycle: 50
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.50
Intersection Signal Delay: 8.1 Intersection LOS: A
Intersection Capacity Utilization 56.2% ICU Level of Service B
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 413: McAndrews WB On/ Off & Foothill Road



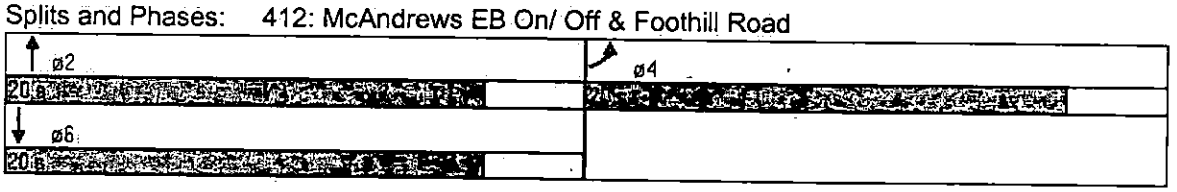
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Ideal Flow (vphpl)	1800	1800	1800	1800	1800	1800
Storage Length (ft)	0	0	300			300
Storage Lanes	1	0	1			1
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Leading Detector (ft)	5		5	5	5	5
Trailing Detector (ft)	0		0	0	0	0
Turning Speed (mph)	15	9	15			9
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.921					0.850
Flt Protected	0.980		0.950			
Satd. Flow (prot)	1593	0	1676	1765	1765	1500
Flt Permitted	0.980		0.282			
Satd. Flow (perm)	1593	0	498	1765	1765	1500
Right Turn on Red		No				No
Satd. Flow (RTOR)						
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Link Speed (mph)	30			50	50	
Link Distance (ft)	171			710	847	
Travel Time (s)	3.9			9.7	11.6	
Volume (vph)	93	132	74	483	485	157
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	103	147	82	537	539	174
Lane Group Flow (vph)	250	0	82	537	539	174
Turn Type			Perm			Perm
Protected Phases	4			2	6	
Permitted Phases			2			6
Detector Phases	4		2	2	6	6
Minimum Initial (s)	4.0		4.0	4.0	4.0	4.0
Minimum Split (s)	20.0		20.0	20.0	20.0	20.0
Total Split (s)	20.0	0.0	20.0	20.0	20.0	20.0
Total Split (%)	50.0%	0.0%	50.0%	50.0%	50.0%	50.0%
Yellow Time (s)	3.5		3.5	3.5	3.5	3.5
All-Red Time (s)	0.0		0.0	0.0	0.0	0.0
Lead/Lag						
Lead-Lag Optimize?						
Recall Mode	None		Min	Min	Min	Min
Act Effct Green (s)	11.1		22.7	22.7	22.7	22.7
Actuated g/C Ratio	0.27		0.57	0.57	0.57	0.57
v/c Ratio	0.59		0.29	0.53	0.53	0.20
Control Delay	11.9		10.8	11.3	11.3	7.1
Queue Delay	0.0		0.0	0.0	0.0	0.0
Total Delay	11.9		10.8	11.3	11.3	7.1
LOS	B		B	B	B	A
Approach Delay	11.9			11.2	10.3	
Approach LOS	B			B	B	
Queue Length 50th (ft)	39		8	65	66	17
Queue Length 95th (ft)	78		40	#217	#218	52
Internal Link Dist (ft)	91			630	767	

Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Turn Bay Length (ft)			300			300
Base Capacity (vph)	569		286	1014	1014	862
Starvation Cap Reductn	0		0	0	0	0
Spillback Cap Reductn	0		0	0	0	0
Storage Cap Reductn	0		0	0	0	0
Reduced v/c Ratio	0.44		0.29	0.53	0.53	0.20

Intersection Summary

Area Type: Other
Cycle Length: 40
Actuated Cycle Length: 39.5
Natural Cycle: 45
Control Type: Actuated-Uncoordinated
Maximum v/c Ratio: 0.59
Intersection Signal Delay: 10.9 Intersection LOS: B
Intersection Capacity Utilization 55.3% ICU Level of Service B
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 412: McAndrews EB On/ Off & Foothill Road



