

PLANNING COMMISSION

AGENDA

MAY 23, 2019



Commission Members

David Culbertson
Joe Foley
Bill Mansfield
David McFadden
Mark McKechnie
E. J. McManus
Patrick Miranda
Jared Pulver
Jeff Thomas

Regular Planning Commission meetings
are held on the second and fourth
Thursdays of every month
Meetings begin at 5:30 PM

City of Medford

City Council Chambers
411 W. Eighth Street, Third Floor
Medford, OR 97501
541-774-2380



Planning Commission

Agenda

Public Hearing

May 23, 2019

5:30 PM

Council Chambers, City Hall, Room 300
411 West Eighth Street, Medford, Oregon

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 **PUD-18-152** Final Order of a request for amendment of the Rogue Valley Manor Planned Unit Development, File No. PUD-98-023, to consider changes to the PUD boundary of approximately 233-acres of property and to demonstrate that the 'Commercial Village' is able to develop without any vehicle trip stipulations, located east of Interstate 5 between Ellendale and La Loma Drives, within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre), SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre), SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre), MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre), MFR-30 (Multiple Family Residential - 20 to 30 dwelling units per gross acre) and C-C (Community Commercial) zoning districts. Applicant: Pacific Retirement Services; Agent: Richard Stevens & Associates; Planner: Steffen Roennfeldt.

20.2 **ZC-18-192** Final Order of a zone change from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on approximately 1 acre located south of Westwood Drive, approximately 375 feet west of Orchard Home Drive (372W35DD700). Applicant & Agent: Judith Ann Hogue; Planner: Steffen Roennfeldt.

30. Minutes

30.1 Consideration for approval of minutes from the May 9, 2019, hearing.

40. Oral and Written Requests and Communications

Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**

50. Public Hearings

Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

Continuance Request

50.1 **ZC-18-189** Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400); Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs. **The applicant has requested to continue this item to the Thursday, June 13, 2019 Planning Commission meeting.**

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

New Business

- 50.2 **SV-19-044** Consideration of a request for the vacation of both a portion of a public storm drainage easement and a public utility easement on two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 601 & 372W13AB TL 211). Applicant: Tom Malot Construction Company, Inc.; Agent: Richard Stevens & Associates, Planner: Dustin Severs.
- 50.3 **ZC-19-001** Consideration of a request for a zone change of a 0.93 acre parcel located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre) (371W27AC TL 1200). Applicant: Mahar Homes Inc.; Agent: Neathamer Surveying Inc.; Planner: Liz Conner.
- 50.4 **LDS-19-049** Consideration of tentative plat approval for Shafer Valley Landing, a proposed 8-lot residential subdivision on a single 1.50-acre parcel located at 1105 Shafer Lane in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (382W01BD 7800). Applicant: Horton Homes, Inc.; Agent: Scott Sinner Consulting, Inc.; Planner: Dustin Severs.
- 50.5 **LDS-19-051 / E-19-047** Consideration of a proposed tentative plat for an 8-lot residential zero lot line dwelling subdivision with an exception to the number of units allowed to take access off a minimum access easement on 0.9 acres, located on the east side of Columbus Ave approximately 150 feet south of Garfield St. within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district. (372W36CD TL 400). Applicant: Scott Sinner Consulting LLC; Liz Conner: Planner.
- 50.6 **LDS-19-040 / CUP-19-041** Consideration of tentative plat approval for The Meadows at Crooked Creek – Phase 1, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on a 3.28-acre parcel located at 2145 Kings Highway in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000). Applicant: Meadows at Crooked Creek, LLC; Agent: CSA Planning Ltd.; Planner: Dustin Severs.

60. Reports

- 60.1 Site Plan and Architectural Commission
- 60.2 Transportation Commission
- 60.3 Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment

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

IN THE MATTER OF PLANNING COMMISSION FILE PUD-18-152)
APPLICATION FOR AN AMENDMENT OF THE ROGUE VALLEY MANOR) **ORDER**
PLANNED UNIT DEVELOPMENT, FILE NO. PUD-98-23)

ORDER granting approval for an amendment to the approved Preliminary PUD Plan described as follows:

An amendment of the Rogue Valley Manor Planned Unit Development, File No. PUD-98-023, to consider changes to the PUD boundary of approximately 233-acres of property and to demonstrate that the 'Commercial Village' is able to develop without any vehicle trip stipulations, located east of Interstate 5 between Ellendale and La Loma Drives, within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre), SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre), SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre), MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre), MFR-30 (Multiple Family Residential - 20 to 30 dwelling units per gross acre) and C-C (Community Commercial) zoning districts.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.198, Revision or Termination of a PUD; and
2. The Medford Planning Commission has considered in an open meeting the applicant's request for an amendment to the approved Preliminary PUD Plan described above; and
3. Evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. After consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, approved an amendment to the approved Preliminary PUD Plan described above.

THEREFORE LET IT BE HEREBY ORDERED that the approval for an amendment to the approved Preliminary PUD Plan described above, per the Planning Commission Report dated May 9, 2019.

Accepted and approved this 23rd day of May, 2018.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

for a Type III quasi-judicial decision: **Revision to Planned Unit Development (PUD)**

Project Rogue Valley Manor
 Applicant: Pacific Retirement Services; Agent: Richard Stevens & Associates

File no. PUD-18-152

Date May 9, 2019

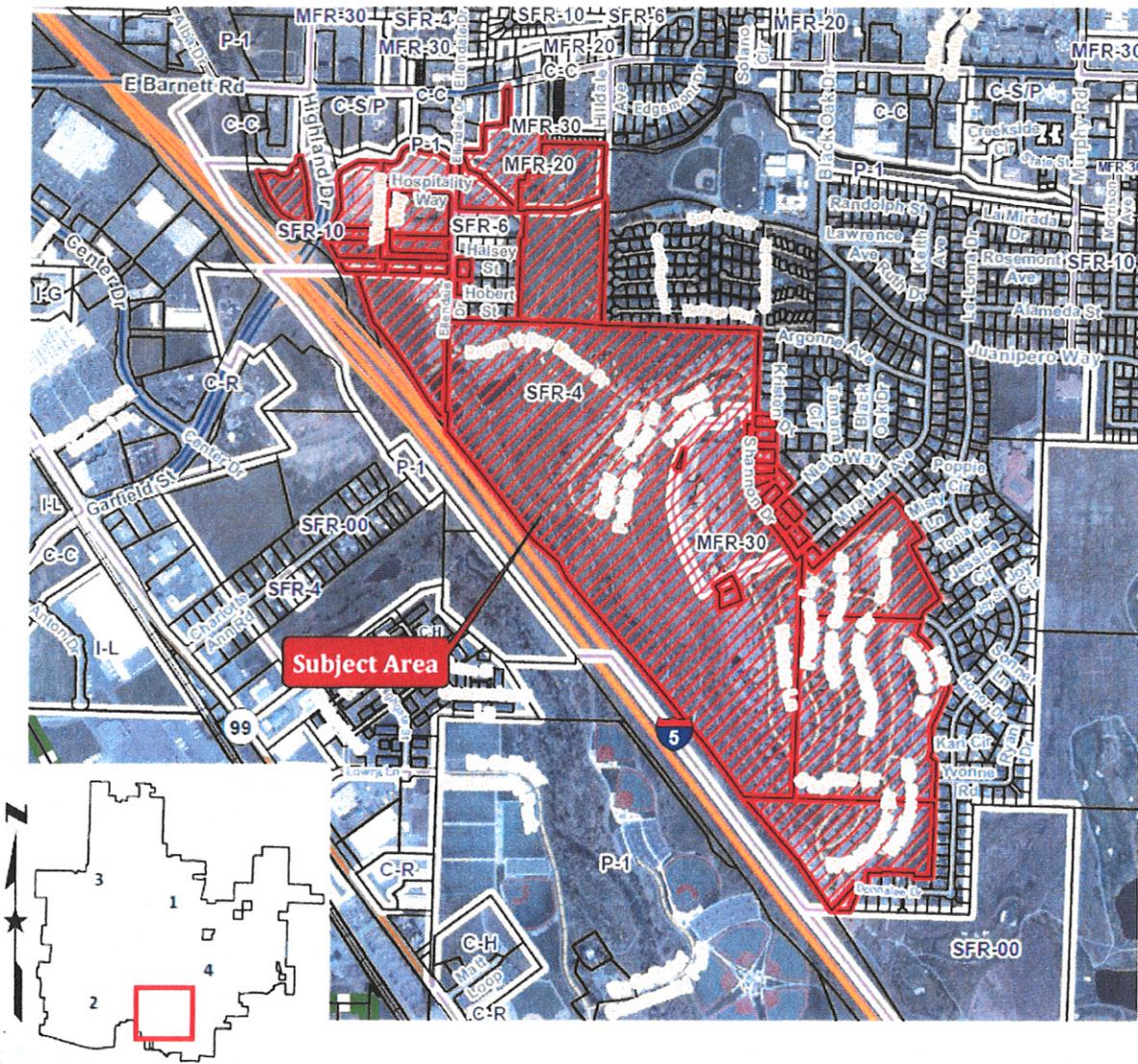
BACKGROUND

Proposal

Consideration of a request for amendment of the Rogue Valley Manor Planned Unit Development, File No. PUD-98-023, to consider changes to the PUD boundary of approximately 233 acres of property and to demonstrate that the 'Commercial Village' is able to develop without any vehicle trip stipulations, located east of Interstate 5 between Ellendale Drive and La Loma Drive, within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre), SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre), SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre), MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre), MFR-30 (Multiple Family Residential – 20 to 30 dwelling units per gross acre), and C-C (Community Commercial) zoning districts.

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Vicinity Map



Subject Site Characteristics

Zoning	SFR-4	Single Family Residential – 2.5 to 4 dwelling units per gross acre
	SFR-6	Single Family Residential – 4 to 6 dwelling units per gross acre
	SFR-10	Single Family Residential – 6 to 10 dwelling units per gross acre
	MFR-20	Multiple Family Residential – 10 to 20 dwelling units per gross acre
	MFR-30	Multiple Family Residential – 20 to 30 dwelling units per gross acre
	C-C	Community Commercial

GLUP	UR	Urban Residential
	UH	Urban High Density Residential
Use		Commercial, low-, medium-, and high-density residential, senior living, golf course

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4, SFR-6 & SFR-10
	Use:	predominantly lower density residential development and low intensity commercial uses
<i>South</i>	Zone:	P-1 (Public Parks) & SFR-00 (Single Family Residential – 1 dwelling unit per existing lot)
	Use:	Medford Sports Park & Centennial Golf Club and
<i>East</i>	Zone:	SFR-4 & County Zoning EFU (Exclusive Farm Use)
	Use:	low density residential & Centennial Golf Club
<i>West</i>	Zone:	P-1, SFR-00 & C-R (Regional Commercial)
	Use:	Medford Sports Park, Bear Creek Golf Course, low density residential & service-industry & retail commercial

Related Projects

Land Use Applications

PUD-84-003	Original PUD application approved in 1984
CUP-92-005	Development of a golf driving range
PUD-98-023	Revision to PUD-84-003 and file that this application is based on
PUD-07-113	Amendment to Phase 19 of PUD-98-023
PUD-08-086	Amendment to Phase 21 of PUD-98-023
PA-18-152	Pre Application for PUD Revision PUD-18-152

Site Plan and Architectural Review Applications

AC-92-029	Granting approval for a parking lot and landscape screening for a golf course and driving range, including a bike path extension based on 1991 PUD revision
AC-97-010	Congregate Housing
AC-97-020	3-level parking garage
AC-04-154	Architectural & landscape plans for 23 dwelling units on 6.5 acres
AC-06-304	Homewood Suites Hotel
AC-07-114	119,000 square foot. 69 units, seven-story Healthcare Center Expansion
AC-08-087	RV Manor Hotel (Expired)
AC-16-108	Memory Care Facility

Street Renaming

SN-18-095 Renaming of several small, private streets to Malama Way

Applicable Criteria

Medford Land Development Code §10.198 Revision or Termination of a PUD

(A) Revision of a Preliminary or Final PUD Plan

The expansion or modification of a PUD approved under earlier PUD ordinances of the City of the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:

- (1) Applicant for Revision; Filing Materials; Procedures
An application to revise an approved PUD Plan shall be on forms supplied by the Planning Department. The application form shall bear the signature of the owner(s) who control a majority interest in more than 50% of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than 50% of the total assessed value of vacant portion of the PUD. For changes deemed by the Planning Director to be minor but not de minimis, the Planning Director shall exercise appropriate discretion under Section 10.190(C)(1) to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions. PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.
- (2) Consolidated Procedure.
At the discretion of the Planning Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.
- (3) Burden of Proof; Criteria for Revisions
The burden of proof and supporting findings of fact and conclusions of law for the criteria in Sections 10.190(D) or 10.196(D), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Section 10.190(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.
- (4) De Minimis Revisions
Notwithstanding Section 10.192(E), the Planning Director may approve revisions to an approved Preliminary of Final PUD Plan that they determine is

de minimis. Proposed revisions shall be considered de minimis if the Planning Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code. The Planning Director's written approval of a de minimis revision(s) shall be appended to the Final Order of the Planning Commission or Final Approval of the Final PUD Plan. Revisions that are de minimis shall not require public notice, public hearing or an opportunity to provide written testimony. However, if, while the record is open, any party requests in writing to be notified of future de minimis revisions of a Preliminary PUD Plan, then all de minimis revisions of a Preliminary PUD Plan shall be subject to review as a Type III land use action or such other procedure as may be permitted by law.

(B) Termination of a PUD.

A PUD may be terminated by action of the Planning Commission subject to the following procedures:

- (1) If issuance of building permits for vertical construction has not occurred or if no lots or units therein have been sold, the PUD may be terminated as provided in this Subsection. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than 50% of the land covered by the approved PUD and which also constitutes more than 50% of the total assessed value of land and improvements of the PUD. Upon receipt of a valid petition, the Planning Commission shall consider the matter in an open meeting and shall declare the PUD terminated. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same. When the Final Order is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect. Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.
- (2) If issuance of building permits for vertical construction has occurred or if lots or units within the PUD have been sold, the PUD may be terminated as provided in this Subsection. Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than 50% of the vacant land covered by the approved PUD which also constitutes more than 50% of the total assessed value of vacant land within the PUD. If there is an association of owners established within the boundaries of the whole PUD, the owner(s) petitioning for termination of the PUD shall also supply the City with the correct mailing address of the association which shall be notified along with others entitled to notice under this Subsection. Upon receipt of the petition, the Planning Commission shall provide notification of the proposed PUD termination and conduct a public hearing on the matter. The Notice and public hearing shall

be subject to Type III procedures. The Planning Commission shall declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or general welfare. The Planning Commission's termination of a PUD shall be evidenced by a Final Order declaring the same and after approvals shall be considered void and of no further effect. Termination of PUD shall not affect other land use actions taken by the City which concern the PUD property.

Medford Land Development Code §10.190 Planned Unit Development – Application and Approval Provisions

(D) Approval Criteria for Preliminary PUD Plan

The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:

- (1) The proposed PUD:
 - (a) preserves an important natural feature of the land; or
 - (b) includes a mixture of residential and commercial land uses; or
 - (c) includes a mixture of housing types in residential areas; or
 - (d) includes open space, common areas, or other elements intended for common use or ownership; or
 - (e) is otherwise required by the Medford Land Development Code.
- (2) The proposed PUD complies with the applicable requirements of this Code, or
 - (a) the narrative describes the proposed modified standards of the Code and how they are related specifically to the implementation of the rationale for the PUD as described in the application, and
 - (b) the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
 - (c) the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
- (3) The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria thereunder:
 - (a) Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
 - (b) Public Facilities Strategy pursuant to ORS 197.768 as amended.
 - (c) Limited Service Area adopted as part of the Medford Comprehensive Plan.
- (4) The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.

- (5) If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.192(B)(7)(c), the applicant shall alternatively demonstrate that either:
- (a) Demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
 - (b) By the time of development the property can be supplied with the following Category "A" public facilities in sufficient condition and capacity to support development of the proposed use:
 - (i) Public sanitary sewerage collection and treatment facilities.
 - (ii) Public domestic water distribution and treatment facilities.
 - (iii) Storm drainage facilities.
 - (iv) Public streets.
- Determination of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the comprehensive plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.
- (6) If the Preliminary PUD Plan includes uses proposed under Subsection 10.192(B)(7)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.184.
- (7) If approval of the PUD application includes the division of land or the approval of other concurrent land use applications as authorized in Subsection 10.190(B), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional land use applications.

Corporate Names

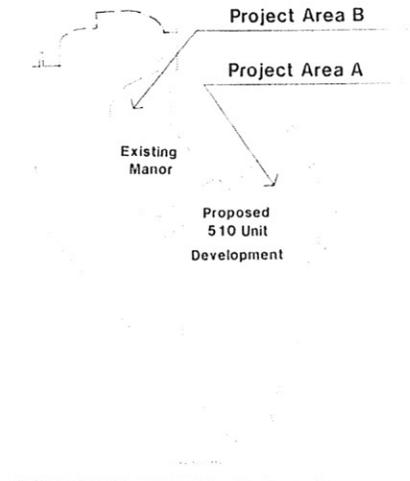
Steven R. Rinkle is the Registered Agent for Pacific Retirement Services, Inc. according to the Oregon Secretary of State Business Registry. Larry Boeck is listed as the President and Doug Spani is listed as the Secretary.

Clark Stevens is listed as the Registered Agent, President and Secretary for Richard Stevens & Associates, Inc.

ISSUES AND ANALYSIS

Background

The original planned unit development (PUD-84-3) approval was granted in 1984. The approval contained two project areas identified as Project A (Manor Village) and Project B (Main Manor Building and surrounding property).



On March 14, 1991, the Planning Commission approved a major revision to the PUD resulting in a 195.6 acre configuration to include an increase in density from 556 to 1,053 dwellings and various amenities, the most notable of which was a 9-hole golf course. Other revisions include that the streets will be a private roadway system owned and maintained by the development, that there will be a mix of attached housing types including cottages, cluster homes, and congregate housing, and that the PUD will also contain accessory uses including resident gardens, walking path systems, housekeeping and maintenance buildings, employee parking lot, RV parking & storage, outdoor swimming pool and tennis courts.

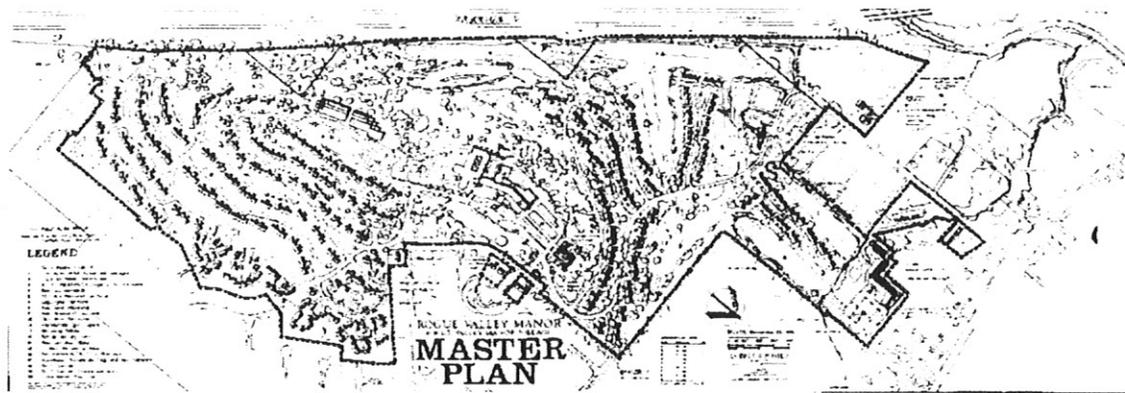


In July 1991, a minor revision was approved by the Planning Director to allow a 12,000 square foot expansion to the congregate dining facility.

