

ANDREWS PLACE, PLANNED UNIT DEVELOPMENT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF JACKSONVILLE, OREGON:

In The Matter Of:

An Application for a Tentative Plan and Planned Unit Development approval, to allow construction of sixteen (16) single family dwelling units on a tract of 8.835 acres, located at 1055 Third Street, Jacksonville, Oregon:

I. Recitals:

Property Description:

The subject property is a tract of 8.835 acres, located at 1055 S. Third Street, in Jacksonville, Oregon, and more properly described as Assessor's Map 37-2W-Section 32CC, Tax Lot 900, Jackson County, Oregon.

Applicant:

The applicant in this endeavor is Tom Owings, 945 Sunset Hills Lane, Redlands, California 92373. Telephone (909) 228-0647

Property Owner:

The owner of the property is Owings Property, LLC, c/o Tom Owings, 945 Sunset Hills Lane, Redlands, California 92373. Telephone (909) 228-0647

Agent and Engineer:

The agent for the applicant and property owner is Thornton Engineering, Inc., 260 N. Third Street, Jacksonville, OR. Telephone (541) 899-1489

Surveyor:

The surveyor of record for this application is Hoffbuhr & Associates, Inc., 3155 Alameda, Suite 201, Medford, OR 97504. Telephone (541) 779-4641

Geotechnical Engineer:

The geotechnical engineer of record for this application is The Galli Group, Inc., 612 NW Third Street, Grants Pass, OR 97526. Telephone (541) 955-1611

Zoning:

The property is zoned HR-0.5, or Hillside Residential, two dwelling units per acre. Base density under this zone is 17 dwelling units ($8.835 \times 2 = 17.67$ du).

Scope of Application:

The scope of this application is to request approval of a Tentative Plan and a Planned Unit Development, consistent with the provisions of Chapter 16.12 and Chapter 17.64 respectively, of the City of Jacksonville Land Development Code (JLDC), that will permit the construction of 16 single family dwellings on the site (one dwelling unit less than the base density), with the appropriate public facilities including water, sewer, lighting, and streets, and to create a Property Owner's Association and CC&Rs for the overall maintenance and operation of the Common Area, which includes specific common and limited common areas, including, but not limited to, open space, walking trails, and certain other features on the property.

II. Application Submittals:

The following application submittal requirements have been included with this application, either stated herein or by exhibit or attachment to this application:

1. Tentative Plan Submittal Requirements (16.12.060):

A. Completed Application Form. *The applicant must submit a completed application form signed by the owner of record of the real property covered by the application. If more than one ownership is involved, the applicant shall submit a signed notarized statement from each property owner agreeing to participate in the project as a group. An application form may also be signed by the duly authorized representative of the record owner if such authorization is evidenced by a properly executed power of attorney.*

See attached application form.

B. Tentative Plan. *The applicant shall submit 10 copies of the plan on sheets not less than 18 inches by 24 inches at a scale of 1" = 50' with the following information:*

See attached Preliminary Tentative Plat; full size scale is 1"= 40'.

1. Proposed name and the title "Tentative Plan." The name shall not be similar to or pronounced the same as the name of any other subdivision in Jackson County except as provided in ORS 92.090, and shall be related to Jacksonville's historic context.

See attached Preliminary Tentative Plat. Andrew Owings purchased the subject property in 1949.

2. The name, address, and telephone number of property owner(s), preparer of plan, surveyor, and engineers. The stamp of the registered professional preparer of the plan shall also be clearly indicated, along with the date the plan was prepared.

See attached Preliminary Tentative Plat and Preliminary Construction Plans.

3. Boundary lines (to scale) of the tract to be divided. This shall include section lines, corners, city boundaries, monuments, and lot and block dimensions and other identifying numbers as deemed necessary. The plan shall also include a North arrow and the zoning of the subject and adjacent properties. Location by section, township, range, and tax lot sufficient to define the location and boundaries of the proposed tract shall be called out in the title block.

See attached Preliminary Tentative Plat.

4. A vicinity sketch shown on the plat at a small scale (i.e., 1" = 400') showing all existing and adjacent subdivisions, streets, tract lines of acreage parcels, names of the recorded owners of parcels of land immediately adjoining the land to be divided, including properties across a street, and between it and the nearest existing or proposed public road.

See attached Preliminary Tentative Plat.

5. Topographic contour lines having the following minimum intervals:

Overall Site Contour Elevation Difference Interval

<i>0' - 25'</i>	<i>2'</i>
<i>26' - 50'</i>	<i>5'</i>
<i>51'+</i>	<i>10'</i>

With slopes indicated as follows:

Slopes 12% to 20% light shading.

Slopes exceeding 20% heavy shading.

See attached Preliminary Tentative Plat and Slope Exhibit Map.

6. The existing uses of the property including scaled location and present use of all existing structures with an indication as to whether they will remain on the property after platting. The accurate location and outline of the exterior walls of all existing (dotted line) and proposed (solid line) buildings and structures, with the square footages, uses, and heights of each shall be clearly noted. Include setback dimensions for front, side, and rear yards.

See attached Preliminary Tentative Plat.

7. The general type, size and location of existing (dotted line) and proposed (solid line) trees, shrubs and ground cover, including the location, height, and type of trees having a caliper of one and one half inches or greater measured four feet above the base of the tree. Groups of three or more trees with a closed canopy may be indicated using scalloped lines. The Landscaping Plan shall include a diagram of irrigation system piping and sprinkler locations. Preference shall be given to native plants and drought resistant plants. Calculate irrigation water use for each month of the year. Include water conservation devices.

See attached Tree Plan.

8. The accurate location, height, and dimensions of all signs, which are not to be attached to buildings.

See attached Sign Plan.

9. Existing (dotted line) and proposed (solid line) exterior walls and fencing, including specification of construction materials and height.

See attached PUD Plan and Narrative.

10. The location and type of all exterior lighting.

See attached PUD Plan.

11. The location of existing major site features, including water courses (location, direction, and extent of streams and their high banks), wetlands, rock outcroppings, drainage swales, springs, woodlands, significant isolated trees, and other natural features which influence site layout and design. Any proposed changes to such site features shall be shown.

See attached Preliminary Tentative Plat and Preliminary Construction Plans.