PRINTOUT SHOWING MEETING OF SIGNAL WARRANTS

6/2/2005

OREGON DEPARTMENT OF TRANSPORTATION
TRAFFIC SIGNAL WARRANT COMPARISON

Foothill Road at McAndrews WB on/off Ramp
0 M.P. 0
0

Analysis by: 0
Phone: 0

Count Date (am) 1/0/1900
Count Date (pm) 1/0/1900

DRAFT

Major Street has two approaching lanes
Minor Street has one approaching lane
70% Warrants

0 % Reduction in minor st right turn volume
0.00 % growth per year for 0 years

VOLUME DATA

Time 14 Hours	6:00 - 7:00	7:00 - 8:00	8:00 - 9:00	9:00 - 10:00	10:00 - 11:00	11:00 - 12:00	12:00 - 13:00	13:00 - 14:00	14:00 - 15:00	15:00 - 16:00	16:00 - 17:00	17:00 - 18:00	18:00 - 19:00	19:00 - 20:00
Hourly Volumes on Major Street	1199	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Volumes on Minor Street	132	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Volumes other Minor St.	0	0	0	0	0	0	0	0	0	0	0	0	0	0

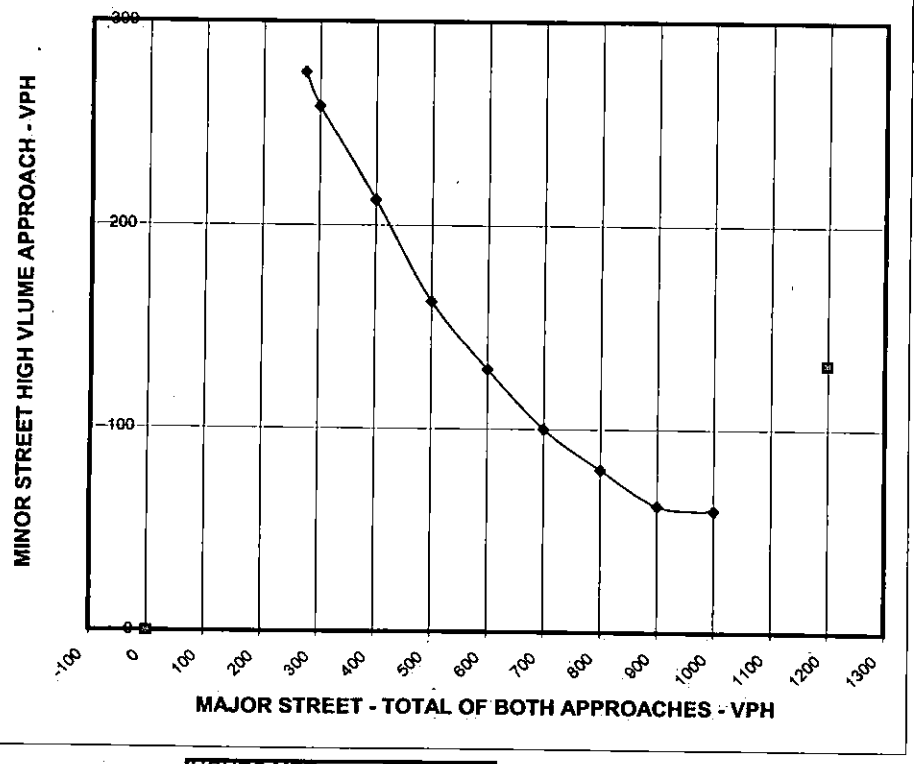
Warrants	Minimum Volume Warrant	Number of Hours Warrant is Met		Warrants met	Weight Value
1. Eight-Hour Vehicular Volume:				NO	
Condition A: Minimum Vehicular Volume					
Major Street (total of both approaches)	420				
Minor Street (one direction only)	105	1	(8 hours required)		
Condition B: Interruption of Continous Traffic					
Major Street (total of both approaches)	630				
Minor Street (one direction only)	53	1	(8 hours required)		
**Condition A: Minimum Vehicular Volume, 80%					
Major Street (total of both approaches)	480				
Minor Street (one direction only)	120	1	(8 hours required)		
**Condition B: Interuption of Continuous Traffic, 80%					
Major Street (total of both approaches)	720				
Minor Street (one direction only)	60	1	(8 hours required)		
2. Four-Hour Vehicular Volume:	Graph attached	1	(4 hours required)	NO	
3. Peak Hour:				YES	5
Condition A:					
1.) Total stopped time delay on one minor street approach	4		vehicle-hours		
2.) Minor Street (one direction only)	100	0	(1 hour required)		
3.) Total entering volume serviced during the hour	650	0	(1 hour required)		
Condition B:	Graph attached	1	(1 hour required)		
4. Pedestrian Volume:				N/A	
Condition A:					
1.) Pedestrian Volume for each of any four hours	N/A				
2.) Pedestrian Volume during any hour	N/A				
Condition B:					
1.) Number of gaps per hour of adequate length:	N/A				
Condition C:					
1.) Distance to nearest traffic signal along major street (ft):	N/A				