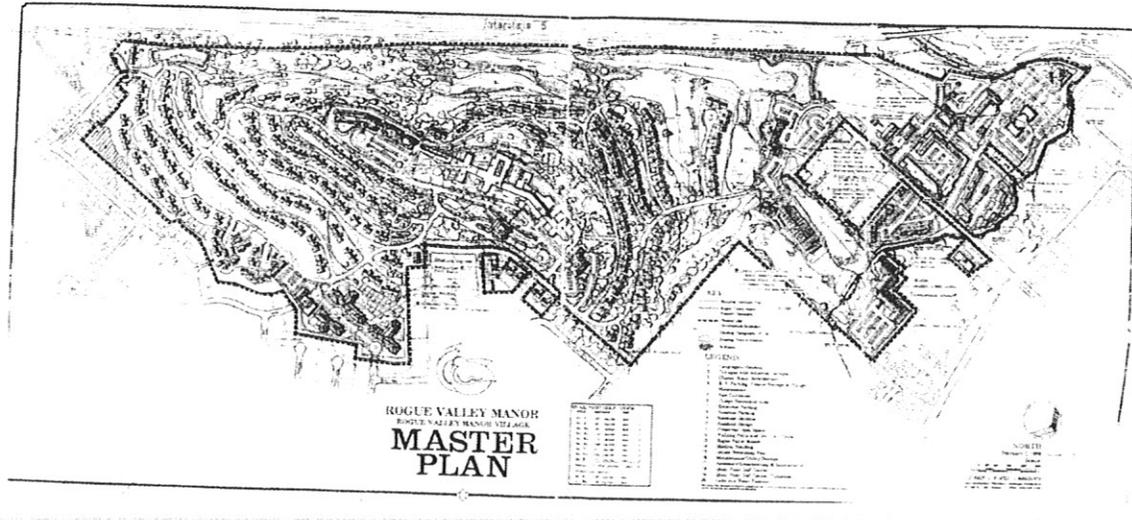
On April 28, 1994, the Planning Commission approved a revision to the PUD which increased the project area to 213.3 acres and 1,096 dwelling units.

Another revision to the PUD took place in 1996, and was approved in 1997, and included some internal revisions and the addition of an existing residence resulting in a 213.8 acre project with 1,097 dwelling units approved. In 1997, 12 phases were completed or approved for construction, representing a total of 609 dwelling units and including 75 congregate housing units.

Also in 1997, the County Assessor's Office recalculated the PUD area and corrected the current approved acreage total. As a result of consolidation of tax lots within the project, it was determined that there were actually 194.5 acres of property. With the proposed additions per the latest revision, the total area of the PUD was established at 219.7 acres.



In 1998 (PUD-98-23) the Planning Commission approved a revision and 25.2-acre expansion of the PUD including an auditorium, tennis center, golf course revisions, expanded medical facilities, Alzheimer Care facility and a variety of commercial uses including a hotel and restaurant. Based upon the underlying residential zoning for the entire project, a maximum of 1,536 dwellings would be allowed for standard residential development with a minimum of 903 dwelling units. With the 20 percent density bonus allowed for PUD's, a maximum of 1,844 dwellings would be allowed. As 22.2 acres of SFR-10 property are proposed to be utilized for commercial uses, the maximum dwellings allowed would be 1,316 or 1,624 with the PUD bonus. Proposed with the 1998 revision were 1,265 dwelling units. The Planning Commission's approval for PUD-98-023 was appealed to the City Council and ultimately to the Land Use Board of Appeals regarding traffic issues (*Rogue Valley Manor v. City of Medford*, LUBA No. 98-204).



In August 2006, the Planning Director approved the first de minimis revision to the 1998 PUD. Subject revisions included the following: Reduction of the hotel structure from 150 rooms to 109 rooms, elimination of the 20,000 square foot conference center, reduction of the second retail structure from 17,600 square feet with 26 congregate care housing units above to 6,000 square feet of retail space with 12 congregate care housing units above, and relocation of the hotel to a location within Phase 21 (Homewood Suites – AC-06-304) that was previously designate for retail and congregate housing. The former hotel site was designated for a future use.

PUD-07-113 was an amendment to Phase 19, a Healthcare Center expansion, to amend the square footage, height, unit count, density conversion factor, parking count, boundary setback, and location of HVAC equipment.

In January 2008, the Planning Director approved a second de minimis revision to the previously approved PUD, as a result of the South Medford Interchange project. The interchange affected the western portion of Phase 21. The Phase 21 plan had originally sited the 35,000 square foot office building in the west portion of the phase. With the de minimis revision approval, the following changes were made to the PUD within Phase 21: relocation of 35,000 square foot office building from the west side of Phase 21, adjacent to the interchange, to the southwest corner of Ellendale Drive and Dyer Road, in an area designated for retail and congregate care use, and an expansion of the 35,000 square foot office complex to 40,000 square feet.

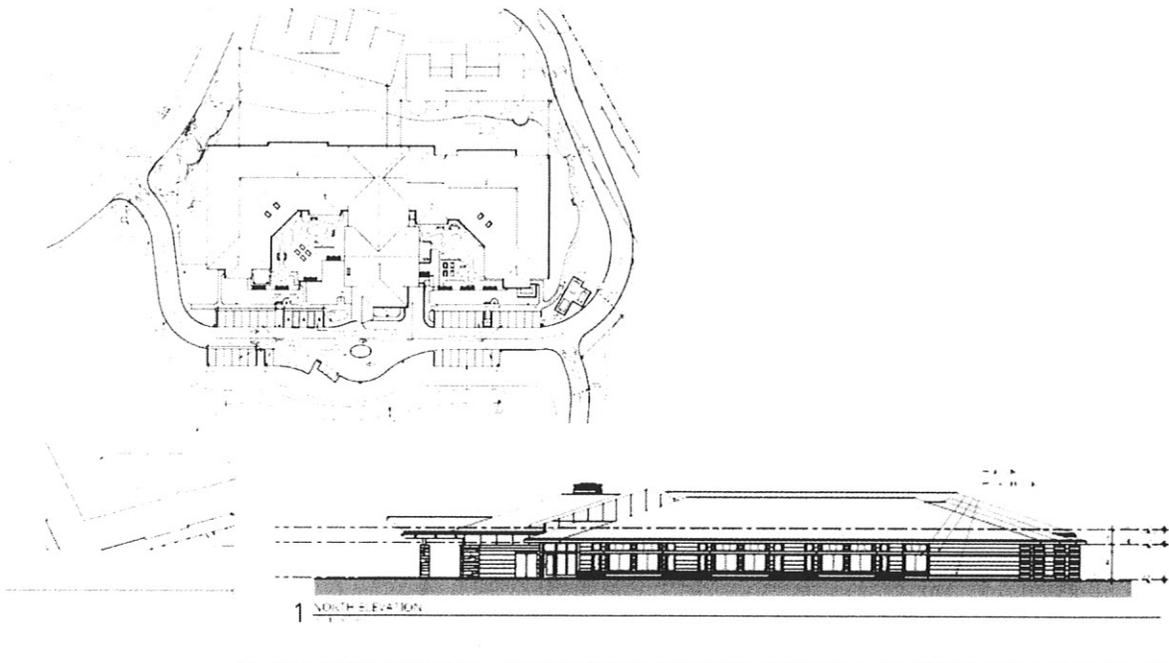
PUD-08-086: The four main objectives of this request for minor PUD amendment include (1) the reduction of acreage in the overall size of the PUD and reduction by one phase. The Oregon Department of Transportation purchased approximately 4.3 acres of property within Phase 21 for the Highland Drive Overpass. The applicant had also acquired a small

0.56 acre parcel surrounded on three sides by Phase 21 of the PUD (Tax Lot 1900 of Map 371W32BA). The net acreage loss within the overall PUD boundaries was approximately 3.8 acres. (2) Replace the 35,000 square foot Office Building within Phase 21 with a 4-story, 120-room hotel with 3,107 square feet of conference space. (3) Increase the trip cap imposed upon Phase 21 from 138 peak hour trips to 192 peak hour trips. (4) Amend condition number 15 of the 1998 PUD approval (PUD-98-023) to allow HVAC units to be installed as part of the façade and/or concealed from view.

Also in 2008, the Site Plan and Architectural Commission approved File Number AC-08-087 for the Rogue Valley Manor Hotel. However, this application expired in 2010.

In June of 2012, another de minimis request was approved by the Planning Director. The request was to modify the Final PUD Plan for Phase 7 approval to replace the approved driving range on the Quail Point Golf Course with two tennis courts and four associated parking spaces.

The latest application that was approved within the PUD was File Number AC-16-108 which included the development of a 37,721 square foot, single-story, 40-unit memory care facility.



Planned Unit Development

Purpose and Intent

The applicant's Findings of Fact and Conclusions of Law (Exhibit G) provide a summary of the proposed request. The five main objectives of this request for revision to the PUD include:

- Amend exterior boundary of Rogue Valley Manor PUD to include land that was purchased or sold after the approval of File No. PUD-98-23.
- Increase of trip cap stipulation based on Traffic Impact Analysis provided by TranspoGroup (Exhibit P).
- To acquire a modification to the Code for a sign within the Commercial Village, consistent with the Freeway Overlay District provisions.
- Modification to condition #13 in PUD-98-23 relating to a fence/wall 6 to 8 feet in height for screening purposes adjacent to the Memory Care and Skilled Nursing Facilities.
- Modification to condition #15 in PUD-98-23 regarding the HVAC equipment to be located on the ground. The applicant desires to have the option to locate the HVAC equipment on the roof of the structures which will still be required to be screened from view.

As per MLDC 10.198(A), Revision or Termination of a PUD, the expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in Section 10.198. The applicant's Findings of Fact and Conclusions of Law (Exhibit G) includes findings pertaining to all applicable PUD criteria. The following chapters of this staff report will provide a short of the proposed amendments.

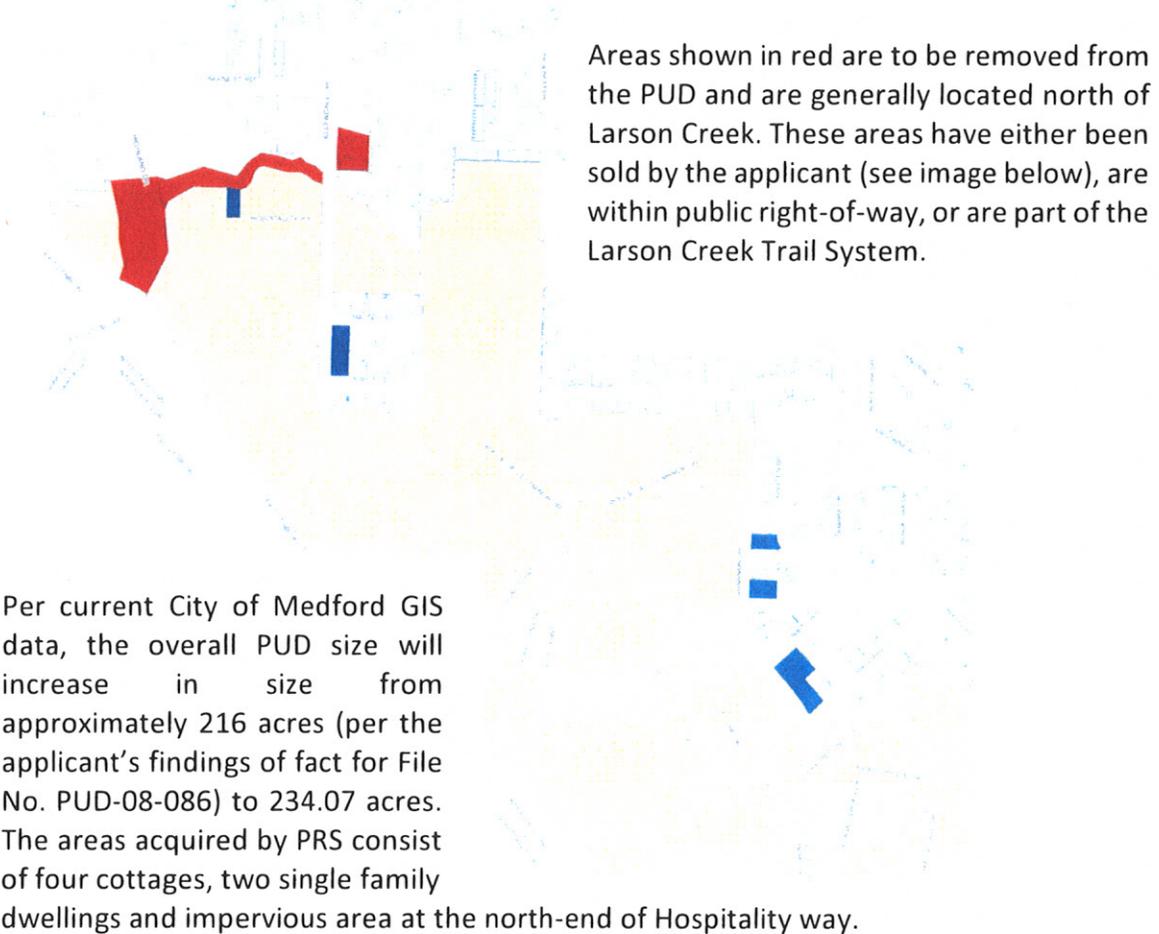
All land uses for the Rogue Valley Manor PUD have already been approved by the Planning Commission and there are no changes requested to these approved uses as part of this application. There are also no land divisions, new structures, or architectural plans proposed.

The Planning Commission opened the public hearing for this application on March 14, 2019 and, by request from the applicant, kept the record opened and continued the hearing to April 28, 2019.

PUD Boundary Amendment

After the last major amendment to the Manor Planned Unit Development in 1998, several residential and commercial structures were acquired or sold by the applicant, respectively.

The residential structures that were acquired and are now to be included within the PUD boundary are depicted below in blue and labeled as Areas C and Q on the attached 2018 PUD Master Plan (Exhibit D).



Trip Cap Removal

As part of the approval for PUD-08-086, the existing trip cap for the Commercial Village was increased from 138 p.m. peak hour trips to 192 p.m. peak hour trips. According to the applicant, the "Medford Planning Commission applied a vehicle trip cap for the development of the Commercial Village. This was imposed due to the 'old' South Medford I-5 Interchange location and restriction at that time. The applicant is requesting the Planning Commission to remove the trip cap stipulation based on the Traffic Impact Analysis (TIA) (...)."

As part of the PUD approval in 1998 (PUD-98-023), a three-step process addressing the various uses proposed by the Rogue Valley Manor was created. Simply stated, the three-step process accomplishes the following (see also Exhibit T):

Barnett Road and Highland Drive Intersection

- Development of the Step 3 Land Uses shall not generate more than 192 p.m. peak hour trips until the intersection of Highland Drive and Barnett Road is mitigated to the Level of Service (LOS) target identified in MLDC 10.462. This condition may be removed if Medford's standards for determination of Category 'A' facilities for public streets changes in a way that allows this project to be considered reasonably likely to be funded by the end of the planning horizon.
- Development of the Step 3 Land Uses shall not generate more than 192 p.m. peak hour trips until the intersection of Highland Drive and Keene Way/Barneburg is mitigated to the Level of Service (LOS) targets identified in MLDC 10.462. An acceptable mitigation is for the developer to pay a 4.5% proportionate share toward construction of a roundabout. Public Works estimates the proportionate share of a roundabout at approximately \$100,000.

Decision: On May 9, 2019, the Public Works submitted a revised report with amended language regarding the Highland/Barneburg/Keene Way intersection (Exhibit J-1). Item A.2.f.5.b. was amended.



Highland Drive and Keene Drive and Barneburg Road intersection

- The development shall provide a trip accounting for each phase of development to verify that the trip cap has not been exceeded.
- Development of the Step 3 Land Uses shall not generate more than 486 p.m. peak hour trips unless a future traffic impact analysis removes or modifies the trip cap on the property.

The Oregon Department of Transportation also reviewed the TIA submitted by the applicant. At the time this staff report was prepared, the ODOT was still reviewing the TIA and was working with the applicant to develop proposed transportation system improvements that will accommodate the proposed development. A condition of approval was added to provide for an opportunity for ODOT and the applicant to complete traffic analysis and identify appropriate mitigation. The condition reads:

'Applicant shall provide a letter from the Oregon Department of Transportation, prior to site development, approving their proposed transportation system-mitigation.'

After the first Planning Commission meeting, the applicant and ODOT held several meetings to discuss the previously submitted letter from ODOT (Exhibit O) and possible traffic mitigation measures. At the time this staff report was completed, staff had not received a revised document from ODOT. This document is expected to be distributed to the Commissioners prior to the hearing on April 25, 2019.

On April 30, 2019, staff received a letter from ODOT (Exhibit W) containing revised conditions pertaining to the application. Revised Condition #3 now reads:

'Prior to exceeding the current 192 PM Peak Hour Trip Cap, applicant shall provide to the City a letter from ODOT approving their proposed transportation system mitigation – a signed cooperative improvement agreement shall suffice for this condition.'

Subsequently, staff received an E-Mail (Exhibit X) from Brian McLemore, President/CEO of Pacific Retirement Services, stating that the applicant cannot accept the *'open ended'* letter & that it is unfortunate to have reached this impasse.

Decision: On May 7, 2019, ODOT submitted a revised letter (Exhibit Y) again revising conditions. The applicant did not object; the Planning Commission approved the application and revised Condition 3 to reflect ODOT's comments in Exhibit Y.

At the March 14, 2019 public hearing, Tom Harris, 740 Hilldale Avenue, Medford, Oregon, 97504, spoke in support of staff's recommendation of retaining the current traffic cap for the commercial village until mitigation measures are completed. He said that there is a

long term health consideration that he has. It is exacerbated when traffic is slowed at rush hours. He also has concerns with the carbon monoxide emissions.

Freeway Overlay Sign

Approval of this request will allow the applicant to install a sign within the Commercial Village (see Areas R through X on 2018 PUD Master Plan (Exhibit D)), consistent with the Freeway Overlay District provisions per Section 10.1710. Approval will allow the applicant to install the sign anywhere within the boundaries of the Freeway Overlay District as depicted in Exhibit Q.

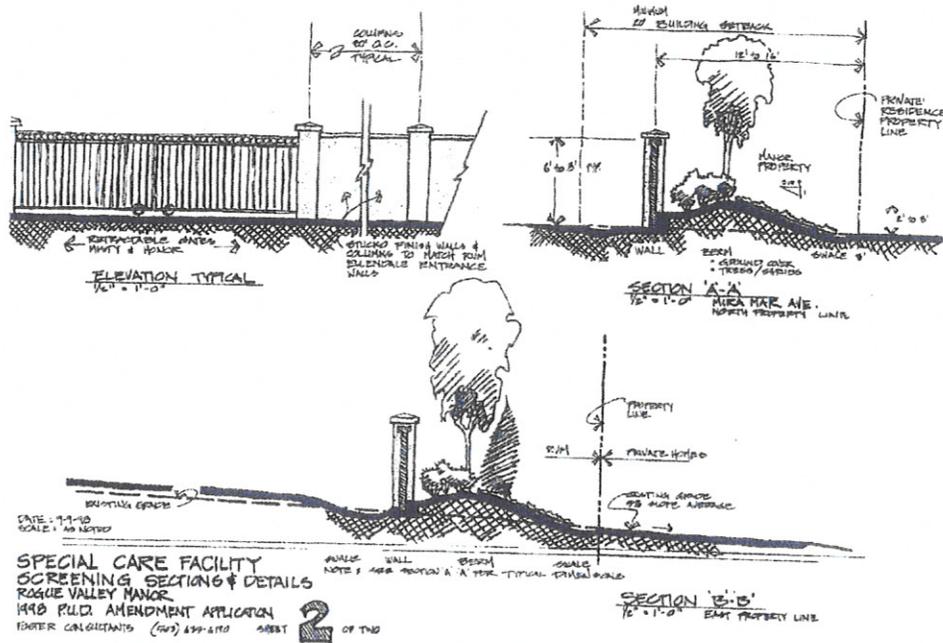
Condition #6 of the PUD-98-023 approval reads as follows: *“Signage for nonresidential uses shall be subject to Site Plan and Architectural Commission review.”*

It is staff’s recommendation to accept the applicant’s proposal and to amend the existing condition of approval by adding the following language: *“One sign, consistent with the Freeway Overlay District sign standards as outlined in Section 10.1710(1)(b) shall be allowed to be install within an area that is located within the Freeway Overlay District per 10.365 and as shown in Exhibit Q. The installation of a Freeway sign will require approval of a sign permit; Site Plan and Architectural Review Commission (SPAC) approval is not required.”* There is no reason for the SPAC to review a Freeway Sign as Section 10.1710(1)(b) has very clear and objectives standards.