12. The existing drainage demonstrating disposition of storm water runoff and the direction of flow for the site. A drainage Plan showing all proposed drainage ways, sized inlets, culverts,

drainage lines, drainage easements, disposition of storm water runoff, and approximate slopes of drainage channels to demonstrate adequate disposition of storm water runoff. A grading plan is required if more than 100 cubic yards of material will be disturbed. Include slope calculations, contours, and erosion control.

See attached Preliminary Tentative Plat and Preliminary Construction Plans.

13. The location and elevation of 100-year floodplains, and all other areas subject to seasonal ponding.

Not applicable to this application.

14. The location of special setback lines (see Chapter 17.80), along with the location, widths, and purpose of all existing or proposed easements on or abutting the tract.

See attached Preliminary Tentative Plat.

15. The location and size of all existing and proposed sanitary sewer mains, storm drains, water lines, fire hydrants, streetlights and irrigation canals on and within 100 feet of the tract. Include wells, septic tanks, and drainfields, if applicable.

See attached Preliminary Tentative Plat and Preliminary Construction Plans.

16. The location of waste handling facilities and outdoor storage areas, along with screening technique.

Not applicable to this application.

17. The typical cross-sections of proposed streets, showing all utility improvements proposed within the street right-of-way and adjacent easements at such scale to clearly show the details thereof.

See attached Preliminary Tentative Plat and Preliminary Construction Plans.

18. Existing Transportation: Location, names, surface types, grades, pavement dimensions of public and private streets, pedestrian ways, driveways, alleys, any off-street parking, and rights-of-way on and abutting the tract. Source of datum shall be indicated on the plan and shall be acceptable to the review body.

See attached Preliminary Tentative Plat and Preliminary Construction Plans.

19. Proposed Transportation: Location, names, surface types, grades, pavement dimensions of public and private streets, pedestrian ways, driveways, alleys, any off-street parking, and rights-of-way on and providing service for the direct benefit of the proposed land division, including approximate radius of curves and grades. Include entry and exit points for motor vehicles and pedestrians using off-street parking areas, and internal circulation patterns, and location of any street plugs required to direct future street extensions.

See attached Preliminary Tentative Plat and Preliminary Construction Plans.

20. A Future Transportation Plan: The pattern of future transportation routes from the boundaries of the proposed land division to include other tracts within 200 feet of the proposed

land division and properties to each side of a proposed route which will primarily benefit the proposed subdivision.

(a) A Future Transportation Plan shall not be required for any portion of the area for which a proposed street layout has been established by a Transportation System Plan previously approved by the governing body.

(b) The Planning Commission may adopt a Future Transportation Plan submitted by an applicant, provided the Transportation Plan does not conflict with a Transportation System Plan previously approved by the governing body and contains only local streets.

(c) If a Future Transportation Plan submitted by an applicant does conflict with a Transportation System Plan previously approved by the governing body or contains other than local streets, review and adoption of the Future Transportation Plan by the City Council will be required before a Tentative Plan can be approved.

See City of Jacksonville TSP.

21. The numbering, location, dimensions, and lot sizes (in square feet or acres) of all proposed lots and blocks.

See attached Preliminary Tentative Plat.

22. The Building Envelopes necessary to show compliance with solar performance standards and other setback requirements. Approved building envelopes shall be enforceable and recorded as a supplement to the final plat and/or covenants, conditions, and restrictions.

No special setbacks are required to meet solar performance standards.

23. The locations of all areas to be dedicated or reserved for public use, with the purpose, condition, or limitations of such reservations clearly indicated.

See attached Preliminary Tentative Plat and Preliminary Construction Plans.

C. Development Schedule. *The applicant shall submit a construction timeline schedule showing all major events. If the project is to be constructed in phases, a schedule shall be submitted for each phase. Areas designated for staged development shall be indicated on the Tentative Plan.*

See attached narrative.

D. Architectural Details. *The applicant shall submit the details of any structures proposed to be built in conjunction with the proposed subdivision. The applicant shall acquire a Certificate of Appropriateness from the Historic and Architectural Review Commission (HARC) for such structures prior to Final Plat approval in accordance with the City's Historic Protection Regulations.*

The applicant has elected to defer submittal of the architectural plans to HARC until after approval of the Tentative Plan and PUD application.

E. Deed Restrictions. *The applicant shall prepare preliminary covenants, conditions, and restrictions (CC&Rs) that affect all resulting properties in order to ensure the compatibility of the proposed subdivision with the historic character of Jacksonville. These CC&Rs shall also establish a homeowners association if necessary to address the development and maintenance of*

all common areas. A copy of the proposed covenants, conditions, and restrictions which will be applicable to the subject property shall be submitted to the Planning Commission and HARC. The proposed preliminary covenants, conditions, and restrictions are subject to the approval of HARC and, once approved, may not be substantially altered when presented back to the city in their final form.

See attached CC&Rs.

F. State Required Documentation. *The applicant shall notify the State Historic Preservation Office of any project element calling for alteration of historically, architecturally, or archaeologically significant property. The applicant must mail one original packet to the state and submit a copy of the cover letter to the city.*

Not applicable to this application.

G. Photographs or Architectural Elevations of Adjacent Building(s) or Structure(s). *The applicant shall submit photographs or drawings mounted on individual sheets of cardboard segregated by building showing elevations of all adjacent structures. Each elevation shall be properly identified as a north, south, east, or west elevation.*

See attached photographs.

H. Names and Mailing Addresses. *The applicant shall submit the correct name and mailing address of all fee titleholders of real property situated within 300 feet of the outer boundaries of the property covered by the application. The names and mailing addresses shall be submitted on an 8-1/2 by 11 inch sheet(s) of peel-and-stick transferable label paper. This information shall be provided to the City Recorder's office twenty-five (25) days in advance of the hearing at which the application is scheduled for consideration.*

See attached mailing labels.

I. Application Fee. *The applicant shall pay an application fee for processing all applications. No part of any application fee is refundable. The amount for such fees shall be established by resolution of the City Council. Fees shall not exceed the actual average cost of processing services incurred by the city.*

See attached fee payment.

J. Legal description of the property. *The applicant shall submit a land division guarantee issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interest in the premise.*

See preliminary Title Report.

K. Supplemental Information *The applicant shall submit the following information:*

1. Land use Tabulation:

(a) Total Site Area (Acres).

(b) Area Dedicated to Public Right of Way (Acres).