70% OF WARRANTS: MAJOR 2 x MINOR 1 INPUT

0 % Reduction in minor street right turn volum 0.00 % growth per year, 0 year projection

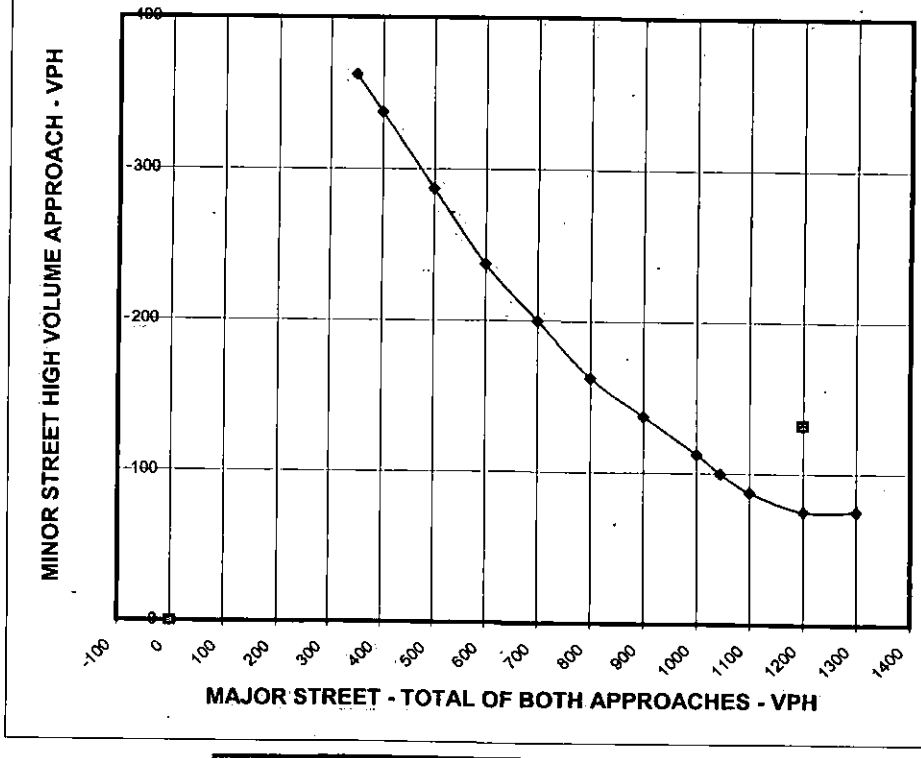
4-HOUR MET														
PEAK HR MET														
Time 14 Hours	6:00 - 7:00	7:00 - 8:00	8:00 - 9:00	9:00 - 10:00	10:00 - 11:00	11:00 - 12:00	12:00 - 13:00	13:00 - 14:00	14:00 - 15:00	15:00 - 16:00	16:00 - 17:00	17:00 - 18:00	18:00 - 19:00	19:00 - 20:00
Hourly Volumes on Major Street	1199	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Volumes on Minor Street	132	0	0	0	0	0	0	0	0	0	0	0	0	0

Figure 4C-1 (Figure 4C-2 if using 70% Factor)
Warrant 2 - Four-Hour Vehicular Volume



HOURS MET: 1

Figure 4C-3 (Figure 4C-4 if using 70% Factor)
Warrant 3 - Peak Hour



HOURS MET: 1

Attached Graphs

OREGON DEPARTMENT OF TRANSPORTATION
TRAFFIC SIGNAL WARRANT COMPARISON
Foothill Road at McAndrews EB on/off Ramp
0 M.P. 0
0

Analysis by: 0
Phone: 0

Count Date (am) 1/0/1900
Count Date (pm) 1/0/1900

DRAFT

Major Street has two approaching lanes
Minor Street has one approaching lane
70% Warrants