Modification to Condition #13

Condition #13 of File No. PUD-98-023 reads the following: *“The Alzheimer’s’ Clinic/Skilled Nursing Facility shall be screened from the adjoining neighborhood as proposed in Exhibit ‘Z2’.”* The applicant is requesting the removal of the 6-8 foot wall which is shown in the original Exhibit ‘Z2’ and below. Per the applicant, *“removal of the wall will enhance the development by removing the visual “mass” effect on RV Manor property and with the adjacent neighbor. The wall/fence will not significantly impact the functions, safety or efficiency of the street circulation or the development as a whole. The applicant and neighboring property owners desire to have this condition removed, due to shading and resulting mass effect. The remaining screening provisions are still proposed.”*

Space intentionally left blank



The two images below indicate the proposed location for the wall to be eliminated. The image to the left is a screenshot of the original Exhibit whereas the image to the right is a current aerial with the location of the wall added in red.



Planning Commission approval required the Alzheimer's' Unit/Special Care Facility to be single story in height and located no closer than 99 feet from the exterior boundary of the PUD in order to mitigate anticipated adverse impacts to adjoining properties. The

Planning Commission also accepted the applicant's proposal to buffer the area with a landscaped berm and wall as shown above. The setback was ultimately reduced to 50 feet by the City Council on appeal.

The facility was approved by the SPAC per application AC-16-108 in 2016. It is noted in the staff report that testimony was received from several neighboring property owners regarding the buffer wall. Several abutting property owner stated that they were against the construction of the wall. The applicant stated that they intend to amend the PUD in the near future. The SPAC decided to condition that the improvements of the entire buffer wall and full length of vegetated landscape berm shall be constructed. However, should a subsequent PUD amendment approval change the buffering standard of the development, such future standard would apply.

Based on the applicant's findings of fact and testimony received during the citizen involvement process for AC-16-108, staff has no objections to the removal of the buffer wall from the original conditions of approval. The remaining screening provision shall remain in effect.

Modification to Condition #15

The original condition was amended as part of PUD amendment PUD-08-086 to allow HVAC units to be installed as part of the façade and/or concealed from view. Condition #15 now reads:

"All HVAC (heating ventilation and air-conditioning) equipment for all buildings shall be located on the ground and concealed from view, or placed within the interior of the building, except the requirement for HVAC equipment placement on the ground or building interior is not applicable to individual hotel rooms within Phase 21, west of Ellendale Drive, consistent with the MLDC."

The applicant proposes to amend the above condition due to the efficiency of new HVAC systems that results in energy savings and costs savings with the greater efficiency.

Section 10.782, Concealment of Heating, Ventilation, Air Conditioning (HVAC) Equipment and Roof-Mounted Wireless Communication Facilities, states that *"all HVAC equipment (...) shall be concealed from view. Where possible, such concealment should be accomplished using the architectural elements of the building (i.e., roof forms, parapets, wing walls, alcoves, etc.). Free standing walls or fences may also serve as sight-obscuring concealment devices. Chain link fencing, with or without slats, for this purpose is prohibited."*

Based on the existing Land Development Code language, it is staff's recommendation to allow for roof-mounted HVAC equipment and to modify condition #15 to read:

“All HVAC (heating ventilation and air-conditioning) equipment for all buildings shall be located on the ground and concealed from view per MLDC 10.782, or placed within the interior of the building, except the requirement for HVAC equipment placement on the ground or building interior is not applicable to individual hotel rooms within Phase 21, west of Ellendale Drive, consistent with the MLDC.”

Project Compliance with Relevant Section of the Land Development Code

Housing Density

Since this application proposes to amend the PUD overall area, an update to the housing density is also required. A detailed summary of the housing density associated with this PUD can be found below. Based upon the underlying residential zoning for the entire project, a maximum of 1,519 dwelling units would be allowed for a standard residential development. It should also be noted that a minimum of 979 dwellings would be required to meet minimum density standards. With the 20% density bonus allowed for PUD’s, a maximum of 1,823 dwelling units would be allowed. As all of the SFR-10 property (16.55 acres) and 7.55 of the SFR-4 property are utilized or proposed for commercial uses, the maximum dwelling units allowed would be 1,323 or 1,588 with the PUD bonus. The minimum number of dwelling units would be 860 when adjusted for the acreage for commercial development. As the applicant is proposing a maximum of 1,265 units, this project complies with density requirements without any density bonus.

Residential Density Calculation

Land Use Designation	Acres	Min. Density	Max. Density	Potential Min. Dwelling Units	Potential Max. Dwelling Units
SFR-4	195.78	2.5	4	489	783
SFR-6	0.96	4	6	4	5
SFR-10	16.55	6	10	99	165
MFR-20	5.68	15	20	85	113
MFR-30	15.10	20	30	302	453
Total	234.07			979	1519

20% Density Bonus					1823
Minus SFR-10 Commercial Development	16.55	100	166		
Minus SFR-4 Commercial Development	7.55	19	30		
Updated Total	209.97			860	1323
20% Density Bonus					1588

Acreage Limitation

The proposed amended PUD boundary will contain over 234 acers of property, and therefore, complies with the one-acre minimum.

Committee Comments

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

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant’s findings and conclusions (Exhibit G) and recommends the Commission adopt the findings with the following modifications.

- Correct the applicant’s finding on page 8 of Exhibit G to read:
 ‘The City of Medford finds that the TIA submitted for increase of the vehicle trip cap from 192 p.m. peak hour trips to 486 p.m. peak hour trips is acceptable with fulfillment of the conditions proposed by Public Works (Exhibit J-1) and ODOT (**Exhibit Y**).

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of PUD-18-152 per the staff report dated March 7, 2019, including Exhibits A through Y with the following considerations:

- Approval of PUD Boundary amendments as outlined in Exhibit D and Exhibit E.
- Conditionally increase trip cap from 192 p.m. peak hour trips to 486 p.m. peak hour trips per the Public Works Report (Exhibit J-1) and ODOT (Exhibit Y).
- Allowance of one Freeway Sign per the standards in MLDC 10.1710 within the area depicted in Exhibit Q.
- Modification of Condition #13 of PUD-98-023 to remove requirement for buffer wall.
- Modification of Condition #15 of PUD-98-023 to allow for HVAC Equipment to be located on the ground and/or roof.

EXHIBITS

A-3 Revised Conditions of Approval, dated May 9, 2019

- B Assessor Maps, received October 11, 2018
- C Zoning Map, received October 11, 2018
- D PUD Masterplan 2018, received October 11, 2018
- E PUD Boundary Amendments, received October 11, 2018
- F Project Narrative, received October 11, 2018
- G Applicant's Findings of Fact, received October 11, 2018
- H Comparison from 1998 approved plan with the 2018 Master Plan, received October 11, 2018
- I Additional Assessor Information, received October 11, 2018

J-1 Public Works Staff Report, revised May 9, 2019

- K Medford Water Commission Staff Memo, dated December 19, 2018
- L Medford Fire Land Development Report, dated December 19, 2018
- M Building Department Memo, dated December 18, 2018
- N Jackson County Roads Memo, dated December 11, 2018
- O Letter and Memorandum from ODOT, received March 7, 2019
- P Traffic Impact Analysis Executive Summary, received February 20, 2019
- Q Potential Freeway Overlay Area Map, dated March 4, 2019
- R Neighborhood Meeting Attendance Report, received October 11, 2018
- S Resolution 1998-249, appeal decision and approval of PUD-98-023, including PUD conditions of approval, dated November 5, 1998
- T Supplemental Information explaining three-step process, dated June 25, 1998
- U Minutes from March 14, 2019 Planning Commission meeting
- V Revised Traffic Impact Analysis, received April 17, 2019
- W Revised Letter with conditions from ODOT, received April 30, 2019

- X E-Mail from Brian McLemore, received April 30, 2019
- Y **Revised Letter with Conditions from ODOT, received May 7, 2019**
Vicinity map

MEDFORD PLANNING COMMISSION

Mark McKechnie, Chair

PLANNING COMMISSION AGENDA:

MARCH 14, 2019
APRIL 28, 2019
MAY 9, 2019
MAY 23, 2019

EXHIBIT A-3

**Rogue Valley Manor
PUD-18-152
Conditions of Approval
May 9, 2019**

DISCRETIONARY CONDITIONS

1. Condition #6 of PUD-98-023 is amended to read the following:

Signage for nonresidential uses shall be subject to Site Plan and Architectural Commission review. One sign, consistent with the Freeway Overlay District sign standards as outlined in Section 10.1710(1)(b) shall be allowed to be installed within an area that is located within the Freeway Overlay District per 10.365 and as shown in Exhibit Q. The installation of a Freeway sign will require approval of a sign permit; Site Plan and Architectural Review Commission (SPAC) approval is not required.

2. Condition #13 of PUD-98-023 is amended to read the following:

The Alzheimer's' Clinic/Skilled Nursing Facility shall be screened from the adjoining neighborhood. A buffer wall, as proposed in Exhibit 'Z2', is not required. The remaining screening provisions per Exhibit 'Z2' shall remain in effect.

3. Condition #15 of PUD-98-023 is amended to read the following:

All HVAC (heating ventilation and air-conditioning) equipment for all buildings shall be concealed from view per MLDC 10.782, or placed within the interior of the building, except the requirement for HVAC equipment placement on the ground or building interior is not applicable to individual hotel rooms within Phase 21, west of Ellendale Drive, consistent with the MLDC.

CODE CONDITIONS

4. The applicant shall:

- a. Comply with the Public Works Staff Report dated **May 9, 2019 (Exhibit J-1)**;
- b. Comply with the Medford Water Commission Staff Memo dated December 19, 2018 (Exhibit K);
- c. **Comply with the Oregon Department of Transportation Letter dated May 7, 2019 (Exhibit Y).**

5. All previous conditions of approval, apart from discretionary conditions 1, 2 and 3 above, for the Rogue Valley Manor Planned Unit Development PUD-98-023, remain in full effect (Exhibit S).



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PLANNING DEPT.

CITY OF MEDFORD

LD Date: 12/19/2018
Revised Date: 5/9/2019
File Numbers: PUD-18-152
Reference: PA-18-068, PUD-84-003, PUD-98-023

PUBLIC WORKS DEPARTMENT STAFF REPORT
Rogue Valley Manor
PUD Revision

Project: Consideration of a request for amendment of the Rogue Valley Manor Planned Unit Development, File No. PUD-98-023, to consider changes to the PUD boundary of approximately 233-acres of property and to demonstrate that the ‘Commercial Village’ is able to develop without any vehicle trip stipulations.

Location: Located east of Interstate 5 between Ellendale and La Loma Drives, within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre), SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre), SFR-10(Single Family Residential – 6 to 10 dwelling units per gross acre), MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre), MFR-30 (Multiple Family Residential - 20 to 30 dwelling units per gross acre) and C-C (Community Commercial) zoning districts.

Applicant: Applicant: Pacific Retirement Services, Rogue Valley Manor; Agent: Richard Stevens & Associates; Planner, Steffen Roennfeldt.

Applicability: The Medford Public Works Department’s conditions of approval for Rogue Valley Manor PUD were adopted by Order of the Medford Planning Commission (PUD-84-003, PUD-98-023, PUD-07-113, PUD-08-086). The adopted conditions by these actions shall remain in full force as originally adopted except as amended or added to below.

NOTE: The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit or approval of a Final Plat, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention, if applicable.
- Completion of all public improvements, if required. The applicant may provide security for 120% of the improvements prior to issuance of building permits. Construction plans for the improvements would need to be approved by the Public Works Engineering Department prior to acceptance of security.
- Items A – E, unless noted otherwise.

EXHIBIT J-1
FILE # PUD-18-152

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas
- Certification by the design engineer that the stormwater quality and detention system was constructed per the approved plan, if applicable.
- Completion of all public improvements, if applicable.

A. STREETS

1. Dedications

Ellendale Drive is classified as a Major Collector street within the Medford Land Development Code (MLDC) Section 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width (37-feet) of right-of-way. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **Ellendale Drive**, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Welcome Way (*Hospitality Way, as noted on the PUD Master Plan*) is classified as a Commercial street within the Medford Land Development Code (MLDC) 10.429. Right-of-way has already been dedicated per separate document with Right of Way Recording Numbers: 2016-009587 and 2017-025978, respectively. **No additional right-of-way is required along the existing roadway.** If Welcome Way is to be extended as a public street, then additional right-of-way shall be dedicated accordingly (including the "proposed knuckle"). If the extension is to be private, then the public section of Welcome Way shall terminate with a "cul-de-sac" which shall be dedicated per MLDC 10.450, and have a minimum 45-foot radius.

Nieto Way and Shannon Drive are classified as a Standard Residential streets in accordance with Medford Land Development Code (MLDC) Section 10.430. **No additional right-of-way is required.**

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the parcels within this development (MLDC 10.471).

The easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and

PUE area.

2. Public Improvements

a. Public Streets

Ellendale Drive is currently improved with pavement, curb, gutter, sidewalk and street lights. **No additional improvements are required.**

Neito Way and Shannon Drive are currently improved with pavement, curb, gutter, partial sidewalk and street lights. **No additional improvements are required except for sidewalk with a planter strip with future development.**

Welcome Way is currently improved with pavement, curb, gutter, sidewalk and street lights along the public section. **No additional improvements are required for the public section.** However, if Welcome Way is to be extended as a public street, then it shall be improved in accordance with MLDC 10.429. If the extension is to be private, then the public section of Welcome Way shall terminate with a "cul-de-sac" which shall be constructed in accordance with MLDC 10.450.

In addition, the proposed knuckle as shown on the PUD Master Plan along Welcome Way near Building "R" in the Commercial Village, shall be designed to City of Medford street standards.

All proposed private streets shall be constructed to City Standards, in accordance with MLDC 10.426, 10.430 and allowed by 10.931, and shall be privately maintained.

b. Street Lights and Signing

The Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. To be determined per Section 10.495.

Traffic Signs and Devices – City Installed, paid by the Developer:

- A. To be determined per Section 10.495.

NOTE: For private streets, legal documents shall be submitted in a form acceptable to the City Attorney prior to recording in the official records of Jackson County that assure that lighting systems on private streets will be perpetually maintained and operated by individual property owners, an association of property owners, or other entity. Street lighting and pedestrian scale street lighting that differs from the standards may be installed if the Planned Unit Development (PUD) approval authorizes the modification.

Numbers are subject to change if changes are made to the plans. All street lights and

signing for the private streets shall be private, but installed to City of Medford specifications. Private street lights and signage shall be maintained by the Home Owners Association.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer's contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

There is a pavement cutting moratoriums currently in effect along the respective frontage to Nieto Way, which is set to expire July 26th, 2020. No other street cut moratoriums in effect.

The Developer shall be responsible for notifying by certified letter all utility companies, as well as all current 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 at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

d. Soils Report

The Developer's Engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development. The soils report shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

e. Access and Circulation

Driveway access to the proposed development sites shall comply with MLDC 10.550.

Applicant shall coordinate with the Oregon Department of Transportation and/or adjacent landowners for access to the "Development Site", within the Commercial Village which is located west of Highland Drive.

f. Transportation System

1. The applicant has shown that the proposed changes to the site plan outside of the Commercial Village are Step 1 uses as defined in the 1998 PUD approval. Therefore, there are no traffic impacts beyond the original approval and no traffic analysis of these changes

is needed at this time.

2. The added areas shall be restricted to permitted uses within the underlying zoning.
3. The removal of Map Lot 37 1W 32AB 1000 will not result in any conditions to run with the land resulting from the PUD because the C-C zoning was existing prior to inclusion in the PUD and was considered as part of the Step 1 uses in the 1998 approval.
4. The Highland Drive right-of-way and the Larson Creek Greenway property being removed were included in the trip equivalency test that established the Step 2 and Step 3 land uses. Since these are now used for public transportation facilities, they do not generate any vehicle trips and would not impact the existing traffic conditions. If these areas change use in the future the impacts of any future proposal would need to be analyzed for any trip generation.
5. Public Works received a Transportation Impact Analysis (TIA) from Transpogroup, dated November 2018, and addendum dated February 2019 titled "Rogue Valley Manor". The TIA addresses tax Lots 371W32BA1600, 1700, 1800, 1900, 2300, 2400, 2500, 2502, 2700, and 371W32B3401 within the PUD; not the full PUD. The report analyzes increasing the trip cap for the Commercial Village in the PUD (identified as "Step 3" land uses in the 1998 PUD approval) from 192 P.M. peak hour trips to 486 P.M. peak hour trips. Public Works recommends the following conditions of approval:
 - a. Development of the Step 3 Land Uses shall not generate more than 192 P.M. peak hour trips until the intersection of Highland Dr and Barnett Rd is mitigated to the Level of Service (LOS) target identified in MLDC 10.462. This condition may be removed if Medford's standards for determination of Category "A" facilities for public streets changes in a way that allows this project to be considered reasonably likely to be funded by the end of the planning horizon.
 - b. Development of the Step 3 Land Uses shall not generate more than 192 P.M. peak hour trips until the intersection of Highland Dr and Keene Way / Barneburg is mitigated to the Level of Service (LOS) target identified in MLDC 10.462. An acceptable mitigation is for the developer to pay the City \$99,000 which is a 4.5% proportionate share toward construction of a roundabout.
 - c. The development shall provide a trip accounting for each phase of development to verify that the trip cap has not been exceeded.
 - d. Development of the Step 3 Land Uses shall not generate more than 486 P.M. peak hour trips unless a future traffic impact analysis removes or modifies the trip cap on the property.

g. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes which are

not constructed within a public street section.

Easements shall be shown on the final plat and/or the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining "rough proportionality" have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Ellendale Drive:

The additional right-of-way on Ellendale Drive will provide the needed width for a future planter strip and sidewalk. Ellendale Drive is a 35 mile per hour facility, which currently carries approximately 2,200 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway. Ellendale Drive will be a primary route for pedestrians traveling to and from this development. The development shall construct sidewalk along the frontage of any new or redeveloped areas within the PUD. All developments in Medford are required to construct frontage sidewalk.

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. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

Neito Way, Shannon Drive and Welcome Way will be one of the primary routes for pedestrians traveling to and from this development. The development shall construct sidewalk along the frontage of any new or redeveloped areas within the PUD. All developments in Medford are required to construct their frontage sidewalk and therefore this is roughly proportional.

The additional street lighting will provide the needed illumination to meet current MLDC requirements.

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.

Dedication of the Public Utility Easements (PUE) will benefit development by providing public utility services, which are out of the roadway and more readily available to each lot or building being served. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated for this development is necessary and

roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

All private storm drain lines shall be located outside of the public right-of-way and/or any public utility easements (PUE).

Private Stormdrain facilities located with a PUE shall require signed approvals from the benefitting utilities.

1. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481. For developments over five acres, Section 10.486 requires that the development set a minimum of 2% of the gross area as open space to be developed as open ponds for stormwater detention and treatment.

Each phase will be required to have its own stormwater detention and water quality treatment. If the Developer desires to do so, a Stormdrain Masterplan may be submitted in lieu of requiring each phase to have separate stormwater detention and water quality treatment. The Stormdrain Masterplan shall be submitted and reviewed with each phase's construction plans and shall be constructed with any phase to be served by the facility.

Upon completion of the project, the Developer's design Engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the Developer or a Home Owners Association (HOA). The Developer's Engineer shall provide an operations and

maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development will be submitted with the improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

3. Mains and Laterals

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 than the one being served by the lateral.

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.

4. Erosion Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. SURVEY MONUMENTATION

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

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering web site.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a Professional Engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

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

3. Phasing

Any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

4. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until a "walk through" inspection has been conducted and approval of all public improvements, as required, has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a Professional Engineer.

5. System Development Charges (SDC)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24 inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected with the approval of the final plat or with building permits, whichever occurs first.

6. 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 public improvement drawings, that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit to perform from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, 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.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs
Revised by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Rogue Valley Manor, PUD Revision

PUD-18-152

A. Streets

1. Street Dedications to the Public:

- Dedicate additional right-of-way on **Ellendale Drive**.
- Dedicate additional right-of-way on **Welcome Way** for the extension and/or cul-de-sac.
- No additional right-of-way on **Nieto Way and Shannon Drive**.
- Dedicate 10-foot public utility easements (PUE).

2. Public Improvements:

- No public improvements are required along **Ellendale Drive**.
- Construct **Welcome Way** as public or as a private roadway with a Cul-de-sac.
- No public improvements are required along **Nieto Way or Shannon Drive**.
- Private streets: Built to City standards and privately maintained.

Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

Access and Circulation

- Driveway access shall comply with MLDC 10.550.

Transportation System

- Comply with Transportation System conditions.