- (c) Useable Site Area (Acres - Item (a) minus item (b)).*
- (d) Density Factor Used (du/Acre).*
- (e) Maximum Allowable Dwelling Units (du - item (c) times item (d)).*
- (f) Actual Dwelling Units (du) total, and per stage of development.*
- (g) Area Recreation/Open Space (Acres and % Useable Site).*
- (h) Area Impervious Surface (Acres, # of parking spaces, and % Usable).*

See attached Land Use Tabulation Sheet.

2. If the subdivision proposal is adjacent to any resource land, either in the City or in the County, a written mitigation plan is required that describes buffering techniques that will utilize current best management practices.

See the discussion in the approval criteria portion of this document regarding adjacent resource land.

3. A written disclosure to that effect that there are no special or unusual seismic, soil or geologic conditions on the site. If there are any such conditions, an engineer's report and recommendations as to mitigation of those concerns are required.

See attached Geotechnical Report.

4. A written statement that there are no wetlands on the subject. If, when compared to National Wetlands Inventory and soils maps, there are any wetlands identified on or potentially impacted by the tentative plan proposal, the Division of State Lands shall be notified at least 30 days prior to any hearing.

Not applicable to this application.

5. Any documentation demonstrating compliance with the Solar performance standards found in Chapter 17.56 of this Code.

The applicant has elected to defer submittal of the architectural plans to HARC until after approval of the Tentative Plan and PUD application. No special solar requirements are anticipated.

6. A statement showing the source and availability of the municipal water supply, sanitary sewer, adequate drainage, public parks, schools, transportation facilities, and police and fire services.

Please see the attached memo from Thornton Engineering Inc.

7. A statement as to how the proposal satisfies all zoning requirements.

Please refer to the satisfying of applicable criteria in this document.

2. Planned Unit Development Submittal Requirements (17.64.030):

The owner or his agent may make application for planned unit development approval by filing an application with the city recorder. The application shall be accompanied by the following:

A. A filing fee in an amount established by general resolution of the city council. No part of the fee shall be refundable.

See attached fee payment.

B. A current assessor's map with the boundaries of the proposed PUD identified.

See attached copy of assessor's map.

C. Preliminary Plan. All applications shall be accompanied by a general development plan (12 copies) prepared in accordance with Chapter 18.02. Additionally, such plans shall include preliminary plans for the provision of public access, water and sanitary sewer service and a proposal for the PUD's operative Covenants, Codes, and Restrictions (CC&Rs). The applicant shall also submit one copy of the Preliminary PUD Plan, which has been reduced to a size suitable for photocopy reproduction.

See attached Preliminary PUD Plan and Preliminary Construction Plans.

If a tentative plan for a land division is submitted concurrently with a Preliminary PUD Plan, the Preliminary PUD Plan and tentative plan shall be on separate sheets, with the tentative plan submitted in accordance with the application requirements of Chapter 16.12.

See attached Preliminary Tentative Plat and Preliminary Construction Plans.

Approval of architectural plans for proposed buildings shall be referred to HARC for recommendations to the Planning Commission. An applicant for a Preliminary PUD Plan may postpone the submission and approval of architectural plans for proposed building and have such plans approved by HARC as a separate matter at a later time after the Preliminary and Final PUD Plan has been approved.

The applicant has elected to defer submittal of the architectural plans to HARC until after approval of the Tentative Plan and PUD application.

When the approval of architectural plans for buildings has been postponed, the Preliminary PUD Plan shall show the footprint of planned buildings in conceptual form and indicate their approximate height(s). Such building envelopes shall reasonably anticipate and separately define the maximum extent of the footprint for each building in the PUD.

See attached Preliminary PUD Plan.

D. A narrative description of the PUD, which shall cover the following:

1. The nature, planned use, future ownership and method of perpetual maintenance of access ways and land to be left in natural or developed open space or which is otherwise to be held in

common ownership.

See attached Narrative.

2. A listing of all deviations from the strict provisions of this Code by citing each provision of the Code to be deviated from, followed by a brief explanation which covers the nature and extent of the deviation.

No deviations are requested with this application.

3. A proposed development schedule, which indicates the approximate date when construction of the PUD is expected to begin and end. If the PUD will be developed in phases, the development schedule for each phase shall be keyed to a plan that indicates PUD phasing boundaries.

See attached Narrative.

4. Such other pertinent information shall be included as may be considered necessary by the planning commission to make a determination that the contemplated arrangement or use makes it necessary and desirable to adopt regulations and requirements differing from those ordinarily applicable under this chapter.

See attached Narrative.

E. Written findings of fact and conclusions of law which address the approval criteria.

Please refer to the satisfying of applicable criteria in this document.

F. The names and mailing addresses of the owners of property, which are located within 200 feet of the exterior boundary of the whole PUD. The names and mailing addresses shall be typed on mailing labels.

See attached mailing labels.

III. Applicable Criteria, Purpose Statements, Discussion and Findings:

Each of the following criteria for approval and purpose statements, followed by the applicant's discussion, or statements of fact, with respect to the specific criteria form the basis of the subsequent findings of fact suggested for adoption by the Planning Commission.

A. Tentative Subdivision Plan Criteria for Approval (16.12.240):

The review body shall approve, approve with conditions or deny the request, based upon the following criteria:

(1) That the applicant has submitted all the information required by this chapter.

Discussion: The applicant has enclosed with this application all of the requirements identified in Section II above.

Finding: The applicant has submitted all of the requirements required by this chapter.

(2) That the project is compatible and suitable within the context of its surroundings as described in 16.12.02 Scope.

Discussion: Section 16.12.020 of the JLDO discusses the encouragement of differentiation and non-standardized "cookie-cutter" subdivisions within the context of the historical development of Jacksonville. In practical terms, the challenge is in designing and constructing the development in such a way as to not appear to be designed, subdivided and constructed all in the same fashion within the development and in the same fashion as existing surrounding developments. This development provides both a differentiation and an integration with the surrounding neighborhood in having a uniqueness to each lot and structure while preserving the neighborhood's spatial relationships, view sheds, vegetation patterns, topography, livability in terms of public facilities, land uses, noise, glare and drainage.