0 % Reduction in minor st right turn volume
0.00 % growth per year for 0 years

VOLUME DATA

Time 14 Hours	6:00 - 7:00	7:00 - 8:00	8:00 - 9:00	9:00 - 10:00	10:00 - 11:00	11:00 - 12:00	12:00 - 13:00	13:00 - 14:00	14:00 - 15:00	15:00 - 16:00	16:00 - 17:00	17:00 - 18:00	18:00 - 19:00	19:00 - 20:00
Hourly Volumes on Major Street	1199	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Volumes on Minor Street	225	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Volumes other Minor St.	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Warrants	Minimum Volume Warrant	Number of Hours Warrant is Met		Warrants met	Weight Value
1. Eight-Hour Vehicular Volume:				NO	
Condition A: Minimum Vehicular Volume					
Major Street (total of both approaches)	420				
Minor Street (one direction only)	105	1	(8 hours required)		
Condition B: Interruption of Continous Traffic					
Major Street (total of both approaches)	630				
Minor Street (one direction only)	53	1	(8 hours required)		
**Condition A: Minimum Vehicular Volume, 80%					
Major Street (total of both approaches)	480				
Minor Street (one direction only)	120	1	(8 hours required)		
**Condition B: Interuption of Continuous Traffic, 80%					
Major Street (total of both approaches)	720				
Minor Street (one direction only)	60	1	(8 hours required)		
2. Four-Hour Vehicular Volume:	**Graph attached**	1	(4 hours required)	NO	
3. Peak Hour:				YES	5
Condition A:					
1.) Total stopped time delay on one minor street approach	4		vehicle-hours		
2.) Minor Street (one direction only)	100	0	(1 hour required)		
3.) Total entering volume serviced during the hour	650	0	(1 hour required)		
Condition B:	**Graph attached**	1	(1 hour required)		
4. Pedestrian Volume:				N/A	
Condition A:					
1.) Pedestrian Volume for each of any four hours	N/A				
2.) Pedestrian Volume during any hour	N/A				
Condition B:					
1.) Number of gaps per hour of adequate length:	N/A				
Condition C:					
1.) Distance to nearest traffic signal along major street (ft):	N/A				

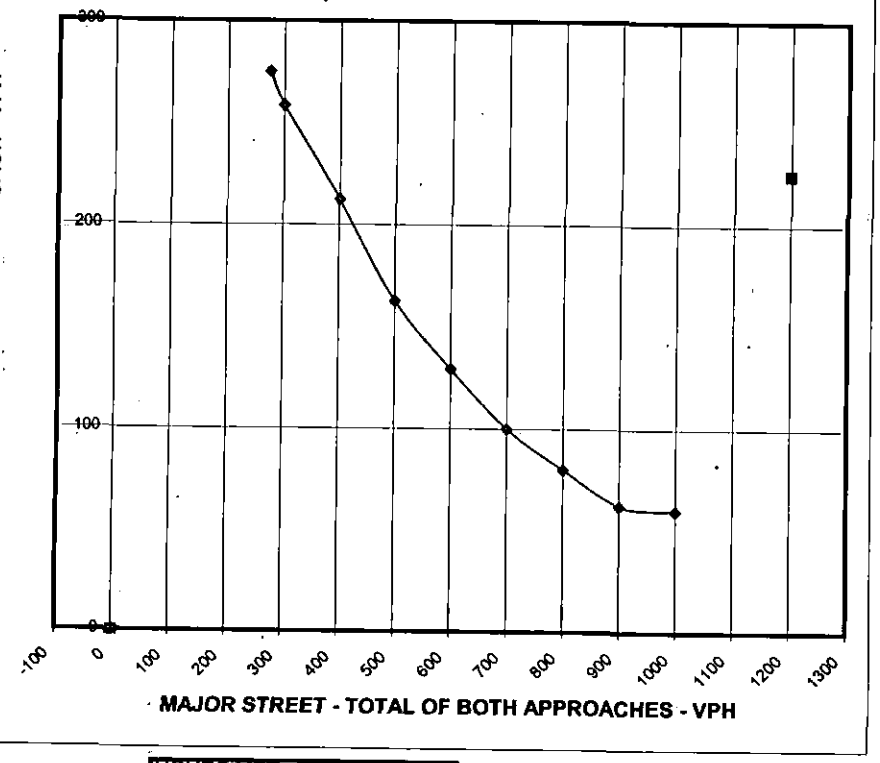
70% OF WARRANTS: MAJOR 2 x MINOR 1 INPUT