Other

- There is a pavement moratorium currently in effect along this frontage to Nieto Way set to expire July 26th, 2020.
- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer:

- Easements shall be dedicated for access and maintenance of public sewer facilities not located within paved public streets.

C. Storm Drainage:

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans, as required.
- = City Code requirement.
- = Discretionary recommendations/comments.

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.

P:\Staff Reports\PUD\2018\PUD-18-152 Rogue Valley Manor PUD Revision (re PUD-08-023)\PUD-18-152 Staff Report-Rev for PC.docx Page 12 of 12

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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



Oregon

Kate Brown, Governor

Department of Transportation
Region 3 Planning and Programming Unit
3500 NW Stewart Parkway
Roseburg, OR 97470
Phone: (541) 957-3688

FILE CODE: PUD-18-152; DRS 8709

May 7, 2019

Steffen Roennfeldt
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

RECEIVED

MAY 07 2019

PLANNING DEPT.

RE: PUD-18-152, Requested Conditions of Approval

Dear Mr. Roennfeldt,

We have had extensive communications with the applicant, including a full vetting of their traffic impact analysis (TIA). We agree with the mitigation in the applicant's TIA: widening and restriping the southbound off-ramp at I-5 Interchange 27 to provide more storage for vehicles exiting the interstate.

During our discussions with the applicant we agreed that condition of approval 3, below, will be satisfied if ODOT or another party constructs the mitigation. Further, that the mitigation only needs to be constructed prior to the applicant exceeding the current 192 PM Peak Hour Trip Cap.

We request the City of Medford impose the following conditions of approval:

1. Applicant shall provide to the City an Oregon Department of Transportation (ODOT) permit for any work within the state right of way
2. Applicant shall provide to the City a letter from ODOT, prior to site development, approving storm water / drainage calculations and plans
3. Prior to exceeding the current 192 PM Peak Hour Trip Cap, Applicant shall provide to the City a letter from ODOT confirming the widening and restriping of the Interchange 27 southbound ramp as described in the applicant's April 2019 TIA is complete.

Please do not hesitate to contact me with any questions.

Sincerely,

Mike Baker
ODOT Region 3 Planning Manager

Cc: John McDonald
Art Anderson
Jerry Marmon

CITY OF MEDFORD
EXHIBIT # 4
File # PUD-18-152

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-18-192)
APPLICATION FOR A ZONE CHANGE SUBMITTED BY JUDITH ANN HOGUE) **ORDER**

ORDER granting approval with conditions of a zone change for *Judith Ann Hogue*, described as follows:

A zone change from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on approximately 1 acre located south of Westwood Drive, approximately 375 feet west of Orchard Home Drive.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below, within corporate limits of the City of Medford; and

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated May 9, 2019, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 2W 35DD Tax Lot 700

is hereby changed as described above.

Accepted and approved this 23rd day of May, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

for a Type III quasi-judicial decision: **Zone Change**

Project Judith Ann Hogue
 Applicant/Agent: Judith Ann Hogue

File no. ZC-18-192

Date May 9, 2019

BACKGROUND

Proposal

Request for consideration of a zone change from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on approximately 1 acre located at 1987 Westwood Drive (372W35DD700).

Vicinity Map



Figure 1: Vicinity Map

Subject Site Characteristics

Zoning	SFR-6	Single Family Residential (4 to 6 dwelling units per gross acre)
GLUP	UM	Urban Medium Density Residential
Use		One single family dwelling

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-6
	Use:	Low density residential
<i>South</i>	Zone:	SFR-00 (Single Family Residential – 1 dwelling unit per parcel)
	Use:	Low density residential
<i>East</i>	Zone:	SFR-6
	Use:	Low density residential
<i>West</i>	Zone:	SFR-6
	Use:	Low density residential

Related Projects

A-03-88	Ostovar Annexation
ZC-04-76	Ostovar Zone Change from SR-2.5 (County Zoning to SFR-6)
CP-13-32	UGBA, Phase 1: Internal Study Area GLUP Amendment
PA-17-100	Pre-Application for zone change

Applicable Criteria

Medford Municipal Code §10.204 Zone Change Criteria

ZONE CHANGE APPROVAL CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.204

*The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation and noted by ***.*

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

- (1) *The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.*

- (3) *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 Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

- (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 land use, 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. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. 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 Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:*
- (i) *Restricted Zoning is a restriction of uses by type or intensity. 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 that 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.*

ISSUES AND ANALYSIS

Background

The subject parcel was annexed to the City in 2003 and rezoned from the County zoning designation to SFR-6 in 2004. Nine years later, the site was included in the UGBA Phase 1: Internal Study Areas General Land Use Plan (GLUP) Amendment (File No. CPA-13-032). The GLUP Map designation was subsequently changed from UR (Urban Residential) to UM (Urban Medium Density Residential).

The proposed MFR-15 zoning is the only zoning district permitted within the UM GLUP map designation.

Urban Services and Facilities

Sanitary Sewer

The subject property lies within the Rogue Valley Sewer Services (RVSS) service area and is currently served by an 8-inch sewer main in Westwood Drive. RVSS (Exhibit J) has indicated that the sewer line facilities have adequate capacity to serve the property when developed under the proposed MFR-15 zoning.

Storm Drainage

The subject site lies within the Elk Creek Drainage Basin and currently drains to the northwest. The proposed zone change to MFR-15 has the potential to increase storm drainage flows to down gradient properties. The Public Works Department (Exhibit F) recommends this zone change be denied, or the applicant stipulate to only develop so the total storm drainage flows do not exceed current zoning limitation, or the developer provide evidence of storm drainage easements to Little Elk Creek.

Traffic

The Public Works Department staff report (Exhibit F) states that no vertical construction shall be allowed until a minimum 20-foot wide paved width has been provided for access to an improved public street.

At this time, Westwood Drive is an unimproved 20-foot wide right-of-way. Widening may involve acquiring right-of-way dedication and/or easements from the neighboring parcels.

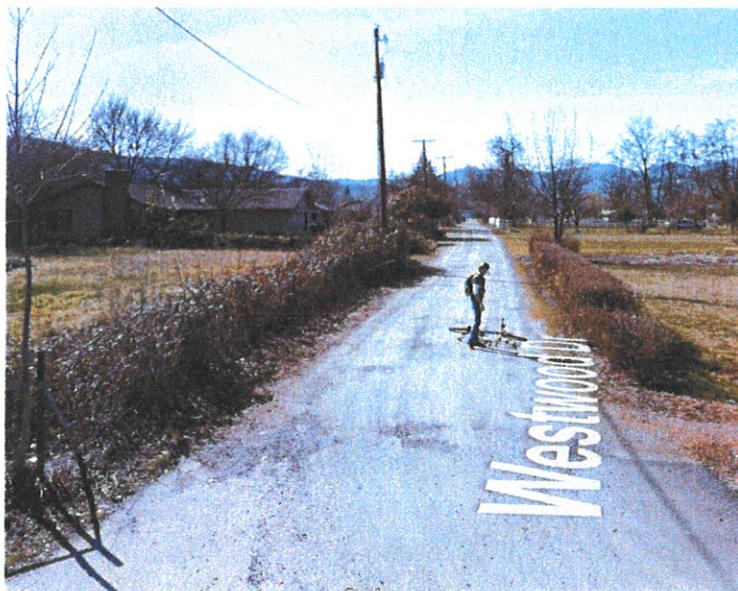


Figure 2 - Westwood Drive (as seen on Google Street View in 2012)

Water

The Medford Water Commission (Exhibit G) has indicated that off-site water line installation will be required at time of future site development review. To serve domestic water to the subject site, the developer will be required to install approximately 270 feet of 8-inch water line in Orchard Home Drive, and approximately 600 feet of 8-inch water line in Westwood Drive.

Location Standards

There are no locational standards for zone changes to MFR-15

Other Agency Comments

None

Committee Comments

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

Public Comments – Exhibits M and N

On May 6, 2019, a letter was received from the Fair Housing Council of Oregon and the Housing Land Advocates. The letter requests an analysis of Statewide Planning Goal 10 – Housing. In the City of Medford Goal 10 findings are made at the time of General Land Use Plan (GLUP) Map amendment and not at the time of zoning. This particular site was included in the re-designation of properties as part of the UGB expansion project in 2014. The appropriate findings were made at that time.

On May 9, 2019, a neighboring property owner submitted two letters of objection. The objections raised were not criteria based.

FINDINGS AND CONCLUSIONS

Staff has reviewed the Applicant's Findings (Exhibit E) and recommends the Commission adopt the findings as modified by staff below:

- With regard to Criterion 3, the applicant shall stipulate to only develop so the total storm drainage flows do not exceed current zoning limitation.

ACTION TAKEN

Adopted the Findings as recommended by staff and directed staff to prepare the Final Order for approval of ZC-18-192 per the staff report dated May 2, 2019, including Exhibits A through N.

EXHIBITS

- A Conditions of Approval, dated May 2, 2019
- B GLUP Map, dated May 2, 2019
- C Zoning Map, dated May 2, 2019
- D Assessor Map, received December 28, 2019
- E Applicant's Findings of Fact, received December 28, 2019

- F Public Works Department Staff Report, revised April 12, 2019
- G Medford Water Commission Staff Memo, dated February 20, 2019
- H Building Department Memo, dated February 13, 2019
- I Medford Fire Department Staff Report, dated February 7, 2019
- J Rogue Valley Sewer Services Letter, dated February 11, 2019
- K City Surveyor Memo, dated February 6, 2019
- L Revised Legal Description, received March 20, 2019
- M Letter from Housing Land Advocates and Fair Housing Council of Oregon, received May 6, 2019
- N Letters from Judson and Maria Ristau, received May 9, 2019
Vicinity map

MEDFORD PLANNING COMMISSION

Mark McKechnie, Chair

PLANNING COMMISSION AGENDA:

MAY 9, 2019
MAY 23, 2019



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MAY 06 2019

PLANNING DEPT.

May 6, 2019

City of Medford Planning Commission
200 South Ivy Street, Lausmann Annex, Room 240
Medford, Oregon 97501

Re: Type III quasi-judicial decision: Zone Change (ZC-18-192)

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

All amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for the proposed zone change from Single Family Residential (SFR-6) to Multiple Family Residential (MFR-15) recommends its approval provided certain conditions are met. However, the report does not include findings for Statewide Goal 10, describing the effects of the zone change on Westwood Drive. Goal 10 findings must demonstrate that the proposed change does not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219

CITY OF MEDFORD
EQUIPMENT *ML*
File # *ZC-18-192*



(same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, because the purpose of the proposal is to allow the development of additional housing units, the report should reference the City's HNA to demonstrate a need for the subdivision and amendments. Only with a complete analysis showing any gain in needed housing as compared to the BLI can housing advocates and planners understand whether the City is achieving its goals through this change from SFR-6 to MFR-15.

HLA and FHCO urge the Commission to defer adoption of the proposed amendments and subdivision plan until Goal 10 findings can be made, and the proposal evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in cursive script that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)

Members of the Planning Commission -

Regarding ZC-18-192

THE PROPOSAL TO CHANGE THE ZONING FROM
OFR 6 TO SER IS IS NOT DESIRED BY ANY
OF THE RESIDENTS THAT OWN LAND AND
LIVE ON WESTWOOD DR.

HIGH DENSITY HOUSING IS A CONDITION
THAT IS NOT DESIRED BY THE GENERAL
POPULATION LEAVING ONLY THE PEOPLE
THAT CAN AFFORD NOTHING ELSE WHICH
BRINGS AN UNDESIREABLE ELEMENT.

THE AESTHETICS AND CONGESTION ARE
UNDESIREABLE. I BELIEVE THERE IS ONE
RESIDENT THAT IS PUSHING FOR A ZONING
CHANGE UNDER THE MISTAKEN BELIEF
THAT IT WILL RAISE THE VALUE OF HER
PROPERTY ENOUGH FOR HER TO BE ABLE
TO SELL AND LEAVE TOWN. WHICH SHE
HAS BEEN WANTING TO DO FOR YEARS. THE
SALIENT POINT BEING THAT THE PERSON THAT
WANTS THE ZONE CHANGE IS THE ONE
THAT WANTS TO LEAVE THE NEIGHBORHOOD

RECEIVED

MAY 09 2019

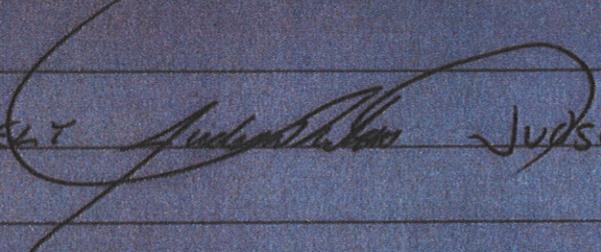
PLANNING DEPT.

CITY OF MEDFORD

EXHIBIT # N 1 of 2

File # ZC-18-192

THOSE OF US THAT ARE LEFT AND ENJOY
THE CURRENT STATUS WILL BE GREATLY
INCONVENIENCED WITH THE CHANGE
AND POSSIBLY EVEN FORCED TO LEAVE
IN ORDER TO FIND A NEIGHBORHOOD
SIMILAR TO THE WAY THIS ONE IS NOW

SINCERELY  Judson Ristau

Members of the Planning Commission:

Regarding proposed ZC 18 192:

In your consideration, please count me
opposed to a higher density
zoning change on Westwood Drive.

Many of the current owners on this
street are making aesthetic
improvements to the existing homes -
new landscaping, fresh paint, etc.

A zoning change that encourages the
removal of existing structures to
make way for new discourages
away the motives for care &
maintenance on existing buildings.

Perhaps in 30 years higher density
may be appropriate here, but
at the present it is not.

Thank you,

Marta / Maria Ristan

2087 Westwood

RECEIVED

MAY 09 2019

PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # N 2087 Z
File # ZC-18-192

After recording return to:
Lawyers Title Insurance Corporation
1555 E. McAndrews Road, Suite 100
Medford OR 97504

10
5
11

Until a change is requested, all tax statements shall be sent to Grantee at the following address:

Exhibit "B"

1987 Westwood Dr.
Medford OR 97501

RECEIVED

MAR 20 2019

PLANNING DEPT.

PROPERTY LINE ADJUSTMENT DEED

Judith Ann Hogue

, Grantor, conveys to
Judith Ann Hogue

, Grantee, the following described real property:
See Exhibit "A" attached hereto and made a part hereof

The true consideration for this conveyance is \$ 0.00.

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

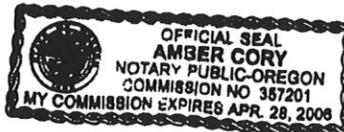
Dated this 19 day of November, 2003

Judith Ann Hogue

STATE OF OREGON
COUNTY OF Jackson

The foregoing instrument was acknowledged before me this 19 day of November 2003, by
Judith Ann Hogue

Amber Cory
Notary Public for Oregon
My commission expires 4/28/08



1

20-18-192

03 81955

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

EXHIBIT A

DEC 03 2003
2:10 PM
[Signature]
COUNTY CLERK

Commencing at the Northeast corner of Donation Land Claim No. 80 in Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence along the east boundary of said claim, South 00°05' West 635.52 feet; thence WEST 414.24 feet; thence South 00° 05' West 10.00 feet to a 5/8 inch iron pin situated on the southerly boundary of Westwood Drive for the **POINT OF BEGINNING**; thence South 00°05' West 261.98 feet to a 5/8 inch iron pin situated on the southerly boundary of that tract of land described in Instrument No. 93-10199, official records of Jackson County, Oregon; thence along said southerly boundary, WEST 6.00 feet to the southeast corner of that tract of land described in Instrument No. 99-34129 of said official records; thence along the southerly boundary of said tract, WEST 169.00 feet to the southwest corner thereof; thence along the westerly boundary of said tract, North 00°05' East 261.98 feet to the southerly boundary of the aforesaid Westwood Drive; thence along said southerly boundary, EAST 175.00 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1993
DARRELL L. HUCK
2023

Darrell L. Huck
L.S. 2023 - Oregon
Renews 06/30/05
Hoffbuhr & Associates, Inc.

Oct. 16, 2003
Adj. TL 700
(00053des2.doc)

2



Planning Commission

Minutes

From Public Hearing on **May 9, 2019**

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

Commissioners Present

Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver
Jeff Thomas (arrived at 5:32 p.m.)

Staff Present

Kelly Evans, Assistant Planning Director
Eric Mitton, Deputy City Attorney
Alex Georgevitch, City Engineer
Karl MacNair, Transportation Manager
Terri Richards, Recording Secretary

Commissioners Absent

Patrick Miranda, Excused Absence

10. Roll Call
20. Consent Calendar/Written Communications. None.
30. Minutes
30.1 The minutes for April 25, 2019, were approved as submitted.
40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – **Continuance Request**

50.1 ZC-18-189 Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400); Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs. **The applicant has requested to continue this item to the Thursday, May 23, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the May 23rd Planning Commission hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff

presents their staff report on May 23rd. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued ZC-18-189, per the applicant's request, to Thursday, May 9, 2019, Planning Commission meeting.

Moved by: Commissioner Foley

Seconded by: Commissioner Culbertson

Voice Vote: Motion passed, 8-0.

50.2 DCA-18-144 An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create standards that will allow for the development cottage housing. Allowing for the development of cottage housing was identified and recommended by the Housing Advisory Committee (HAC) as a high priority project in the City's efforts to address housing affordability. One of the ways to address this issue is to allow for a wider variety of housing types. Cottage housing can be generally defined as a development of small, detached, single-family dwelling units that are clustered around a central outdoor common space within a coordinated site plan. In addition to the common outdoor space, each cottage also has its own small private yard and a covered porch. Applicant: City of Medford; Planner: Seth Adams. **Staff requested this item be continued to the Thursday, June 27, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the June 27th Planning Commission hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on June 27th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued DCA-18-144, per staff's request, to Thursday, June 27, 2019, Planning Commission meeting.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 8-0.

50.3 LDS-19-029 Consideration of a tentative plat for an 11 lot subdivision on approximately 2 acres within the SFR-6 (Single Family Residential – 6 dwelling units per gross acre) zoning district, located on the north side of Sunset Drive approximately 415 feet west of Thomas Road (372W35DC Tax Lot 3300). Applicant: Gary McFarlane and Timothy McFarlane; Agent: Neathamer Surveying Inc.; Planner: Liz Conner. **The applicant has requested to continue this item to the Thursday, June 27, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the June 27th Planning Commission hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on June 27th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued LDS-19-029, per the applicant's request, to Thursday, June 27, 2019, Planning Commission meeting.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 8-0.

Old Business

50.4 PUD-18-152 Consideration of a request for amendment of the Rogue Valley Manor Planned Unit Development, File No. PUD-98-023, to consider changes to the PUD boundary of approximately 233-acres of property and to demonstrate that the 'Commercial Village' is able to develop without any vehicle trip stipulations, located east of Interstate 5 between Ellendale and La Loma Drives, within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre), SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre), SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre), MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre), MFR-30 (Multiple Family Residential - 20 to 30 dwelling units per gross acre) and C-C (Community Commercial) zoning districts. Applicant: Pacific Retirement Services; Agent: Richard Stevens & Associates; Planner: Steffen Roennfeldt.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McManus disclosed that his wife works for the applicant Pacific Retirement Services. Her role is not involved in the operations or decision making of the project. He does not feel there is a potential conflict of interest.

Commissioner Pulver disclosed that one of his partners is a member of the Board for the applicant. He does not think it will affect his opinion on this matter.

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

Kelly Evans, Assistant Planning Director reported that staff received a revised letter from ODOT that will be submitted into the record as Exhibit Y. Public Works submitted a

revised staff report that will be submitted in the record as Exhibit J-1. The Planned Unit Revision or Termination approval criteria can be found in the Medford Land Development Code Section 10.198(A)(3). The Planned Unit Development criteria can be found in the Medford Land Development Code Section 10.190(D). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Evans gave a staff report. Item 5b of the Public Works staff report the following language supersedes the language on page 72 of the agenda packet. *“Development of the Step 3 Land Uses shall not generate more than 192 p.m. peak hour trips until the intersection of Highland Drive and Keene Way / Barneburg is mitigated to the Level of Service (LOS) target identified in MLDC 10.462. An acceptable mitigation is for the developer to pay the City \$99,000 which is a 4.5% proportionate share toward construction of a roundabout”*. On page 37 of the agenda packet where it references Exhibit W will be updated to Exhibit Y.