A discussion of differentiation with regards to a residential development can be divided into two subcategories; 1) the street and lot design and layout and 2) the design of the structures. With regard to the street and lot design and layout, a perception of differentiation can be achieved when the following parameters are allowed to vary; street width, street slope, street horizontal alignment, street length, lot size, lot shape, lot slope, lot frontage, and preservation of natural features (i.e. trees, topography, and drainage-ways). With regards to this development, the street width is not allowed to vary in order to be in conformance with City standards. However, the street slope varies from 5% to

14%; the horizontal alignment of Andrews Road contains three horizontal curves in 450 feet; one street is a proposed through street, while the other is only 150 feet in length; the lot sizes vary from approximately 5,000 square feet to approximately 10,000 square feet; no two lots have the same shape; the lot slopes vary from gently sloping near Third Street to near 30% on the most easterly lot; the natural drainage way is being preserved; and the streets and all of the lots have been designed in order to preserve the existing significant trees.

The proposed residence design will be submitted to HARC for review and approval. Differentiation in regards to structure design will be achieved by varying the architectural elements such as; exterior materials, the structure size, footprint, number of levels, roof slope and style, exterior articulations, location of garages and driveways, orientation to existing trees, orientation on the lot, and building setbacks.

Finding: The project will achieve differentiation through the preservation of the natural features as well as the varying of the street and lot design and the structure design. This will provide compatibility within the context of the surroundings as described in the Scope of Chapter 16.12.02.

(3) That all proposed deed restrictions have been approved by the HARC for historic compatibility.

Discussion: No historic features other than the topography exist on this parcel. Therefore the only proposed deed restrictions for the purpose of historic compatibility will be the easement over the existing drainage-way and the open space proposed for the steeper sloping areas of the parcel. As part of the application process, HARC will review the CC&Rs which will govern the open space.

Finding: The application includes all information required for HARC's review of any restrictions required for historic compatibility.

(4) That the project will maintain a high quality visual appearance, and to the extent possible, a distinct rural/urban transition at city limits along major city entryways.

Discussion: The existing visual appearance for this parcel from most every vantage point around the city is primarily one of the tree canopies (see photographs). The project street, lot and structure layout has been designed to minimize the removal of trees with a dbh of 12-inches and larger. The site has approximately 123 trees with a dbh of 12-inches and larger, and of these approximately six trees will need to be removed to construct the project. Experience with similar projects where the majority of significant trees have been retained shows that the prominent visual appearance of the tree canopies will remain.

This project is not along a major city entryway. However, given the retention of existing trees and the spatial relationships between structures, the rural/urban transition will be visually pleasing.

Finding: The applicant has designed the project to retain almost all of the significant trees; thereby retaining the visual appearance of the tree canopies and maintaining a high quality visual appearance.

(5) That the project will be compatible with the use or character of any adjacent resource land.

Discussion: The property along the majority of the southern boundary of this parcel is zoned woodland resource. However, the nature and use of the land is not that typical of woodland resource designation. The owner of this land is in the process of applying to the County to change the comprehensive plan designation of this land from resource to residential. In addition, the current RPS draft document has identified this land as urban reserve for the City of Jacksonville. Even if this proposed change in designation was not to occur; the nature of the clustering of the proposed development combined with the poor quality of the woodlands and soils on the adjacent property will not result in adverse impacts on the ability of the adjacent property to perform woodland resource activities.

Finding: The nature of the application and the adjacent property are such that any woodland resource activity that might occur will not be adversely affected by the proposed development. The project will be compatible with the use and character of the adjacent resource land.

(6) That the project conforms to or minimally alters existing topographic features and seeks to preserve natural features. Development in areas adjacent to streams and those characterized by steep slopes has been limited to the extent necessary to minimize risk to acceptable levels as determined by the Jacksonville Comprehensive Plan, or where objective levels are not available, as determined by the Planning Commission.

Discussion: The project has been designed to fit the existing topography to the greatest extent allowed by the street standards in the LDO. Specifically the horizontal and vertical alignments of the streets include several curves and changes in grade in order to conform to the topography as well as preserving the existing trees. Conforming to the existing topography with the street alignments helps to minimize the cuts and fills required to construct the infrastructure in compliance with City standards. The design of the structures will include consideration of the structure orientation and steps in the foundations in order to minimize the cuts and fills on each lot. The existing drainage-way and steep slopes have been avoided in terms of street and structure locations in order to preserve these natural features and minimize risks. The geotechnical report prepared for

the project provides recommendations to minimize the risks associated with the development of the parcel.

Finding: The project streets, lots and structures have been designed in such a way as to preserve the existing topography and minimize the risks associated with hillside development. Open space has been provided in order to preserve the natural features of the property.

(7) That the project identifies, preserves, and protects natural wildlife habitats and wetlands.

Discussion: In as much as the entire city of Jacksonville has turned into a haven for natural wildlife such as deer, turkeys, skunks, raccoons, squirrels, foxes and cougars; it's had to imagine what nature of development would create an obstacle for the natural wildlife. However, this project has been designed with a significant area of open space continuously across the project from south to north along the steeply sloping middle portion of the project. This design provides for unobstructed movement of wildlife exactly on the area of the project most desirable for wildlife. There are no identified wetlands within the project boundaries.

Finding: The project open space design preserves and protects the natural wildlife habitat and movement.

(8) That the project demonstrates the adequate availability of the following:

- 1. Public sanitary sewers*
- 2. Drainage facilities*
- 3. Municipal water facilities*
- 4. Transportation facilities*
- 5. Police and fire services*
- 6. Public elementary schools*
- 7. Improved parks or recreation facilities*
- 8. Solar access*

Alternately, that the applicant agrees to provide, concurrent with the subdivision development, such improvements as would bring any inadequate facilities and services to the level necessary to accommodate the project.

Discussion: The preliminary engineering plans prepared by Thornton Engineering outline the size, shape, location and connectivity issues for public sewer, storm drainage, water and public streets that will be developed by the owner, and dedicated to the City.

Rogue Valley Sewer Services provides for sewer collection services in Jacksonville. Sewer collection is via an 8-inch main that lies in Third Street, and the sewer system of this project will connect at that location. The system connects to the RVS transmission lines, and treatment is provided via the Regional Treatment Facility. According to Carl Tappert, RVS, adequate collection and treatment capacity exists to accommodate the proposed 16 home sites.