0 % Reduction in minor street right turn volum 0.00 % growth per year; 0 year projection

4-HOUR MET														
PEAK HR MET														
Time 14 Hours	6:00 - 7:00	7:00 - 8:00	8:00 - 9:00	9:00 - 10:00	10:00 - 11:00	11:00 - 12:00	12:00 - 13:00	13:00 - 14:00	14:00 - 15:00	15:00 - 16:00	16:00 - 17:00	17:00 - 18:00	18:00 - 19:00	19:00 - 20:00
Hourly Volumes on Major Street	1199	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Volumes on Minor Street	225	0	0	0	0	0	0	0	0	0	0	0	0	0

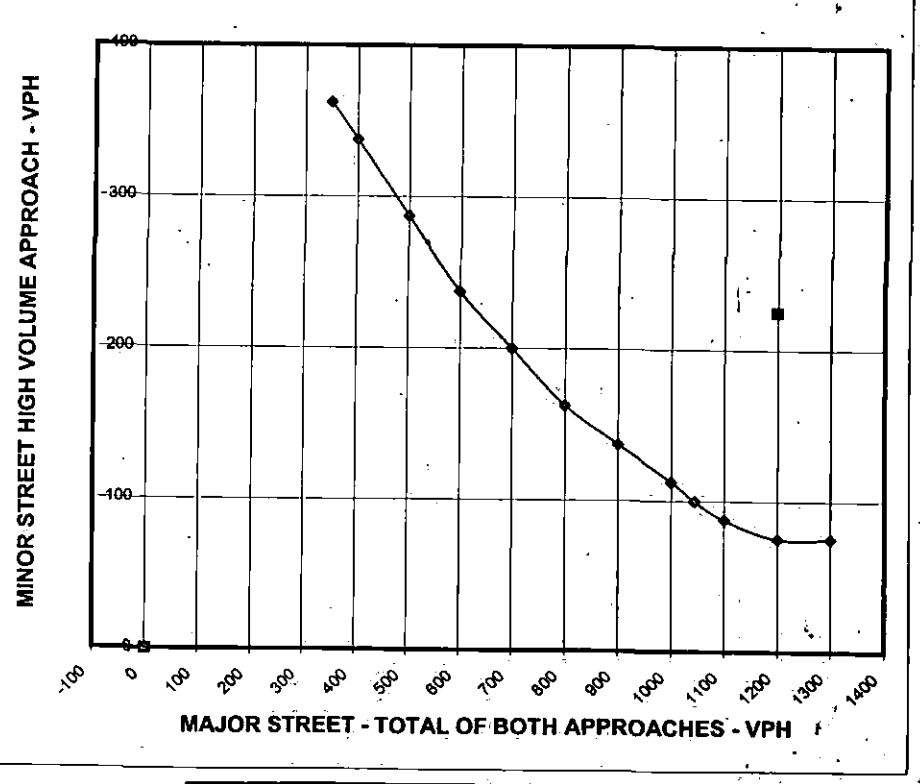
DRAFT

Figure 4C-1 (Figure 4C-2 If using 70% Factor)
Warrant 2 - Four-Hour Vehicular Volume



HOURS MET: 1

Figure 4C-3 (Figure 4C-4 If using 70% Factor)
Warrant 3 - Peak Hour



HOURS MET: 1

Attached Graphs

Scott G. Rogers

From: Alex T. Georgevitch
Sent: Tuesday, July 05, 2005 6:38 PM
To: Scott G. Rogers
Subject: PUD 05-25
Attachments: Alex T. Georgevitch.vcf

Traffic has reviewed the TIA prepared for the above referenced project by JRH Transportation Engineering. The study shows two (2) intersections fail with pipeline traffic. The two intersections in question are the ramp terminals of McAndrews Road with Foothill Road. It further states that if signalized, the intersections run at an appropriate level of service (LOS D or better), including the traffic from this development. The study does not give any indication of how much development could occur before these two intersections would be impacted with 25 or more peak hour trips. Therefore the development shall either mitigate the two intersections by designing and building the traffic signals required, wait until the City builds the signals (not in the current TSP), or submit a revision or addendum to the TIA that shows how much development can occur prior to 25 peak hour trips impacting this intersection and provide a stipulation to that affect in their findings.

Thanks

Alex Georgevitch, PE
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