Commissioner McFadden asked, does the HVAC condition apply to the entire Planned Unit Development or just the Memory Care facility? Ms. Evans replied that it only applies to the commercial area.

Commissioner Foley stated that he thought the letter from ODOT stated that the applicant could not exceed the trip cap until the restriping was done. That is not the way it reads in the staff report. The recommendation was to allow the trip cap to go to 486 per the Public Works report and ODOT Exhibit Y. Exhibit Y is the letter that was sent to the Commission earlier in the week that states prior to exceeding that the applicant has to provide a letter from ODOT confirming the widening and restriping is done. Ms. Evans replied that is correct.

Chair McKechnie asked, is the wall behind the memory care to be replaced by a fence at the property line? Ms. Evans reported the change is to remove the wall.

Chair McKechnie asked, was the original agreement of the roundabout at Highland Drive and Keene Way / Barneburg \$100,000 and they dropped it to \$99,000 for a minor change? Ms. Evans replied yes. They changed the wording.

Chair McKechnie asked, how does the Level of Service play into this application? Ms. Evans deferred the question to Karl MacNair, Transportation Manager. Mr. MacNair reported that the City is in the process of updating the code to allow Level of Service E as the minimum for the intersection of Highland and Barnett

Chair McKechnie asked, what does that do to the traffic cap once the Level of Service E is in the code? Mr. MacNair responded that it will allow it to go to 486 as far as this intersection is concerned.

Commissioner Pulver commented Ms. Evans mentioned in her staff report that it talked about taking credit for future traffic projects in the 20 year horizon of the Transportation System Plan. Maybe he misunderstood. Mr. MacNair reported that it is tied to the change in concurrency Public Works is working on. It would not meet the Level of Service target until concurrency is changed. It is a Tier One project for that intersection.

a. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501. Mr. Stevens reported that on pages 37 and 39 of the agenda packet Exhibit A-2, Conditions of Approval 4 (c) there needs be a modification for ODOT's letter of May 7, 2019 to Exhibit Y.

Mr. Stevens reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of PUD-18-152 per the staff report dated May 2, 2019, including Exhibits A-2 through Y, replacing Exhibit J with Exhibit J-1, on pages 37 and 39 change Exhibit W to Exhibit Y, and with the following considerations:

- Approval of PUD Boundary amendments as outlined in Exhibit D and Exhibit E.
- Conditionally increase trip cap from 192 p.m. peak hour trips to 486 p.m. peak hour trips per the Public Works Report (Exhibit J-1) and ODOT (Exhibit Y).
- Allowance of one Freeway Sign per the standards in MLDC 10.1710 within the area depicted in Exhibit Q.
- Modification of Condition #13 of PUD-98-023 to remove requirement for buffer wall.
- Modification of Condition #15 of PUD-98-023 to allow for HVAC equipment to be located on the ground and/or roof.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 8-0.

New Business

50.5 ZC-18-192 Consideration of a zone change from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on approximately 1 acre located south of Westwood Drive, approximately 375 feet west of Orchard Home Drive (372W35DD700). Applicant & Agent: Judith Ann Hogue; Planner: Steffen Roennfeldt.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. None were disclosed.

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

Kelly Evans, Assistant Planning Director reported that the letter received from the Housing Land Advocates and Fair Housing Council of Oregon will be submitted into the record as Exhibit M. Two additional letters received today that were emailed to the Commissioners from neighbors will be submitted into the record as Exhibit N. The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Evans gave a staff report.

Chair McKechnie stated this is an unimproved street. What happens to the street if it were to be developed with 10 to 15 units? Will the applicant be required to build the street to Orchard Home? Ms. Evans deferred the question to Alex Georgevitch. When there is an underdeveloped street there is a minimum paved width that is required to be constructed offsite. It is not the full curb, gutter, sidewalk street improvement. The code requires paved access to all development.

Chair McKechnie asked, can the lots between the subject property and Orchard Home Drive be developed as SFR-6 or do they have to be rezoned before someone can do a partition? Ms. Evans reported that they will have to be rezoned. One of the approval criteria for land division is that it is consistent with the general land use plan/comprehensive plan.

Ms. Evans stated that the typical development for MFR-15 are duplexes and townhouse style units. It is not super dense it is medium. There are not a lot of MFR-15 in the City.

Chair McKechnie commented that it might be a terrific site for cottage housing. Ms. Evans responded that it could be a great site.

Alex Georgevitch, City Engineer reported that on page 140 of the agenda packet the final condition of the Public Works report under Transportation System reads: *"However, no vertical construction shall be allowed on the subject parcel until a minimum 20-foot wide paved width has been provided for access to an improved public street."* Right now the applicant is requesting a zone change therefore there are no conditions. Prior to any vertical construction they would have to provide the road.

Vice Chair Foley asked, at what point would they have to improve that to a curb, gutter and sidewalk street? Mr. Georgevitch responded that development is required to improve their frontage. If this came in for a vertical development application they would be required to improve their frontage, half street plus 12 feet or the far edge of the

pavement. Anything east of that to get to Orchard Home Drive would only have to be 20 feet. Each additional parcel next to it would be able to tie onto that if they had not already developed.

The public hearing was opened.

a. Judith Ann Hogue, 1987 Westwood Drive, Medford, Oregon, 97501. Ms. Hogue reported that she is trying to rezone specifically to make it saleable. She has had several developers interested. She received the letter today from the neighbor opposing the zone change. He lives at the end of the street that does not deal with any of the traffic on a dirt road. She lives in the middle of the street.

Commissioner McFadden asked, how does Ms. Hogue feel about the ease of going through a zone change in the City of Medford? Ms. Hogue responded that staff has been excellent to help her. It is not as hard as she thought but it could be less cumbersome.

b. Judson Ristau, 2087 Westwood Drive, Medford, Oregon, 97501. Mr. Ristau is the neighbor that lives at the end of the street. His letter was submitted into the record earlier. He disapproves of the plan as well as his wife and immediate neighbors. He recently sold 2073 Westwood Drive who wanted to build their dream home but are now reconsidering now that there is the proposal of having higher density housing.

Commissioner McFadden asked, how long has Mr. Ristau owned his property? Mr. Ristau responded that he moved there in 2014.

Commissioner Culbertson stated that down Westwood there is apparently development of single family residential properties. Does he know how many homes are being constructed? Mr. Ristau reported there is approximately one house per acre. SFR-6 has not taken affect at this point. There is development at 1935 that he plans on doing three dwelling units on that parcel. He does not know of any other higher density plans.

Ms. Hogue reported that the property at 1980 and 2068 has been for sale for a year. They all want to sell and have it developed. That is the entire north side of Westwood Drive. There are nine homes. Seven of the nine want to do something with their property.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of ZC-18-192 per the staff report dated May 2, 2019, including Exhibits A through N.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Commissioner Pulver asked, would someone be able to build a new structure on an SFR-6 and the GLUP map does not match? Ms. Evans stated that they could build a single family dwelling because it does not require a land use analysis. If they want to further develop the property they would have to change the zoning.

Commissioner McKechnie stated they could also do a single family dwelling with an ADU or a duplex. Ms. Evans agreed.

Commissioner McFadden commented that it is an interesting dilemma that it is either so much or so little and the under development of the entire neighborhood makes that. Nobody has to change. Everyone likes the option to change or not. In this particular case Ms. Hogue is going to find it difficult even with the zone change to do it. She has taken the step forward to make her property marketable.

Chair McKechnie commented there are sections in the City where there are single family homes and townhomes next to them that seem to work well.

Roll Call Vote: Motion passed, 8-0.

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met Friday, May 3, 2019. They had a robust meeting. There were two agenda items and the one saw the impending disaster and requested a continuance. They spent two hours and fifteen minutes by his calculation discussing constructing a Circle K, Chevron Station, coffee stand and potential retail businesses on the backside on the corner lot of McAndrews and Springbrook. There was one individual that monopolized the microphone three different times. It started to get testy. The rules of no cheering or clapping; all rules were broken. The crowd was hostile towards the applicant. They kept the record open and continued it to the Friday, May 17, 2019 meeting.

Commissioner McFadden asked, was there a reason why Dollar General did not end up going in there? Commissioner Culbertson has no idea.

Commissioner Culbertson stated that the disconcerting thing was that property made the zone change to C-C. There was one person that showed up at that application to oppose the zone change. However, they had approximately 50 people in the audience that were all opposed that claimed they never saw the zone change. They did see the application for this. Had they shown up at the zone change and fought that they probably would have kept it off Community Commercial and kept it residential.

60.2 Transportation Commission

Commissioner Pulver reported that the Transportation Commission has not met.

60.3 Planning Department

Ms. Evans reported that the next Planning Commission study session is scheduled for Monday, May 13, 2019. Discussion will be on the draft language for cottage housing.

There is business scheduled for Thursday, May 23, 2019, Thursday, June 13, 2019, Thursday, June 27, 2019 and Thursday, July 11, 2019.

Last week City Council's approved the Asante GLUP map amendment and initiated a public utility easement vacation related to McKenzie Village Subdivision.

Next week the City Council will hear another GLUP amendment at Stewart and Columbus.

The Landmarks and Historic Commission approved changes to the Holly Theater.

Commissioner McFadden stated that the Landmarks and Historic Commission approves what is outside and Chair McKechnie stated there was not much outside. Chair McKechnie reported the emergency stairwell on the side of the building is being removed. The two story green room in the back corner will have another floor added. There is mechanical equipment going on the roof. They are negotiating a loading dock in the back. An alternate to that is a loading dock on Holly Street.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission.

Commissioner Pulver commented that he endured the Site Plan and Architectural Commission meeting on Friday, May 3, 2019. One of the parties that testified took a pop shot at the Planning Commission stating that it was a "good ole boys club" with back door dealings. That boiled his blood. Ms. Evans stood up for the Commission and stated that the people on the Commissions are volunteers and their decisions are criteria based.

Commissioner Culbertson reported that Jim Catt was the one that stated, that whatever the audience may think, there is not a "good ole boys club" on the Commissions. Someone in the audience shouted "get real".

Commissioner McFadden commented that he hope there are people watching, hearing and keeping track of what the City is doing. The people should have been at the zone change hearing where only one person showed up.

100. Adjournment

The meeting was adjourned at 6:41 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Mark McKechnie
Planning Commission Chair

Approved: May 23, 2018



STAFF REPORT – CONTINUANCE REQUEST

for a Type-III quasi-judicial decision: **Zone Change**

Project Hagle Zone Change
Applicant: Jane Erin Griffin-Hagle

File no. ZC-18-189

To Planning Commission

for May 23, 2019 hearing

From Dustin Severs, Planner III

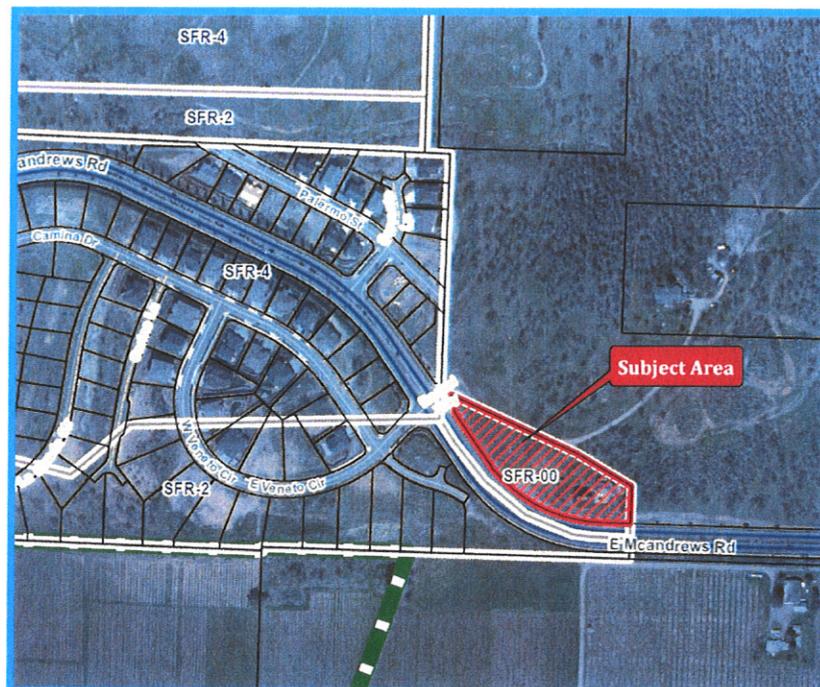
Reviewer Kelly Evans, Assistant Director

Date May 16, 2019

BACKGROUND

Proposal

Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400).



Request

The applicant has requested that the item be continued to June 13, 2019, in order to provide additional time to complete a sewer study to support the zone change request.

EXHIBITS

Vicinity Map

COMMISSION AGENDA:

FEBRUARY 14, 2019

MARCH 14, 2019

MARCH 28, 2019

April 11, 2019

April 25, 2019

May 9, 2019

May 23, 2019



Project Name:

**Griffin-Hagle
 Zone Change**

Map/Taxlot:

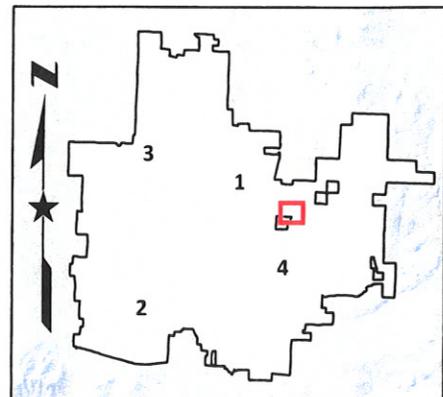
371W22 TL 400



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

12/19/18





STAFF REPORT

for a Type-IV quasi-judicial decision: Vacation

Project Malot Vacation
Applicant: Tom Malot Construction, Inc.
Agent: Richard Stevens & Associates

File no. SV-19-044

To Planning Commission

for May 23, 2019 hearing

From Dustin Severs, Planner III

Reviewer Kelly Evans, Assistant Planning Director

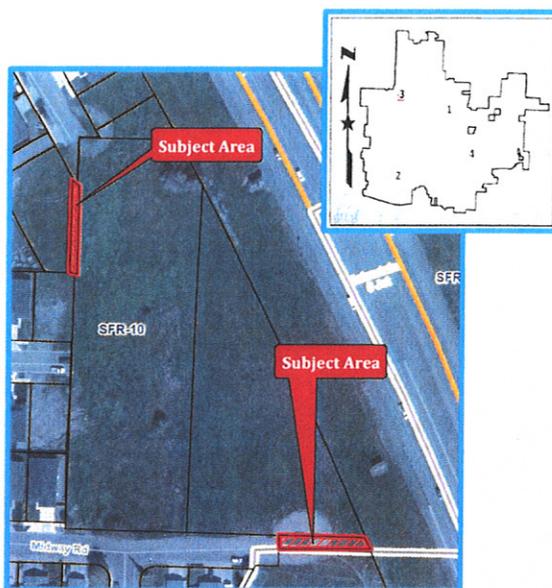
Date May 16, 2019

BACKGROUND

Proposal

Consideration of a request for the vacation of both a portion of a public storm drainage easement and a public utility easement on three non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 601, 372W13AB TL 235 & 372W13AB TL 211).

Vicinity Map



The vacation process for public easements is not required per Oregon Revised Statute (ORS) Chapter 271; however, Section 10.228 of the Medford Land Development Code (MLDC) does state that a request to vacate an “easement” be subject to the vacation provisions of the Code, which the City’s legal counsel has interpreted as requiring that their removal be recorded into the public record in accordance with ORS procedures.

With the subject application, the applicant is requesting to vacate the two unneeded public easements, as required per the tentative plat approval of the McKenzie Village Subdivision. The applicant has requested that Council initiate the vacation process of the two public easements, and City Council approved the resolution of the vacation, setting the public hearing date of June 20, 2019.

Public Improvements

Per the staff report submitted by Public Works (Exhibit G), the Public Improvement Plan for the McKenzie Village Subdivision will be required to be completed and the improvements accepted by the City or a temporary easement is in place prior to the vacation of the storm drain easement. In response to this requirement, the applicant has stipulated to record a temporary storm drain easement (Exhibit J), which will terminate upon the recording of the final plat of McKenzie Village.

Agency Comments

Per the agency comments submitted to staff (Exhibits G-I), it can be found that public facilities will not be impacted by the proposed vacation.

Other Agency Comments

None

Committee Comments

No comments were received from committees such as BPAC.

FINDINGS AND CONCLUSIONS

The criteria that apply to vacations are in Medford Municipal Code Section 10.228(D)

Vacation Criteria. A request to vacate shall be approved by the approving authority (City Council) when the following criteria have been met:

Criterion (1): Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.

Findings

A review of the goals and policies in the Comprehensive Plan that relate to public facilities, transportation and the Transportation System Plan (TSP) do not apply to public easements.

Conclusion

This criterion is not applicable to the project.

Criterion (2): If initiated by petition under ORS 271.080, the findings required by ORS 271.120.

Findings

The applicant has chosen to initiate the vacation by Council as allowed per ORS 271.130; therefore, initiation by petition is not requested.

Conclusion

This criterion is not applicable to the project.

Criterion (3): If initiated by the Council, the applicable criteria found in ORS 271.130.

Findings

The application was initiated by Council per the requirements in ORS 271.130.

Conclusion

The submitted application contains the requisite material conforming to the standards of ORS 271.130, including typed mailing labels to all abutting and affected property owners. At the time of this writing, staff has received no objections in writing from owners within the affected area of the proposed vacations. This criterion is satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are met or are not applicable, forward a favorable recommendation to the City Council for approval of the vacation per the staff report dated May 16, 2019, including Exhibits A through K.

EXHIBITS

- A Legal descriptions and Exhibit Maps of vacation areas (4 of 4), received March 4 and May 6, 2019.
- B Letter to City Council requesting to initiate vacation process, received March 4, 2019.
- C Applicant's Findings of Fact and Conclusions of Law, received March 4, 2019.
- D Applicant's Areas to be Vacated map, received March 4, 2019.
- E Applicant's Vicinity Map, received March 4, 2019.
- F Applicant's Abutting and Affected areas map, received March 4, 2019.
- G Medford Public Works Department Staff Report, received May 15, 2019.
- H Medford Fire Department Report, received May 1, 2019.
- I Medford Water Commission Memo and Facility Map, received May 1, 2019.
- J Temporary Storm Drain Easement, received May 6, 2019.
- K McKenzie Village Subdivision utility plan, received November 9, 2018.

Vicinity map

PLANNING COMMISSION AGENDA

MAY 23, 2019

TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS



EXHIBIT "A-1"
L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

P.O. BOX 1947
PHOENIX, OR 97535

FAX
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

The certain Public Storm Drainage Easement being the Easterly 10 feet of Lot 30 AND the Southerly 10 feet of Lot 24 of CUMMINGS PLACE SUBDIVISION, PHASE 1, according to the official plat thereof, now of record, in Jackson County, Oregon.

PUBLIC STORM DRAINAGE EASEMENT
TO BE VACATED
372W13AB TL211
Tom Malot
18-175
May 3, 2019



RECEIVED

MAY 06 2019

PLANNING DEPT.