The project proposes to collect the existing and additional storm water runoff from the project and adjacent properties using existing and proposed drainage facilities and convey the runoff to the downstream facilities in Third Street that currently serve the site. This application anticipates a condition of approval which would require the project engineer to demonstrate to the City Engineer that the existing downstream facilities are adequate to convey the runoff from the project, or that the project includes mitigation measures satisfactory to the City Engineer.

The City of Jacksonville supplies domestic water service via a contract with the Medford Water Commission (MWC). Jacksonville purchases the water, and pumps it into storage reservoirs for distribution via the City water distribution system. Connection to the system will be to the existing water line located in Third Street. According to the City's Public Works Director, Jeff Alvis, the existing system in Third Street has adequate pressure to serve fire hydrants (minimum 20 psi) on this site up to elevation 1880. This elevation is well above the highest proposed residence. This application anticipates a condition of approval which would require the project engineer to demonstrate to the City Engineer that the existing water system facilities are adequate to serve the project, or that the project includes mitigation measures satisfactory to the City Engineer.

Transportation facilities for the City of Jacksonville in general are classified into the categories of facilities required to accommodate vehicles (passenger, fire/life/safety, and commercial), pedestrians, bicycles, and public transportation (buses and tour trolleys). The type of facilities in the area of the project is generally limited to passenger vehicles, fire/life/safety vehicles, pedestrians and bicycles. All of these transportation modes are accommodated by providing streets in conformance with City standards with the addition of pedestrian trails provided in open space or public woodlands.

This project proposes five different types of access improvements; 1) The half-street improvements required to the existing South Third Street along the project frontage, 2) The improvements required to construct "Andrews Place" in conformance with City Standards for a stubbed street (future through street), 3) The improvements required to construct "Josephines Way" in conformance with City Standards for a dead-end street, 4) The improvements required to construct driveways serving one or two residences, and, 5) The pedestrian path located within the project open space. Jacksonville has established a hiking/bike trail concept, as part of the TSP, and the developer proposes to connect walking trails within the development with the future extension of this system.

The City has the opportunity to perform transportation improvements which will serve an area greater than the project through the collection of transportation SDC's (authorized by Chapter 5 of the Municipal Code) from the proposed 16 residential building permits associated with this project and other future developments.

This development has an opportunity, in part, to participate in the providing of police and fire services through the payment of taxes and the Public Safety Surcharge.

Municipal school services will be provided by the 549C School District, which has stated in the past that they have adequate capacity in that the existing school facilities currently have additional classroom space, as well as capacity in the current classrooms to serve the 16 new single family dwellings.

Parks and recreational facilities are generally provided by the City in terms of developed park areas. Jacksonville has established a hiking/bike trail concept, as part of the TSP, and the developer proposes to provide walking trails within the development. The City of Jacksonville has significant park resources, including the Woodlands Association, extensive woodland trails systems and a relatively high percentage of the City parkland. Additionally, there is an existing park SDC to ensure continued acquisition of parkland.

No solar access infringement is created by the location of any portion of the development.

Finding: The application includes evidence that demonstrates the adequacy, or the ability to condition the project to demonstrate or provide adequacy, of the public facilities required to serve this project and to maintain the level of service required to serve the existing developed areas of the City. This project will extend existing public facilities to and through the site, consistent with the requirements of the City.

(9) That the project's proposed transportation plan affords the most economic, safe, efficient and least environmentally damaging circulation of people, goods, and information and layout of utilities and parking possible. In those circumstances where City Council approval of the project's Future Transportation Plan is required and not provided the planning Commission must deny the Tentative Plan.

Discussion: The proposed street layout conforms to the City's TSP. In addition, the design of the streets is to be in conformance with the City's standards. Presumably, the City's TSP and design standards have been crafted to provide safe and efficient circulation of people and goods. In addition, as discussed in (6), (7) and (8) above, the horizontal and vertical design of the streets minimizes the disturbance to the existing topography and to existing trees. This design not only provides an environmentally friendly project by minimizing the excavation and filling required for the street construction, it also minimizes costs.

Finding: The project street layout and design provides for an economic, safe, efficient and environmentally compatible transportation plan.

(10) That the project conserves and revitalizes any existing housing stock, particularly historic structures.

Discussion: One structure exists on the property. Previously, City Staff was of the understanding that this structure was included on the Jacksonville Landmark List. After reviewing the minutes of the December 22, 1999 HARC meeting, and the minutes of the February 1, 2000 City Council meeting, staff has concluded that the structure was proposed to be on the list by the City's consultant and HARC removed it from the proposed inclusion list after reviewing the evidence. The City Council confirmed HARC recommendation. The structure is not on the Jacksonville Landmark List. The project proposes to replace the existing structure, which apparently is a converted lean-to-barn.

Finding: The project will replace the single existing housing stock. There are no historic structures on the property.

(11) That the project, through sensitive housing and site design, minimizes the cost of housing and barriers to the handicapped.

Discussion: The project housing sizes will range from approximately 1,500 square feet to approximately 3,000 square feet. The market will dictate whether the majority of the houses will be on the smaller side of that range or in the middle. The current plan is to provide at least four homes and lots in the "cottage" size range. The applicant anticipates the housing market, although in transition at the moment, will be moving towards smaller sized single family detached houses, with low maintenance native landscape material and natural vegetation in the open spaces. In addition, the cluster style of the development will provide for minimum street construction and smaller lot sizes, which will minimize the amount of infrastructure required to serve the proposed residences. The design of the project housing and infrastructure minimizes the cost of housing.

In as much as the project is located on moderately sloping terrain, the public improvements will be somewhat limited with regard to disabled pedestrian access. However, the housing design considers access not only for the disabled, but also for the anticipated market group which will request houses with single level livability and minimizing steps to access the residence.

Finding: The project cluster style design and market desires for single level livability provides for minimizing housing costs and barriers to the disabled.

(12) That the project demonstrates that adjoining land under the same or separate ownership can either be developed or be provided access that will allow its development in accordance with the Jacksonville Comprehensive Plan and this Code, and with the Jackson County Comprehensive Plan and Code, where applicable.

Discussion: The project provides a stub street to the northerly property boundary in order to provide future connectivity when properties to the north develop. This street is in conformance with Jacksonville's TSP, being a part of the Comprehensive Plan. No connectivity to the east is required by the TSP, which probably considered the difficulty in providing access due to the terrain.

Finding: The project provides access to adjoining properties in conformance with Jacksonville's TSP.

(13) That the project complies with all design standards contained in this Title and applicable portions of the Comprehensive Plan, this code, and State and Federal Laws.

Discussion: Although the Planning Commission may authorize deviations from the design standards under the PUD chapter, this project has been designed such that no deviations are being requested. The project is intended to be designed and constructed to comply with all applicable codes and laws.

Finding: The project will comply with all applicable codes and laws.

B. Planned Unit Development Purpose Statements (17.64.010):

Planned Unit Development proposals are an approvable approach to enable a greater degree of flexibility in design and implementation of urban development, particularly on difficult-to-develop sites. Moreover, PUD applications are *required* if a subdivision is being proposed in the HR zoning district (Section 17.16.020(C)). The provisions of Section 17.64.010 outline the “Purpose Statements” which are the basis for the PUD approval. These Purpose Statements’ are:

1. *To promote more creative and imaginative design for urban development in ways that are more compatible with the natural topography.*

Discussion: As mentioned in section III A (6) above, the project has been designed to fit the existing topography to the greatest extent allowed by the street standards in the LDO. The project’s architectural designer has taken into consideration the topography, spacing between structures, existing trees, orientation of the structures, open spaces, lot sizes and shapes, and several other parameters in creating a one-of-a-kind project layout. Specifically the horizontal and vertical alignments of the streets include several curves and changes in grade in order to conform to the topography as well as preserving the existing trees. Conforming to the existing topography with the street alignments helps to minimize the cuts and fills required to construct the infrastructure in compliance with City standards. The design of the structures will include consideration of the structure orientation and steps in the foundations in order to minimize the cuts and fills on each lot. The existing drainage-way and steep slopes have been avoided in terms of street and structure locations in order to preserve these natural features and minimize risks.

Finding: **The project streets, lots and structures have been designed in such a way as to preserve the existing topography and create a unique development which considers many parameters for livability.**

2. *To promote the preservation of important natural features, viewsheds, and scenic qualities of the land;*

Discussion: As mentioned in section III A (4) above, the existing visual appearance for this parcel from most every vantage point around the city is primarily one of the tree canopies. The project street, lot and structure layout has been designed to minimize the removal of trees with a dbh of 12-inches and larger. The site has approximately 123 trees with a dbh of 12-inches and larger, and of these approximately six trees will need to be removed to construct the project. Experience with similar projects where the majority of significant trees have been retained shows that the prominent visual appearance of the tree canopies will remain. The most prominent visual portion of the property has been retained in the open space area. The drainage-way has also been preserved in an

easement area. As stated above, the natural topography is being retained to the greatest extent practical.

Finding: The project design preserves the most prominent natural features, view sheds, and scenic qualities of the parcel.

3. *To promote a geographical intermixing, rather than a concentration of demographic groups;*

Discussion: A list of demographic groups in the U.S. Census typically includes the following categories; sex, age, race, income, household size (number of occupants), education, and renters versus owners. For the purpose of this application, the applicant has assumed that some categories will be unaffected regardless of the type of development, and achieving diversity in the rest of the categories is accomplished primarily by a providing a diversity in the type, size and density of the housing. A development is somewhat constrained in the range of diversity of these elements by the Land Development Ordinance. Even though this application has the ability to request deviations under the PUD chapter, the applicant has chosen to design the development to promote this purpose statement without requesting deviations.

This application proposes to provide residences which range from 1500 square feet to 3000 square feet. In addition, some lots will be half the size of other lots in the development. Some structures will be single level, while others will be multiple levels. This type of project design will have an appeal to several demographic groups including; singles, young couples without children, families, working empty nesters, retirees, multigenerational households, and possible renters as well as homeowners.

Finding: The project will provide an opportunity through diversity in housing type, size and density in order to promote geographical intermixing to the greatest extent practical.

4. *To promote a more economic and efficient use of urbanizable land while integrating with the surrounding neighborhood and not compromising the public health, safety or general welfare.*

Discussion: The clustering of the houses near Third Street not only provides for a preservation of existing topography, view sheds, wildlife habitat, and trees; it also provides a more economic and efficient use of land. The project will minimize the amount of infrastructure required to support the housing. This will result in lower maintenance costs of public facilities as compared developments which larger lots covering a greater area of land. Less road construction also minimizes the amount of additional storm water runoff generated by the development. The smaller footprint of

development also reduces the potential for erosion and sedimentation. The open space also provides another opportunity for hiking and trail interconnection within Jacksonville. In addition, the cluster design has considered the spatial relationships of the housing to still be compatible with the existing houses in the area, and those anticipated by future development.

Finding: The cluster design combined with the open space provides an economic and efficient use of land, while promoting the public health, safety and welfare.

5. *To promote a mixture of land use and housing types that are thoughtfully planned and integrated;*

Discussion: The land uses permitted by the underlying zone include; single family dwellings, ancillary units, PUD's, and management for wildlife and interpretive trails. Even though the PUD ordinance allows for a request for a deviation for other types of land use, no other land use appears to be practical, nor would likely be approved for this parcel. This project provides an opportunity for a mixture of all of the land uses permitted by the underlying zone. The wide range of the sizes of the lots and houses has been designed by the architectural designer to integrate with each other and with the natural terrain and vegetation. This range in lot and housing size will provide some opportunities for ancillary units and rental properties. As discussed previously, the project provides open space and hiking trails.

Finding: Through the variation of lot and house sizes, the project provides for a mixture of land use and housing types to be integrated into the natural terrain and the neighborhood.

6. *To permit infill development to occur on parcels that are difficult or impossible to develop under the strict provisions of this Code;*

Discussion: Infill is typically thought of as a parcel bounded on all sides by existing development. However, the Planning Commission has previously recognized that some properties, although not bounded by development, are likewise constrained in such a way to experience the same development obstacles as to also be considered infill. This project is bounded on the south by the urban growth boundary, on the west by development and Third Street, and on the east and northeast by the steep topography. Even though the project has been designed intentionally to avoid requesting deviations from the standards in the code, approval of this project under the PUD ordinance will permit development to occur on a difficult parcel.

Finding: The project has been designed to permit development on a parcel which is constrained on several sides.