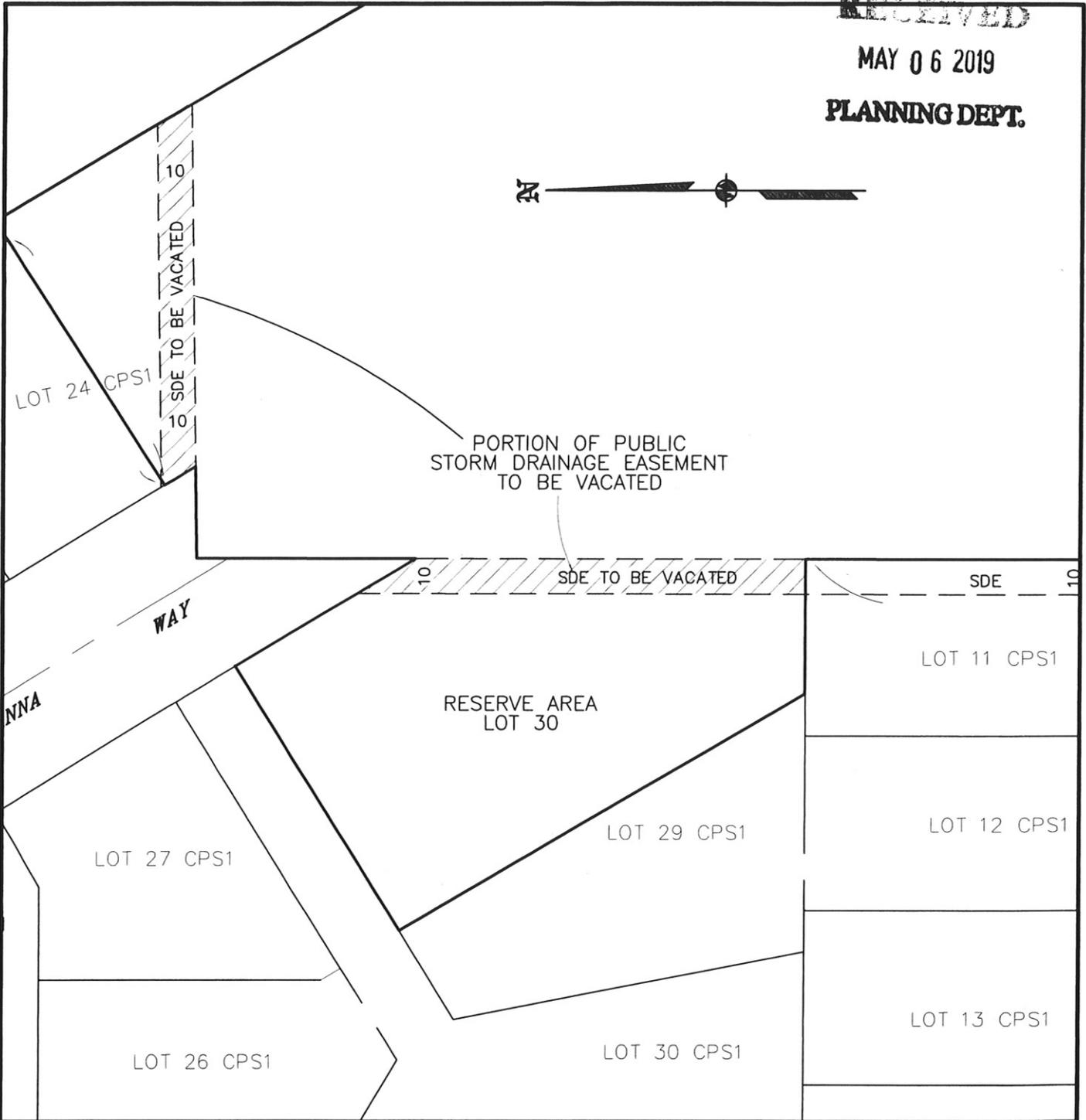
CITY OF MEDFORD
EXHIBIT # A (1 of 4)
FILE # SV-19-044

EXHIBIT "A-2"

RECEIVED

MAY 06 2019

PLANNING DEPT.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Hibbs

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE 6-30-19

TITLE: PUBLIC STORM DRAINAGE EASEMENT VACATION
ASSESSOR'S MAP #: 372W13AB TL211

FOR: TOM MALOT CONSTRUCTION CO. INC.
PO BOX 5384
CENTRAL POINT, OR 97502



L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
PO BOX 1947, PHOENIX, OR 97535
(541) 772-2782
ljfriarandassociates@charter.net

DATE: 3 MAY 2019

SCALE: 1 inch : 40 feet

DRAWN BY: JEH
CHK BY:

ORIGIN:

ROTATION: 270°
JOB#: 18175FM

Sheet 1 of 1.

CITY OF MEDFORD
EXHIBIT # A(2 of 4)
FILE # SV-19-044

TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS



EXHIBIT "B-1"
L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

P.O. BOX 1947
PHOENIX, OR 97535

FAX
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

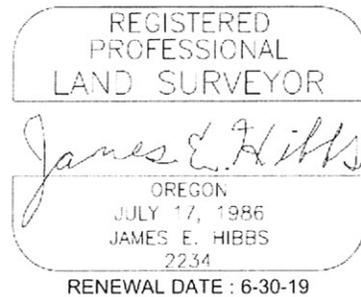
The certain public utility easement being the Northerly 20 feet of the vacated portion of Midway Road set forth in Medford Ordinance No. 2005-273 and recorded as Document No. 2005-077295, Official Records of Jackson County, Oregon.

RECEIVED

MAR 04 2019

PLANNING DEPT.

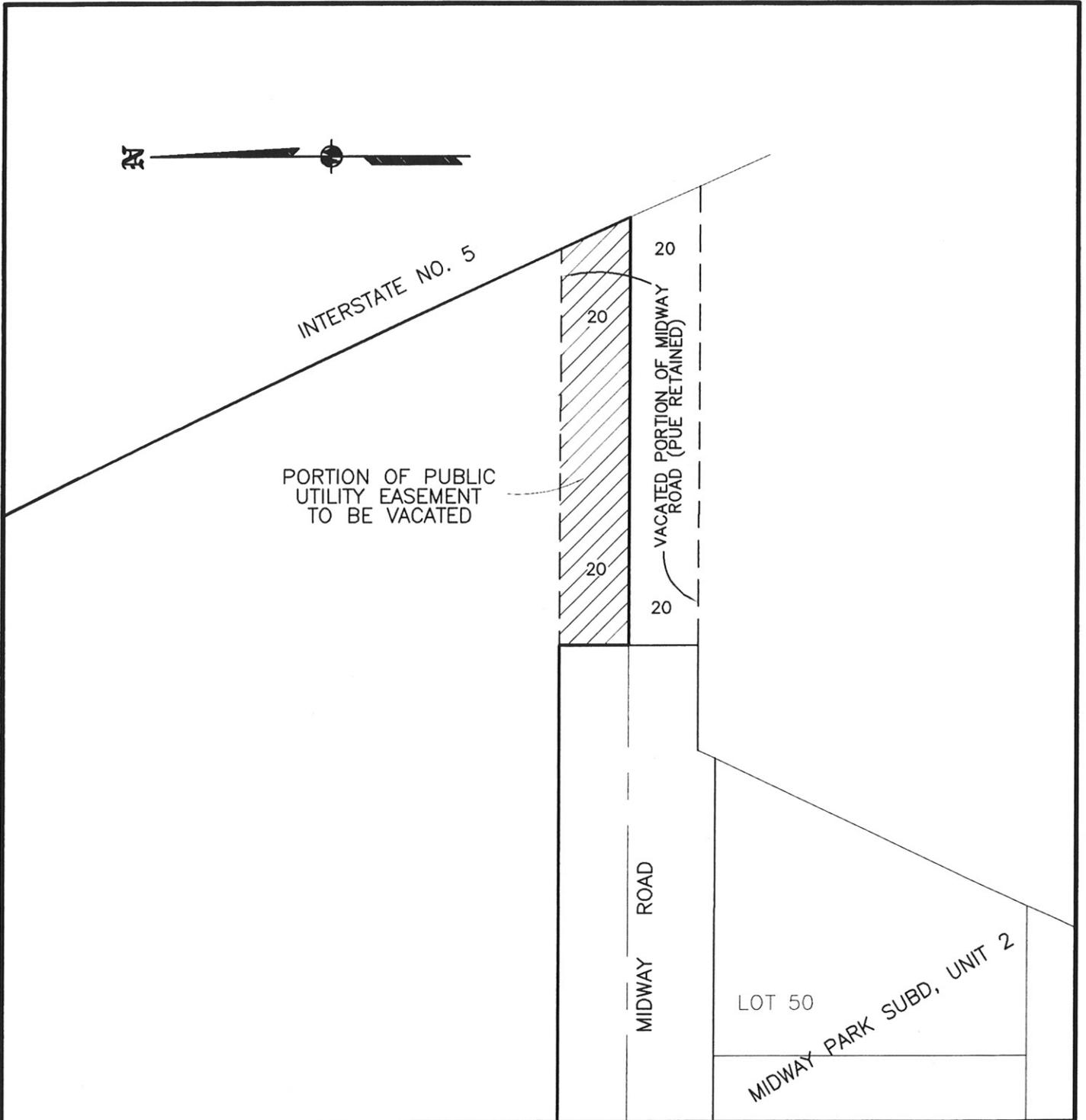
PUBLIC UTILITY EASEMENT
TO BE VACATED
372W13AB TL211
Tom Malot
18-175
January 28, 2019



CITY OF MEDFORD
EXHIBIT # A (3 of 4)
FILE # SV-19-044

5

EXHIBIT "B-2"



<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p><i>James E. Hibbs</i></p> <p>OREGON JULY 17, 1986 JAMES E. HIBBS 2234</p> <p>RENEWAL DATE 6-30-19</p>	<p>TITLE: PUBLIC UTILITY EASEMENT VACATION</p> <p>ASSESSOR'S MAP #: 372W13AA TL601</p>	<p>DATE: 5 DEC 2018</p>
	<p>FOR: TOM MALOT CONSTRUCTION CO. INC. PO BOX 5384 CENTRAL POINT, OR 97502</p>	<p>SCALE: 1 inch : 40 feet</p>
	<p>L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS</p>	<p>DRAWN BY: JEH CHK BY:</p>
	<p>PO BOX 1947, PHOENIX, OR 97535 (541) 772-2782 ljfriar@charter.net</p>	<p>ORIGIN:</p> <p>ROTATION: 270° JOB#: 18175FM</p>

CITY OF MEDFORD 1.
EXHIBIT # A 4 of 4
FILE # SV-19-044

February 15, 2019

RECEIVED
MAR 04 2019
PLANNING DEPT.

City Council
C/O Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Request City Council initiate vacation process for two unneeded public utility easements

Dear City Council,

The City of Medford Planning Commission recently approved a land division (LDS-18-149) and associated exception (E-18-150) for McKenzie Village, a 25-lot residential subdivision located north of Midway Road, west of Interstate 5 and east of Cummings Lane (Tentative Subdivision Plan - Exhibit A, Vicinity Map - Exhibit B). The approved residential subdivision will provide infill residential development on this 3.51-acre property located between existing residential development to the west and Interstate 5 to the east. As a condition of approval, Tom Malot Construction Company, Inc. has been required to vacate portions of two unneeded public easements. The first is a 10-foot wide public storm drainage easement connecting to the south end of Reanna Way (Exhibit C). The second is a 20-foot wide section of a public utility easement that extends from the east end of Midway Road to the west boundary of Interstate 5 (Exhibit D). The plans for McKenzie Village demonstrate that services will be maintained to existing development in the vicinity and that all necessary utilities will be extended into and through this development without the need for either of these existing utility easements.

As these two easements have been shown to be unnecessary, we request that the Council initiate the vacation process for these public rights-of-way (easements) as provided for in Medford Land Development Code (MLDC) Section 10.228(C) and Oregon Revised Statute (ORS) 271.130.

Sincerely,



Tom Malot

CITY OF MEDFORD
EXHIBIT # B
FILE # SV-19-044

RECEIVED
MAR 04 2019
PLANNING DEPT.

BEFORE THE CITY COUNCIL FOR THE CITY OF
MEDFORD, JACKSON COUNTY, OREGON:

IN THE MATTER OF AN APPLICATION FOR)
THE VACATION OF BOTH A PORTION OF A)
PUBLIC STORM DRAINAGE EASEMENT AT)
THE SOUTH TERMINUS OF REANNA WAY)
AND A PUBLIC UTILITY EASEMENT EAST)
OF MIDWAY ROAD AND WEST OF)
INTERSTATE 5; TOM MALOT)
CONSTRUCTION COMPANY, INC.,)
APPLICANT; RICHARD STEVENS &)
ASSOCIATES, INC., AGENTS)

FINDINGS OF FACT

I. RECITALS PERTAINING TO THE PROPERTY:

APPLICANT: Tom Malot Construction Company, Inc.
PO Box 5384
Central Point, OR 97502

AGENTS: Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

PURPOSE OF APPLICATION:

The City of Medford Planning Commission recently approved a land division (LDS-18-149) and associated exception (E-18-150) for McKenzie Village, a 25-lot residential subdivision located north of Midway Road, west of Interstate 5 and east of Cummings Lane. The approved residential subdivision will provide infill residential development on this 3.51-acre property, described as T-37 R-2W SEC-13AA, Tax Lots 601 & 700, located between existing residential development to the west and Interstate 5 to the east. As a condition of approval, Tom Malot Construction Company, Inc. was required to vacate portions of two unneeded public easements. The first is a portion of a 10-

CITY OF MEDFORD
EXHIBIT # C
FILE # SV-19-044

foot wide public storm drainage easement connecting to the south end of Reanna Way. The second is a 20-foot wide section of a public utility easement that extends from the east end of Midway Road to the west boundary of Interstate 5. The plans for McKenzie Village demonstrate that services will be maintained to existing development in the vicinity and that all necessary utilities will be extended into and through this development without the need for either of these existing utility easements.

As these two easements have been shown to be unnecessary, the applicant has submitted this application to vacate these two public easements as provided for in Medford Land Development Code (MLDC) Section 10.228(C) and Oregon Revised Statute (ORS) 271.130.

Attachments:

- Exhibit 1: Vicinity Map to scale (1' = 1000') per MLDC Section 10.228 and a vicinity map at a scale of 1' = 300' showing greater detail of the area in question;
- Exhibit 2: Legal Description of area to be vacated along with detailed maps showing the areas to be vacated;
- Exhibit 3: Assessor's Maps and a GIS map of the areas to be vacated showing abutting and affected properties;
- Exhibit 4: A map identifying the required notification area along with typed mailing labels for each of the property owners within the notification area; and
- Exhibit 5: A letter to City Council, with exhibits, requesting initiation of the vacation.

II. APPLICABLE CRITERIA:

In order to approve a Vacation of a Public Right-of-Way, the applicant must submit findings addressing Section 10.228 of the Land Development Code. A review of Section 10.228(E) indicates that an application for a Vacation must contain the following:

- (1) A vicinity map drawn to scale of 1"=1000' identifying the proposed area of vacation.*
- (2) A legal description of the area(s) proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.*
- (3) A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and not less than two-thirds in area of the real property affected as defined in ORS 271.080.*
- (4) Assessor's maps of the proposed vacation area identifying abutting*

and affected properties.

(5) Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, including map and tax lot numbers typed on mailing labels.

(6) Findings that address the approval criteria in Section 10.228(D), Vacation Criteria.

FINDING:

This application for the vacation of a portion of a 10-foot wide public storm drainage easement connecting to the south end of Reanna Way and the vacation of a 20-foot wide section of a public utility easement that extends from the east end of Midway Road to the west boundary of Interstate 5, with the information presented in support of the application, is consistent with the criteria for submission as required above, accompanied with the applicable maps, the legal descriptions of the areas to be vacated, a letter requesting the City Council initiate the vacation, the names and addresses of all affected properties typed on mailing labels, and findings consistent with the requirements of Section 10.228(D).

III. FINDINGS IN COMPLIANCE WITH SECTION 10.228(D) OF THE MEDFORD LAND DEVELOPMENT CODE:

Section 10.228(D) provides that the approving authority (City Council) shall only approve a request for a vacation if it finds that the vacation complies with subsections (1) and (2) or (3) below:

(1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.

(2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.

(3) If initiated by the Council, the applicable criteria found in ORS 271.130.

10.228(D)(1) COMPLIANCE WITH THE PUBLIC FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN, INCLUDING THE TRANSPORTATION SYSTEM PLAN:

The City of Medford Planning Commission recently approved a land division (LDS-18-149) and associated exception (E-18-150) for McKenzie Village, a 25-lot residential

subdivision located north of Midway Road, west of Interstate 5 and east of Cummings Lane. As a condition of approval, Tom Malot Construction Company, Inc. was required to vacate portions of two unneeded public easements as shown on the subdivision plans. The plans for McKenzie Village, with the associated conditions of approval, demonstrate that all necessary utilities will be extended into and through this development without the need for either of these existing utility easements. The plans also demonstrate that utility services will continue for existing development in the vicinity without the use of either of these easements.

As neither of the public easements under consideration for vacation are public street or alley rights-of-way, the proposed vacations will have no affect on the Transportation System Plan.

FINDING:

The plans for the recently approved McKenzie Village subdivision, with associated conditions, demonstrate that services will be maintained to existing development in the vicinity and that all necessary utilities will be extended into and through this development without the need for either of these existing utility easements. As neither of these easements is a public street or alley right-of-way, the proposed vacations will have no affect on the Transportation System Plan.

10.228(D)(2) IF INITIATED BY PETITION UNDER ORS 271.080, THE FINDINGS REQUIRED BY ORS 271.120:

Not applicable.

FINDING:

The proposed vacation was initiated by City Council action and not by petition.

10.228(D)(3) IF INITIATED BY THE COUNCIL, THE APPLICABLE CRITERIA FOUND IN ORS 271.130:

Along with this application for public right-of-way vacation, the applicant submitted a letter to City Council, with exhibits, requesting initiation of the vacation per (MLDC) Section 10.228(C) and ORS 271.130. The application must therefore demonstrate compliance with the applicable criteria found in ORS 271.130, as follows:

- 1) *Notice has been provided per ORS 271.110.*

- 2) *The owners of a majority of the area affected have not objected in writing.*
 - 3) *For street vacations, the consent of the owners of all abutting properties must be obtained if the vacation will substantially affect the market value of such property.*
- 1) Along with this vacation application, the applicant has provided a map indicating the required notification area along with the names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, including map and tax lot numbers typed on mailing labels, as required on the City application form and MLDC Section 10.228(E)(5). With this information, and by following its own rules for noticing of hearings, the City has met the noticing requirements of ORS 271.110.
 - 2) The noticing required by ORS 271.110 provides an opportunity for affected property owners to participate in the public hearing process for the proposed vacation and to submit letters in opposition to the proposed vacation should they so choose. As of the date of these findings the applicant is unaware of any opposition to the proposed vacations.
 - 3) As the proposed vacations are for two public utility easements and not street rights-of-way it is unclear whether this criterion applies to this application. However, the proposed vacation of these two public easements is not expected to in any way affect the market value of abutting properties.

FINDING:

Based upon the information contained herein, the City of Medford can find that the application has met the applicable criteria contained in ORS 271.130 as notice required by ORS 271.110 has been provided; the owners of a majority of the area affected have not objected in writing; and the vacation will not substantially affect the market value of abutting properties.

IV. SUMMARY AND CONCLUSIONS:

In order to approve a request for public right-of-way vacation, the City Council must find that the applicant has made the requisite findings for a vacation. A review of the application and the above Findings of Fact with the supporting documentation attached, demonstrates that this application complies with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan; and since the vacation has been initiated by the Council, the application also complies with the applicable criteria found in ORS 271.130.

With this in mind, the applicant respectfully requests that the City of Medford vacate a portion of a 10-foot wide public storm drainage easement connecting to the south end of Reanna Way and a 20-foot wide section of a public utility easement that extends from the east end of Midway Road to the west boundary of Interstate 5 as shown in the attached exhibits.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Clark Stevens". The signature is fluid and cursive, with a large, sweeping flourish over the last name.

Richard Stevens & Associates, Inc.

Areas to be Vacated

McKenzie Village

Legend

-  Public Storm Drain Easement
-  Public Utility Easement



1 inch = 100 feet

PLANNING DEPT.