7. *To promote the development, public utility and appropriate maintenance of open spaces and other elements intended for common use and ownership;*

Discussion: As discussed above, the project proposes a significant open space with hiking trails. This open space will be owned and maintained by the homeowner's association established and governed by the CC&R's

Finding: **The project includes a significant open space area with hiking trails, to be owned and maintained by the homeowner's association.**

8. *To provide overall 'development concepts' that are compatible to the City's National Landmark Status through encouraging differentiation. Jacksonville's character is to a large extent defined by its uniqueness; differentiation abounds from street to street, from house to house. Structural character changes in size, height, shape, roof configurations, setbacks spacing, streetscapes, and material textures occur frequently. The compact nature of Jacksonville generally creates less distinct divisions, with new and old resources mingling city-wide.*

Discussion: As stated in section III A (2) above, chapter 16.12.020 of the JLDO discusses the encouragement of differentiation and non-standardized "cookie-cutter" subdivisions within the context of the historical development of Jacksonville. In practical terms, the challenge is in designing and constructing the development in such a way as to not appear to be designed, subdivided and constructed all in the same fashion within the development and in the same fashion as existing surrounding developments. This project proposes to define a differentiation and integration with the surrounding neighborhood as having uniqueness to each lot and structure while preserving the neighborhood's spatial relationships, view sheds, vegetation patterns, topography, livability in terms of public facilities, land uses, noise, glare and drainage.

A discussion of differentiation with regards to a residential development can be divided into two subcategories; 1) the street and lot design and layout and 2) the design of the structures. With regard to the street and lot design and layout, a perception of differentiation can be achieved when the following parameters are allowed to vary; street width, street slope, street horizontal alignment, street length, lot size, lot shape, lot slope, lot frontage, and preservation of natural features (i.e. trees, topography, and drainage-ways). With regards to this development, the street width is not allowed to vary in order to be in conformance with City standards. However, the street slope varies from 5% to 14%; the main street horizontal alignment contains three horizontal curves in 450 feet; one street is a proposed through street, while the other is only 150 feet in length; the lot sizes vary from approximately 5,000 square feet to approximately 10,000 square feet; no two lots have the same shape; the lot slopes vary from gently sloping near Third Street to

near 30% on the most easterly lot; the natural drainage way is being preserved; and the streets and all of the lots have been designed in order to preserve the existing significant trees.

The proposed residence design will be submitted to HARC for review and approval. Differentiation in regards to structure design can be achieved by varying the architectural style and exterior materials, the structure size, footprint, number of levels, roof slope and style, exterior articulations, location of garages and driveways, orientation to existing trees, and orientation on the lot.

Finding: The project will achieve differentiation through the preservation of the natural features as well as the varying of the street and lot design and the structure design. This will promote compatibility with the City's National Historic Landmark status within the context of the surroundings as described in the Scope of Chapter 16.12.02.

C. Planned Unit Development Standards (Criteria) for Approval (17.64.060):

The completed application, as well as the accompanying submittals, which include a “Declaration of Conditions, Covenants and Restrictions” (CC&Rs) and Bylaws for creation of the PUD Property Owners Association, are provided to demonstrate compliance with these provisions, including a detached, separate Narrative Statement, as well as the following information that addresses the Criteria as contained in Section 17.64.060 of the Jacksonville Land Development Code.

A. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal, the fact that it will result in a safe, functional and attractive development, and his ability to carry out the project as proposed.

Discussion: This application reflects well over two years of work on the behalf of the client’s consultants in a clear and professional attempt to provide a safe, functional and attractive development.

As noted in the Narrative Description, and demonstrated by the attached Preliminary PUD Plan and the Tentative Plat and other accompanying documentation, the applicant has evaluated all of the factors that apply in evaluating the suitability and safety of developing this property in a single family mode. The applicant has engaged numerous competent professionals to prepare the appropriate documentation that shows the size, shape, location, access, landscaping, open space and other related factors that apply to the development. Slope and geology has been examined, roadways and cut-and-fill areas have been engineered, and the site has been evaluated for extension of public facilities such as water, sewer, roadways, and other utilities.

Finding: The applicant has engaged several consultants to develop the proposed project. The consensus of opinion of these professionals is that the proposal for 16 lots is generally consistent with the focus of the City of Jacksonville in providing housing on this 8+ acre parcel. The applicant owns the property outright, and has the ability to carry out the project as proposed. Demonstration of this ability to carry out the project can be provided to the city upon their request, in the form of a letter from Mr. Owings’ CPA or attorney. The tentative plat, preliminary PUD plan and other documentation prepared by the consultants is demonstrable evidence that the application is consistent with this criterion.

B. The proposal conforms with all specific Master Planning requirements found in Chapter 17.48 that are relevant to the property or properties upon which the development proposal is located, or the off-site facilities and services which are affected by the proposal, and all implementing ordinances of the City in terms of location and general development standards, except those for which a specific deviation has been approved under Section 17.64.080.

Discussion: See section III A (8) above for previous discussion on public facilities and services. The provisions of Chapter 17.48 provide for the City of Jacksonville street plan and connectivity process, and discuss functional classification of the street system, the street standards as provided in the Transportation Systems Plan (TSP) and discusses pedestrian and cycle paths, tracks and linkages that conform to the general routing concepts of the TSP.

The subject property is located on Third Street, near the edge of the Urban Growth Boundary. Third Street is listed in Chapter 17.48 as a collector. However, in this vicinity of Third Street, where the “upstream” potential for additional traffic generation is very small, the applicant’s engineer has determined by presumptive methods that the current traffic volume is well under the capacity of a local street, let alone a collector. The subject property is anticipated to generate 153 ADT (Average Daily Trips). This calculation is based upon the *Institute of Traffic Engineers TRIP GENERATION MANUAL, 6th EDITION*, which notes that a single family residence generates 9.56 ADT (9.56 x 16 = 153 ADT). In general, a Traffic Impact Study (TIS) is not required if a project generates less than 250 ADT into the system (ODOT general standard).

The design of the internal circulation for this project involves a two-lane meandering roadway being “stubbed” to the northerly property boundary in compliance with the TSP. This design is consistent with Section 17.48.020(B), in that it is designed with a curvilinear orientation, short lengths, and a “T” intersection with Third Street, consistent with this section to reduce speeds. The design of the project is also consistent with Section 17.48.030(A), which indicates that the site is in Special Area “B”, and a geological soil testing is recommended. This has been accomplished by the Galli Group, geotechnical engineers, and the roadway designed by Thornton Engineering is consistent with the findings.

In addition, the plan calls for walking areas and connection, where possible, to other pedestrian trails and tracks that abut or can be extended to this property.

Finding: The application is consistent with the Master Plan requirements of Chapter 17.48. A street connection to the north is provided on the lower quadrant of the site to provide connection for any future development on abutting property in that direction. South of the site, properties are outside the city limits and UGB, so no extension of city facilities is planned.

C. The project will accrue benefits to the city and the general public in accordance with Section 17.64.010 sufficient to justify any necessary exceptions to the zoning district.

Discussion: This application is not requesting exceptions, or deviations, to the standards of the zoning district. However, following is a brief discussion of the several benefits the project provides to the city and the general public:

Section III B above discusses how the project satisfies each of the PUD purpose statements (LDO Section 17.64.010) which have been crafted to promote development which provides benefit to the public. The minimum number of the purpose statements required to be served is three; by serving all eight purpose statements this project provides several additional benefits to the general public.

Cities and towns, under the Oregon Statewide Planning program, have the primary responsibility for providing urban levels of development, i.e., residential housing, as well as commercial and industrial uses. In this case, the application benefits the city and the general public in providing additional housing units, consistent with the provisions of Statewide Planning Goal 10.

In addition to the employment and construction related revenue the project will provide to the local economy, the SDC's and property taxes collected from each additional structure and lot will contribute to the local government funding base.

In proposing several cottage sized structures, the project will reduce the amount of energy required to serve these dwelling units compared to typical dwellings for new developments. In addition, the amount of building materials required to construct the structure will be reduced. Also the smaller lots and minimal landscape areas proposed for the project will reduce the amount of irrigation water required for the development.

The project is much closer to the downtown core than several other existing and potential future housing developments. This will promote more pedestrian trips rather than vehicle trips in order to access the downtown area, which reduces energy consumption, vehicle emissions, and traffic.

Finding: The applicant is not requesting deviations to the standards of the LDO, however the project provides the City and the public with several benefits, including; additional housing stock, opportunities for employment, additional funding for government, preservation of view sheds, retention of existing topography and vegetation, compatibility with neighborhood and city development goals, and opportunities for minimizing energy and resource consumption.

D. The project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points and additional street rights of way improvements.

Discussion: Each dwelling will have a two-car garage, and a minimum of two additional off-street parking spaces as part of the driveway access to each unit. On-street parking will be provided as demonstrated by the attached preliminary engineering drawings prepared by Thornton Engineering.

Access will be via a “T” intersection, as required by Chapter 17.48.020(B), with Third Street. The new street serving this site will provide additional street ROW and improvement to City standards to serve the project. The anticipated level of traffic generation can be easily accommodated by Third Street and the balance of the existing traffic system; traffic generation does not exceed 250 trips, which is the basic governmental threshold for requiring a TIS (Traffic Impact Study).

The design provides for the ability to provide for an additional extension of the street system to the north, anticipating eventual development on the abutting site. The ability to provide for these long-term solutions is consistent with the City of Jacksonville concepts for planned developments, and long-term public facilities planning.

Finding: The project is designed to accommodate the proposed traffic load, and also provides the ability to connect to abutting properties to the north as part of the design. There is adequate off-street parking for each structure, and the design provides for additional on-street parking to serve the project. Long term planning goals are served by the design, which allows for eventual extensions of streets even beyond the planning period.

E. That the project will be compatible with adjacent developments, will not adversely affect the character of the area, and there shall be no construction on slopes greater than 30% as certified by a surveyor.

Discussion: See section III A (2, 4, 5, 6 & 7) above for previous discussion related to this criterion. The applicant has provided a design that is compatible with the community and abutting properties, given the urban character of the land and the community of Jacksonville. The proposal provides a concept where spatial relationships are compatible with previously developed parcels in the neighborhood. In addition, the character of the homes is a blend of the various styles, lot and house sizes, and orientations, making them unobtrusive as possible, while maintaining the maximum amount of open space on the site consistent with the design. The open space preserves the natural topography and vegetation in a critical area of the development. No structure construction is proposed on slopes greater than 30%.

Finding: The applicant’s proposed development is compatible with the area and the City as a whole. No structure is proposed to be constructed on slopes greater than 30%.

F. The property can be supplied at the time of development with the following types of public facilities that are determined to be sufficient in their condition and capacity to support development of the property as anticipated by the PUD:

- 1. Public sanitary sewer facilities;*
- 2. Public domestic water facilities;*
- 3. Storm drain facilities;*
- 4. Public Streets;*
- 5. Park and recreational facilities.*

Discussion: See section III A (8 & 9) for discussion on this criterion.

Finding: A review of the preliminary engineering plans for this development indicates that the applicant has, through Thornton Engineering, coordinated development of infrastructure (water, sewer, streets and storm drainage) through the City of Jacksonville Public Works Department. This project will extend existing public facilities to and through the site, consistent with the requirements of the City. This application can be found to be consistent with this criterion.

G. (Not applicable: applies to proposed commercial developments)

V. SUMMARY AND CONCLUSIONS:

The above statements discussions and findings have demonstrated and stipulated that this application has:

1. Provided all submittals required for a Tentative Plan application (16.12.060).
2. Provided all submittals required for a Planned Unit Development application (17.64.030).
3. Satisfied all Tentative Plan criteria for approval (16.12.240).
4. Met all eight of the Planned Unit Development purpose statements (17.64.010).
5. Satisfied all applicable Planned Unit Development criteria for approval (17.64.060).

This application meets all eight of the purpose statements found in the PUD chapter (17.64.010), which provides the maximum allowable density bonus of 35% under section 17.64.080 (6), or a total of 24 dwelling units.

Based upon the information contained in the Preliminary PUD Plan and the Tentative Plat, the preliminary engineering plans, as well as the other supporting evidence in the record, it is clear that this application is consistent with the provisions of Chapter 17.64 and all other applicable sections of the Jacksonville Development Code.

This Planned Unit Development provides for 16 lots in two phases (1 lot in Phase 1, 15 lots in Phase 2), and is an effective and appropriate development concept for the property and the City as a whole.

The applicant respectfully requests that the City of Jacksonville approve this 16-lot PUD preliminary plan and plat in two phases.

SUBMITTED THIS DAY OF FEBRUARY, 2008:

OWINGS PROPERTY, LLC