MAR 04 2019

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1-27-2019



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5

Vicinity Map

McKenzie Village

Legend

 Subject area



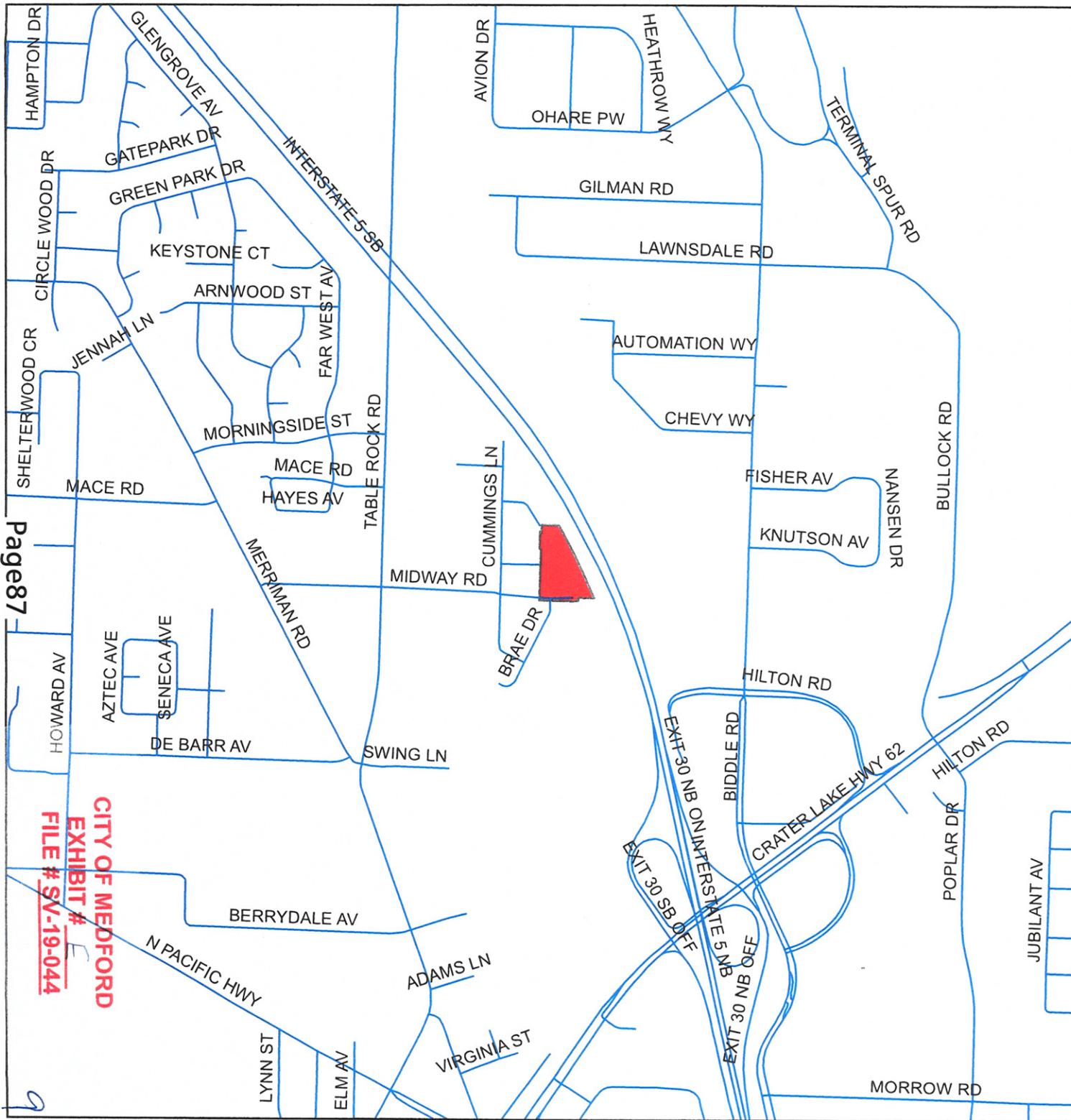
RECEIVED
MAR 04 2019
PLANNING DEPT.

1 inch = 1000 feet

1-27-2019



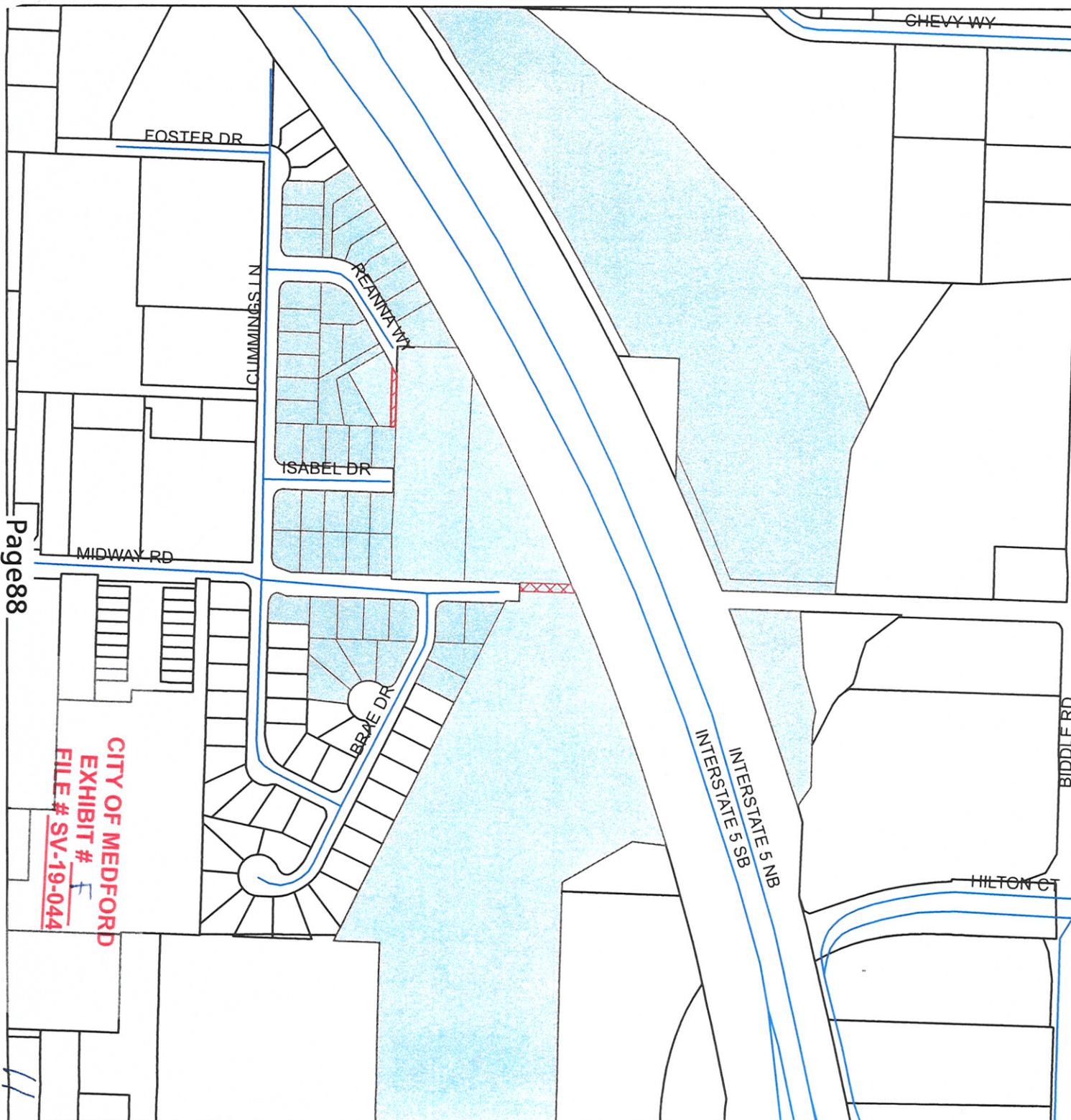
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Page 87

CITY OF MEDFORD
EXHIBIT #
FILE # SV-19-044

Abutting & Affected McKenzie Village



Legend

- Public Storm Drain Easement
- Public Utility Easement
- Abutting Properties
- Affected Properties



1 inch = 300 feet

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1-27-2019



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CITY OF MEDFORD
EXHIBIT # F
FILE # SV-19-044



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 5/1/2019
Revised Date: 5/15/2019
File Number: SV-19-044

PUBLIC WORKS DEPARTMENT STAFF REPORT McKenzie Village Storm Drain Easement & PUE Vacations Tom Malot Construction Company

- Project:** Consideration of a request for the vacation of both a portion of a public storm drainage easement and a public utility easement on two non-contiguous parcels.
- Location:** Parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 601 & 372W13AB TL 211).
- Applicant:** Tom Malot Construction Company, Inc., Applicant; Richard Stevens & Associates, Agent; Dustin Severs, Planner.

Public Works concurs with the request to vacate the subject existing stormdrain easement, with the condition that Public Improvement Plan review for the McKenzie Village Subdivision be completed and the improvements are accepted by the City of Medford or a temporary easement is in place prior to vacation of the storm drain easement.

Public Works concurs with the request to vacate the subject existing right-of-way, with the condition that sign-offs shall be obtained from all applicable utility companies to confirm they have relocated their facilities out of the area to be vacated.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 4/24/2019
Meeting Date: 5/1/2019

LD File #: SV19044

Planner: Dustin Severs

Applicant: Tom Malot; Agent: Richard Stevens and Associates - Clark Stevens

Project Location: Two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane

Project Description: Consideration of a request for the vacation of both a portion of a public storm drainage easement and a public utility easement on two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 601 & 372W13AB TL 211)

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description
Approved	Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # H
FILE # SV-19-044



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: SV-19-044

PARCEL ID: 372W13AA TL 601 & 372W13AB TL 211

PROJECT: Consideration of a request for the vacation of both a portion of a public storm drainage easement and a public utility easement on two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 601 & 372W13AB TL 211); Tom Malot Construction Company, Inc., Applicant; Richard Stevens & Associates, Agent; Dustin Severs, Planner.

DATE: May 1, 2019

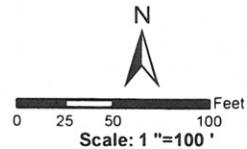
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. No conditions.

COMMENTS

1. No Comments



Water Facility Map
City of Medford
Planning Application:
SV-19-044
(372W13AA601
372W13AB211)
April 17, 2019

Legend

- ⊗ Air Valve
- ⊙ Sample Station
- Fire Service
- ⊕ Hydrant
- ▲ Reducer
- Blow Off
- + Plugs-Caps

Water Meters:

- ⊙ Active Meter
- On Well
- ⊙ Unknown
- Vacant

Water Valves:

- ⊙ Butterfly Valve
- ⊙ Gate Valve
- ⊙ Tapping Valve

Water Mains:

- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots

MWC Facilities:

- C** Control Station
- P** Pump Station
- R** Reservoir



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or misstatements. Users are encouraged to verify all information. Date: 4/10/2019 File: G:\Mapping\MXD\CD Map Maker - RG.mxd



TEMPORARY STORM DRAIN EASEMENT

Tom Malot Construction Co., Inc., Grantor, does hereby grant unto the City of Medford, Oregon, a municipal corporation, a temporary easement over the following described property:

SEE ATTACHED EXHIBITS "A-1" & "A-2"

For the purpose of constructing and maintaining, therein, a storm drain as part of the storm drainage system of the said City, including a right to go upon the premises hereinabove described with such personnel and equipment as may be necessary to accomplish the purposes hereof, reserving to the Grantor herein the right to possess and make such use of the premises above described as shall not conflict with the said City in the exercise of this easement; and the City by these presents covenants that it shall promptly fill to grade of adjoining property, and to restore the surface over, any excavation it may make pursuant hereto.

This easement will automatically terminate upon the recording of the final plat of McKenzie Village in the plat records of Jackson County, Oregon.

SIGNED this _____ day of _____, 20____.

STATE OF OREGON)
) ss:
COUNTY OF JACKSON)

THOMAS ERIC MALOT, President
Tom Malot Construction Co., Inc.

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by Thomas Eric Malot, President of Tom Malot Construction Co., Inc.

Notary Public for Oregon
My Commission Expires: _____

The City of Medford, a municipal corporation of the State of Oregon, hereby accepts such grant of temporary easement with the express understanding that in so doing, the City of Medford does not agree to improve or maintain said property except as stated herein.

CITY OF MEDFORD:

By: _____

Title: _____

Date: _____

STATE OF OREGON)
) ss:
COUNTY OF JACKSON)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____.

Notary Public for Oregon
My Commission Expires: _____

CITY OF MEDFORD
EXHIBIT # J
FILE # SV-19-044

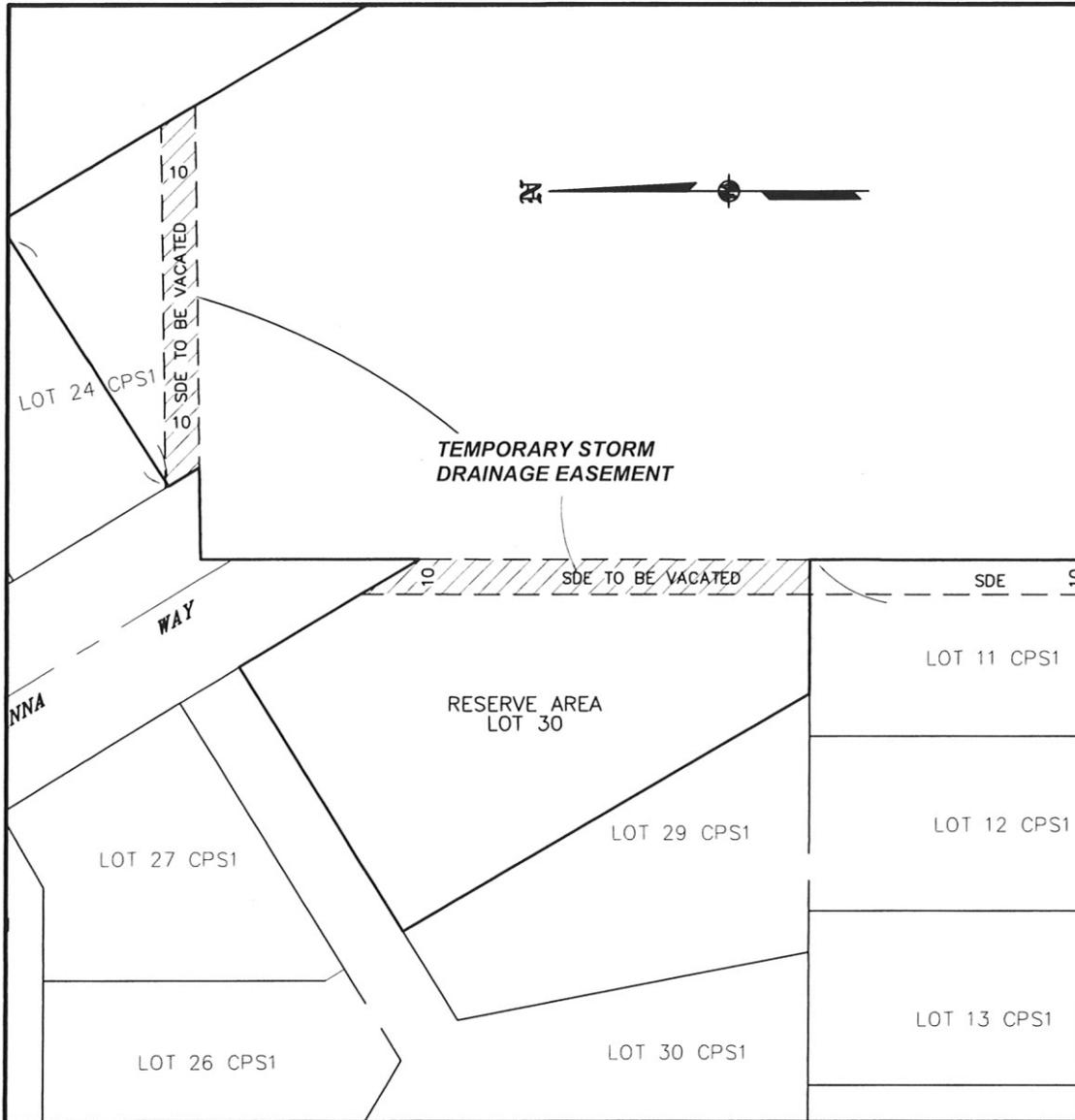
EXHIBIT "A-1"

The certain Public Storm Drainage Easement being the Easterly 10 feet of Lot 30 **AND** the Southerly 10 feet of Lot 24 of CUMMINGS PLACE SUBDIVISION, PHASE 1, according to the official plat thereof, now of record, in Jackson County, Oregon.

TEMPORARY PUBLIC STORM
DRAINAGE EASEMENT
372W13AB TL211
Tom Malot
18-175
May 3, 2019



EXHIBIT "A-2"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Hibbs

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE 6-30-19

TITLE:
TEMPORARY STORM DRAINAGE EASEMENT

ASSESSOR'S MAP #: 372W13AB TL211

FOR: TOM MALOT CONSTRUCTION CO. INC.
PO BOX 5384
CENTRAL POINT, OR 97502

 L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
PO BOX 1947, PHOENIX, OR 97535
(541) 772-2782
lfriarandassociates@charter.net

DATE:
2 MAY 2019

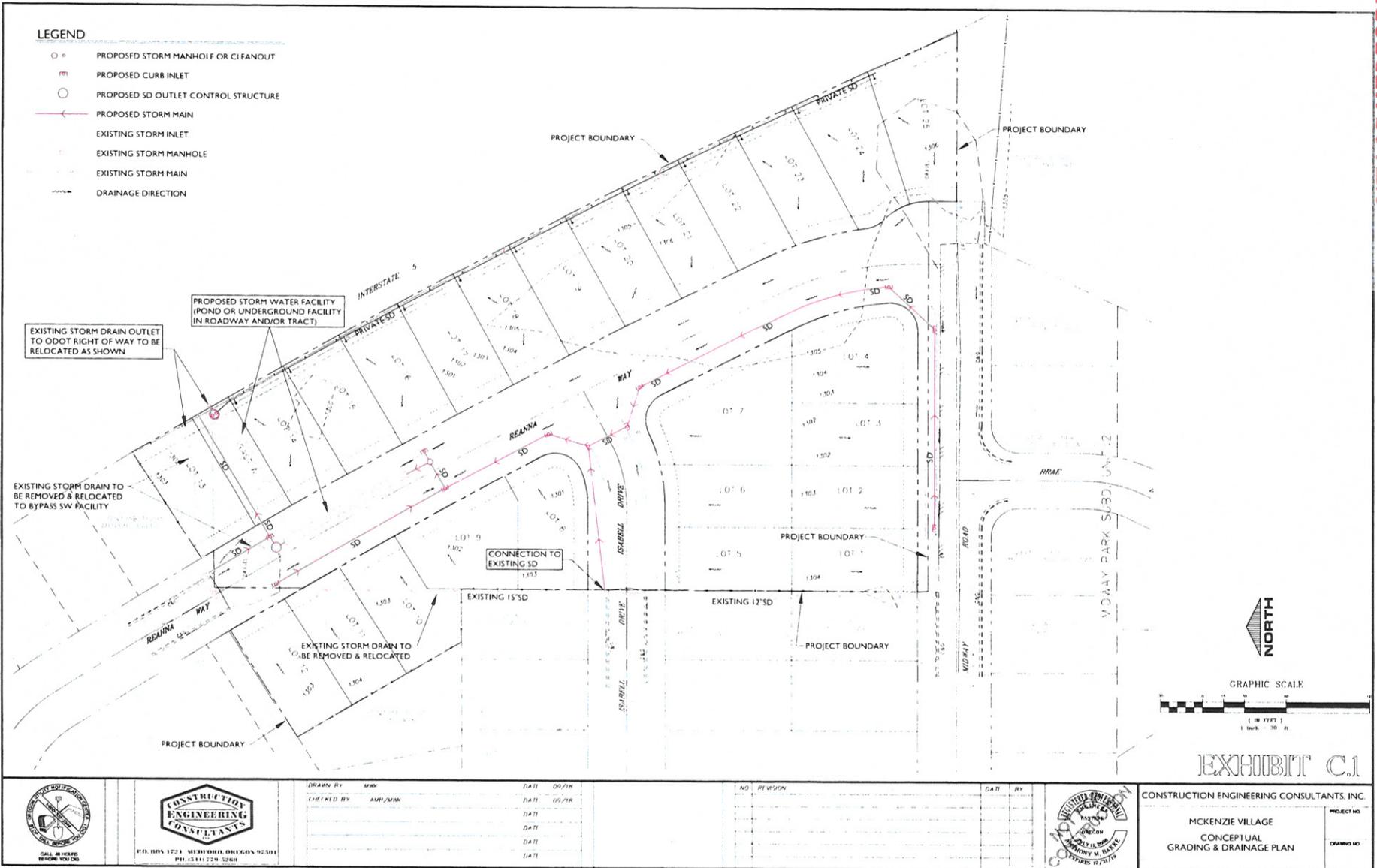
SCALE:
1 inch : 40 feet

DRAWN BY: JEH
CHK BY:

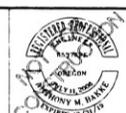
ORIGIN:

ROTATION: 270°
JOB#: 18175FM

Sheet 1 of 1.



DESIGNED BY: MRM	DATE: 08/7/18	NO. REVISION	DATE	BY
CHECKED BY: AMP/MRM	DATE: 08/7/18			
	DATE:			
	DATE:			
	DATE:			



CONSTRUCTION ENGINEERING CONSULTANTS, INC.

MCKENZIE VILLAGE
 CONCEPTUAL
 GRADING & DRAINAGE PLAN

PROJECT NO.
DRAWING NO.



Project Name:

**McKenzie Village
Easement Vacation**

Subject Area

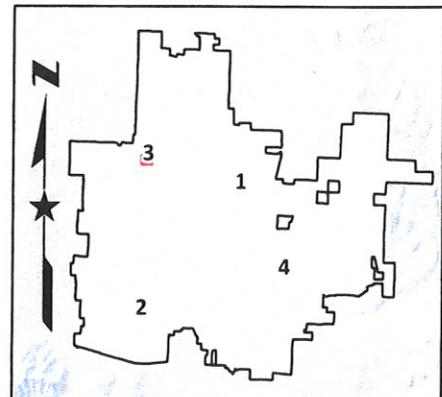
**372W13AB TL 211
372W13AA TL 601**



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

04/03/19





STAFF REPORT

for a Type-III quasi-judicial decision: **Zone Change**

Project 4240 Cherry Lane Zone Change
Applicant: Mahar Homes; Agent: Neathamer Surveying Inc.

File no. ZC-19-001

To Planning Commission *for May 23, 2019, hearing*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director *h.*

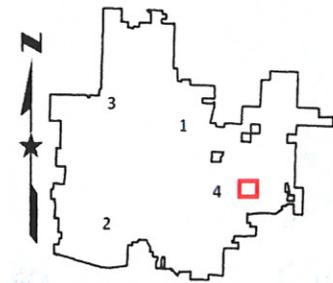
Date May 16, 2019

BACKGROUND

Proposal

Consideration of a request for a zone change of a 0.93 acre parcel located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre). (371W27AC TL 1200)

Vicinity Map



Subject Site Characteristics

Zoning	SFR-00/SE	Single Family Residential, one dwelling unit per existing lot/ Southeast Plan Overlay
GLUP Use	UR	Urban Residential Single Family Dwelling

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-00/SE
	Use:	Single Family Dwelling
<i>South</i>	Zone:	SFR-4/SE (Single Family Residential, four dwelling units per gross acre/Southeast Plan Overlay
	Use:	Subdivision under construction
<i>East</i>	Zone:	SFR-4/SE
	Use:	Subdivision under construction
<i>West</i>	Zone:	SFR-00/SE
	Use:	Single Family Dwelling

Related Projects

PLA-19-052 – Property Line Adjustment

Applicable Criteria

**ZONE CHANGE APPROVAL CRITERIA – SFR-4 ZONE
FROM SECTION 10.204(B) OF THE MEDFORD LAND DEVELOPMENT CODE**

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

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.
- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(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.

- (f) For zone changes to apply or to remove an overlay zone (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

- (3) 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 Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.
- (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 land use, 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. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. 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 Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:
- (i) Restricted Zoning is a restriction of uses by type or intensity. 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 that 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.

Corporate Names

According to the Oregon Secretary of State Corporation Division, Patrick Huycke is listed as the registered agent for Mahar Homes, Inc.

ISSUES AND ANALYSIS

Background

The subject property shares its south and east boundaries with Phase 16 of the Summerfield at South East Park subdivision that recently received approval. The owners of the subject property allowed the Summerfield developers to construct a concrete wall on the subject site.

The property line adjustment criteria found in Medford Land Development Code (MLDC) Section 10.158(B)(3) requires the properties to have the same zone designation. The purpose of this zone change application is to change the current SFR-00 zoning to the SFR-4 zone – like the abutting properties – to allow the property line to be adjusted to coincide with the constructed wall.

Sanitary Sewer Facilities

Per the staff report submitted by Public Works (Exhibit C), the downstream sanitary sewer system currently has capacity constraints, and the proposed zone change to SFR-4 has the

potential to increase the flows to the sanitary sewer system. Pursuant to MLDC 10.204(3), the applicant must demonstrate that Category A urban services and facilities are available or can and will be provided to adequately serve the subject property with the permitted uses allowed under the proposed zoning. Accordingly, Public Works has recommended this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

Site Compliance

Existing Use(s)

The subject site currently is developed with a 2,632 square foot single family dwelling, in ground pool and mature landscaping.

Density

The density for this lot between three and four units (Exhibit H).

Lot dimensions

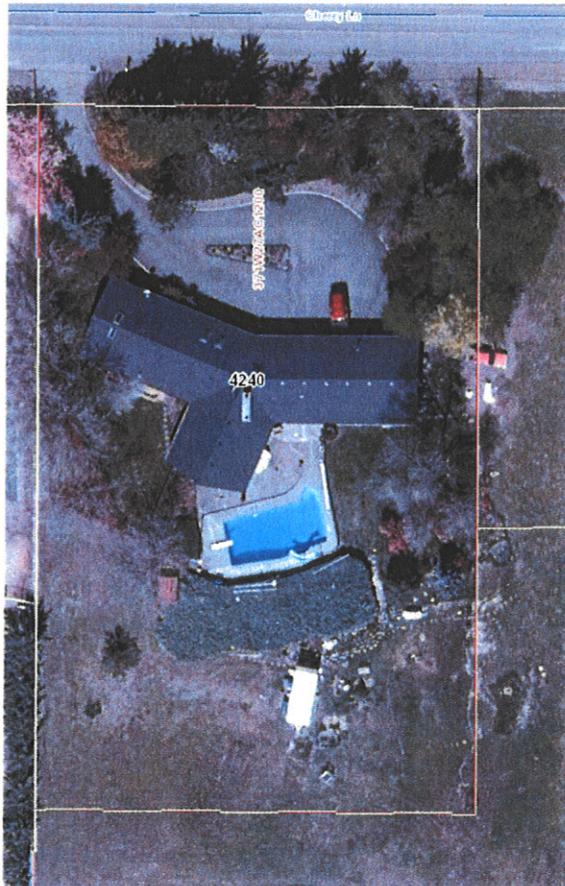
Per the site development standard found in MLDC Section 10.710, the subject 0.93 acre parcel meets all of the minimum dimensional standards for the SFR-4 zoning district.

Criteria Compliance

GLUP/TSP

The General Land Use Plan (GLUP) designation for the subject site is UR (Urban Residential). According to the General Land Use Plan Element of the Comprehensive Plan, the SFR-4 zoning district is a permitted zone within the UR zone.

The Transportation System Plan (TSP) provides a long-range vision for the transportation system in the City. A traffic Impact Analysis (TIA) is required when an application has the potential of generating more than 250 net Average Daily Trips (ADT) or the Public Works Department has concerns due to operations or accident history. The Public Works



Department determined that the subject property, fully built-out, would not exceed this 250 ADT threshold, and therefore a TIA was not required (Exhibit C).

It can be found that the applicant's findings adequately demonstrate that the proposed zone change is consistent with the goals outlined in the City's Comprehensive Plan and TSP, and accordingly, this demonstration of consistency assures compliance with the Oregon Transportation Planning Rule.

Locational Criteria

All zone change proposals require an assessment of the applicable locational criteria, as outlined per MLDC 10.204(B)(2); however, there are no locational criteria for the SFR-4 zoning district.

Facility Adequacy

MLDC 10.204(3) requires demonstration that Category A facilities (storm drainage, sanitary sewer, water and streets) 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.

The agency comments included in Exhibits C-G, demonstrate that with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the findings as modified by staff below:

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, there are no locational criteria for a change of zone to SFR-4. The Commission can find that this criterion is not applicable.
- With regard to Criterion 3, the agency comments included as Exhibits C-G, demonstrate that with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property at the time of issuance of a building permit for vertical construction. The Commission can find that this criterion is met.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of ZC-19-001 per the staff report dated May 16, 2019 including Exhibits A through H.

EXHIBITS

- A. Conditions of Approval, dated May 16, 2019
- B. Applicant's findings and conclusions, received March 18, 2019
 - a. Legal description of subject area
- C. Public Works Staff report dated April 24, 2019
- D. Medford Fire Department report dated April 16, 2019
- E. Medford Building Department Memo dated April 24, 2019
- F. Medford Water Commission Memo dated April 24, 2019
- G. Jackson County Roads Department reports dated April 17, 2019
- H. Density Calculation dated May 10, 2019
Vicinity map

PLANNING COMMISSION AGENDA:

MAY 23, 2019

EXHIBIT A

Cherry Lane Zone Change
ZC-19-001
Conditions of Approval
May 16, 2019

CODE REQUIRED CONDITIONS

Prior to the approval of the zone change, the applicant shall:

- 1.) Provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total sewer flows do not exceed current zoning limitation, which will result in the property's approved SFR-4 zoning classification additionally be designated with a Restricted Zoning (R-Z) administrative mapping overlay, restricting future development of the property; or the applicant shall make improvements to the downstream sanitary sewer system to alleviate capacity constraints; or the developer shall provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

**BEFORE THE CITY OF MEDFORD
PLANNING COMMISSION**

**IN THE MATTER OF AN APPLICATION
FOR A ZONE CHANGE LOCATED AT
4240 CHERRY LANE.**

APPLICANT: Mahar Homes, Inc.
815 Alder Creek Drive
Medford, OR 97504

AGENT: Neathamer Surveying, Inc.
P.O. Box 1584
Medford, OR 97501

A. BACKGROUND INFORMATION

The subject property is located at 4240 Cherry Lane (Jackson County Assessor's Map Number 37 1W 27AC, Tax Lot 1200). The property consists of 0.93 acres, is zoned Single Family Residential – 1 unit/lot (SFR-00) in the Southeast overlay and has a General Land Use Map (GLUP) designation of Urban Residential (UR).

The property is fully-developed and contains an existing single-family residence with surrounding landscaping. Adjacent to the south and east is Phase 16 and future Phase 18 of Summerfield at South East Park (each having a zoning designation of SFR-4). To the west of the property is also a fully-developed, single-family residence with an SFR-00 zoning designation.

There are no other applications associated with the zone change at this time.

B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

Through the course of developing said Phase 16, and pursuant to an agreement with the owners of 4240 Cherry Lane, a concrete wall was constructed that is located within the boundaries of the subject site. The purpose of this application is to change the current zoning designation of SFR-00 to SFR-4 in order to meet the criteria to complete a property line adjustment to match the existing improvements.

No other development is being proposed at this time.

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C. APPROVAL CRITERIA

CITY OF MEDFORD LAND DEVELOPMENT CODE

SECTION 10.227 – ZONE CHANGE CRITERIA

Section 10.227 of the Medford's Land Development Code (MLDC) states that:

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 Transportation System Plan (TSP) and the General Land Use Plan Map designation. 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 seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%),*
 - (ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.**

- (b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:
 - (i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or*
 - (ii) The area to be rezoned is five (5) acres or larger; or*
 - (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.**

- (c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
 - (i) The overall area of the C-N zoning district shall be three (3) acres or less in size and within, or abutting on at least one (1) boundary, residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district.*
 - (ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.*
 - (iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is**

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ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:

(i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(iii) The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:

(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;

(ii) At least fifty percent (50%) of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;

(iii) At least fifty percent (50%) of the subject property's boundaries abut properties that contain one (1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or

(iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least sixty (60) feet in width.

(f) For zone changes to apply or remove the overlay zones (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

(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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(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 (1) 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 (1) 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 (1) 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 (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

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

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

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

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

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

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

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D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

CRITERION NO. 1

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. 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.

FINDINGS OF FACT

Pursuant to the Transportation System Plan 2018-2038 (TSP), adopted by the Medford City Council on December 6, 2018 (Ordinance No. 2018-126), the property is located within the Southeast Medford Plan Area, being subject to the criteria contained in the Southeast Plan. The Southeast Plan Map, adopted on March 7, 2013 (Ordinance No. 2013-42), shows that the associated land use category for the subject site is Standard Lot. The corresponding zoning districts for the Standard Lot land use category are SFR-4 and SFR-6.

Furthermore, there are not any planned streets shown on the associated Southeast Circulation Plan Map, adopted March 7, 2013, that affect the subject site other than Cherry Lane, which already exists and provides access to the site. As a result, the proposed zoning of SFR-4 is in compliance with the Southeast Plan Map and the TSP.

The General Land Use Plan (GLUP) Map shows the property to have a designation of Urban Residential (UR). Item (1) on Pages 1-2 of the City of Medford Comprehensive Plan, GLUP Element, states the following:

*1. **Urban Residential** This designation permits lower density urban residential uses (one to ten units per gross acre), including standard and small lot detached single-family dwellings, accessory dwelling units, and mobile home parks. Depending upon the physical development constraints, the permitted zoning districts are SFR-2, SFR-4, SFR-6, and SFR-10 (Single-Family Residential - 2, 4, 6, or 10 dwelling units per gross acre). Such constraints that may affect the ultimate developed density, and, therefore, the most suitable zoning district, include steep slopes, unstable soils, wetlands and/or riparian habitat, woodlands, fire hazards, etc. When a Planned Unit Development (PUD) is approved, the maximum residential density per gross acre can be increased.*

According to the GLUP Element, the proposed zoning of SFR-4 is a permitted zoning district within the Urban Residential designated areas.

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CRITERION NO. 1 (a) – (f)

- (a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:
- (i) if at least seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%),
 - (ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.
- (b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:
- (i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
 - (ii) The area to be rezoned is five (5) acres or larger; or
 - (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.
- (c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
- (i) The overall area of the C-N zoning district shall be three (3) acres or less in size and within, or abutting on at least one (1) boundary, residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district.
 - (ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.
 - (iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
 - (iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.
- (d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:
- (i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.
 - (ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be

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unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(iii) The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

(e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:

(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;

(ii) At least fifty percent (50%) of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;

(iii) At least fifty percent (50%) of the subject property's boundaries abut properties that contain one (1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or

(iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least sixty (60) feet in width.

(f) For zone changes to apply or remove the overlay zones (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

FINDINGS OF FACT

- (a) This criteria is not applicable as there are no proposed zone changes to the SFR-2 zoning district.
- (b) This criteria is not applicable as there are no proposed zone changes to the SFR-6 or SFR-10 zoning districts.
- (c) This criteria is not applicable as there are no proposed zone changes to any commercial zoning districts.
- (d) This criteria is not applicable as there are no proposed zone changes to any industrial zoning districts.
- (e) This criteria is not applicable for the reasons stated in (c) and (d) hereinabove.
- (f) This criteria is not applicable as there are no proposed changes regarding the application or removal of an overlay zone.

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CRITERION NO. 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 Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*

(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 (1) 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 (1) 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 (1) 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 (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*

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

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

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

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- (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.*

FINDINGS OF FACT

As previously mentioned, the subject site is already fully-improved and is being used for single-family residential purposes. Part of the agreement between the applicant and the owners of the subject site was to install sanitary sewer and storm drain service laterals to the subject property that connects into the recently constructed sewer and storm systems to the south. The remaining facilities (including water) will continue to function as they have since the property has been improved.

Similarly, the property has frontage along and takes access from Cherry Lane. The existing street currently provides, and will continue to provide, adequate access to the site.

CONCLUSION OF LAW

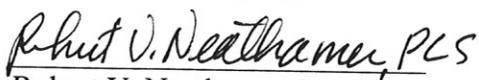
Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application complies with the applicable provisions of the zone change criteria.

E. ULTIMATE CONCLUSION

The Planning Commission concludes that the application for a zone change from SFR-00 to SFR-4 on the property located at 4240 Cherry Street, is consistent with the relevant criteria for zone changes found in Section 10.227 of Medford's Land Development Code, and can therefore be approved.

Respectfully Submitted,

Neathamer Surveying, Inc.


Robert V. Neathamer, President

Date: February 19, 2019

EXHIBIT " "

**PROPOSED RE-ZONING AREA
DESCRIPTION SHEET**

SFR-4

All that real property described in Instrument Number 69-04945, of the Official Records of Jackson County, Oregon, being located in the Northeast One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon. The exterior outline of the area to be re-zoned is more particularly described as follows:

Commencing at the northeast corner of Donation Land Claim Number 58, said township and range; thence North 00°18'20" East, 30.00 feet to the centerline of Cherry Lane, a public street; thence along the centerline of Cherry Lane, South 89°41'40" East, 1195.25 feet; thence leaving said centerline, South 00°18'20" West, 30.00 feet to the southerly right-of-way thereof, the northwest corner of that tract of land described in Instrument Number 69-04945, said records, and the **TRUE POINT OF BEGINNING**; thence along said right-of-way and the exterior boundary of said tract, the following courses and distances: South 89°41'40" East, 160.00 feet to northwest corner of Reserve Acreage Phase 18, per SUMMERFIELD AT SOUTH EAST PARK, PHASE 17 AND PHASE 22A, filed for record on December 7, 2018, and recorded in Volume 44 of Plats at Page 23 of the Records of Jackson County Oregon, and filed as Survey Number 22690 in the office of the Jackson County Surveyor; thence leaving said right-of-way and along the westerly boundary of Reserve Acreage Phase 18, said records, South 00°00'09" West, 150.02 feet to an angle point on the exterior boundary of Phase 16 per SUMMERFIELD AT SOUTH EAST PARK, PHASE 16 AND PHASE 22B, filed for record on February 15, 2019, and recorded in Volume 45 of Plats at Page 03, of the Records of Jackson County, Oregon, and filed as Survey Number 22735 in the office of the Jackson County Surveyor; thence along the boundary of said Phase 16, the following courses and distances, South 00°00'09" West, 102.71 feet and North 89°33'41" West, 160.00 feet to the northwesterly corner thereof; thence leaving the boundary of said Phase 16, North 00°00'09" East, 252.36 feet to the Point of Beginning.

Area to be re-zoned contains 0.93 acres, more or less.

Basis of bearings for this description is the centerline of Cherry Lane per Survey Number 21969, as filed in the office of the Jackson County Surveyor.

This description is prepared for the distinct purpose of outlining an area to be re-zoned in the City of Medford, Oregon and is not sufficient for the conveyance of real property, the determination or creation of real property boundaries.

Prepared By:
Neathamer Surveying, Inc.
3126 State Street, Suite 203
Medford, Oregon 97501
Phone: (541) 732-2869
FAX: (541) 732-1382
Project Number: 12034-9B & 11B

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Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 4/24/2019
File Number: ZC-19-001

**PUBLIC WORKS DEPARTMENT STAFF REPORT
4240 Cherry Lane (TL 1200)
Zone Change**

- Project:** Consideration of a request for a zone change of a 0.93 acre parcel.
- Location:** Located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre) (371W27AC TL 1200).
- Applicant:** Applicant Mahar Homes Inc.; Agent, Neathamer Surveying Inc.; Planner, Liz Conner.

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the services and facilities under its jurisdiction meet those requirements. The services and facilities that Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

The proposed zone change to SFR-4 has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has capacity constraints. Based on this information, the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the Developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

II. Storm Drainage Facilities

This site lies within the Larson Creek Drainage Basin. The subject property currently drains to the southwest. The City of Medford has existing storm drain facilities in the area. This site

would be able to connect to these facilities at the time of development. This site may be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application doesn't meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3).

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

P:\Staff Reports\CP, DCA, & ZC\ZC only\2019\ZC-19-001 4240 Cherry Lane (TL 1200) SFR-00 to SFR-4\ZC-19-001 Staff Report.docx

Page 2 of 2

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

"C"



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 4/16/2019
Meeting Date: 4/24/2019

LD File #: ZC19001

Planner: Liz Conner

Applicant: Mahar Homes Inc

Project Location: Located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane

ProjectDescription: Consideration of a request for a zone change of a 0.93 acre parcel from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre)

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description
Approved	Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # D
FILE # ZC-19-001

Memo



To: Liz Conner, Planning Department
From: Mary Montague, Building Department
CC: Applicant, Mahar Homes, Inc.; Agent, Neathamer Surveying, Inc.
Date: April 24, 2019
Re: ZC-19-001_ 4240 Cherry Lane

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. No comments for Zone Change

Additional Property Information:

4. A site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information per Section R403.1.9 and R403.1.10 and on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.
5. This area is in the Wildfire High Risk area and should reference Section R327.
6. This area is in the Hillside Ordinance area. Must follow guidelines as set forth in the Municipal code Section 10.929 – 10.933.

CITY OF MEDFORD
EXHIBIT # E
FILE # ZC-19-001



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: ZC-19-001

PARCEL ID: 371W27AC TL 1200

PROJECT: Consideration of a request for a zone change of a 0.93 acre parcel located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre) (371W27AC TL 1200); Applicant Mahar Homes Inc.; Agent, Neathamer Surveying Inc.; Planner, Liz Conner.

DATE: April 24, 2019

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

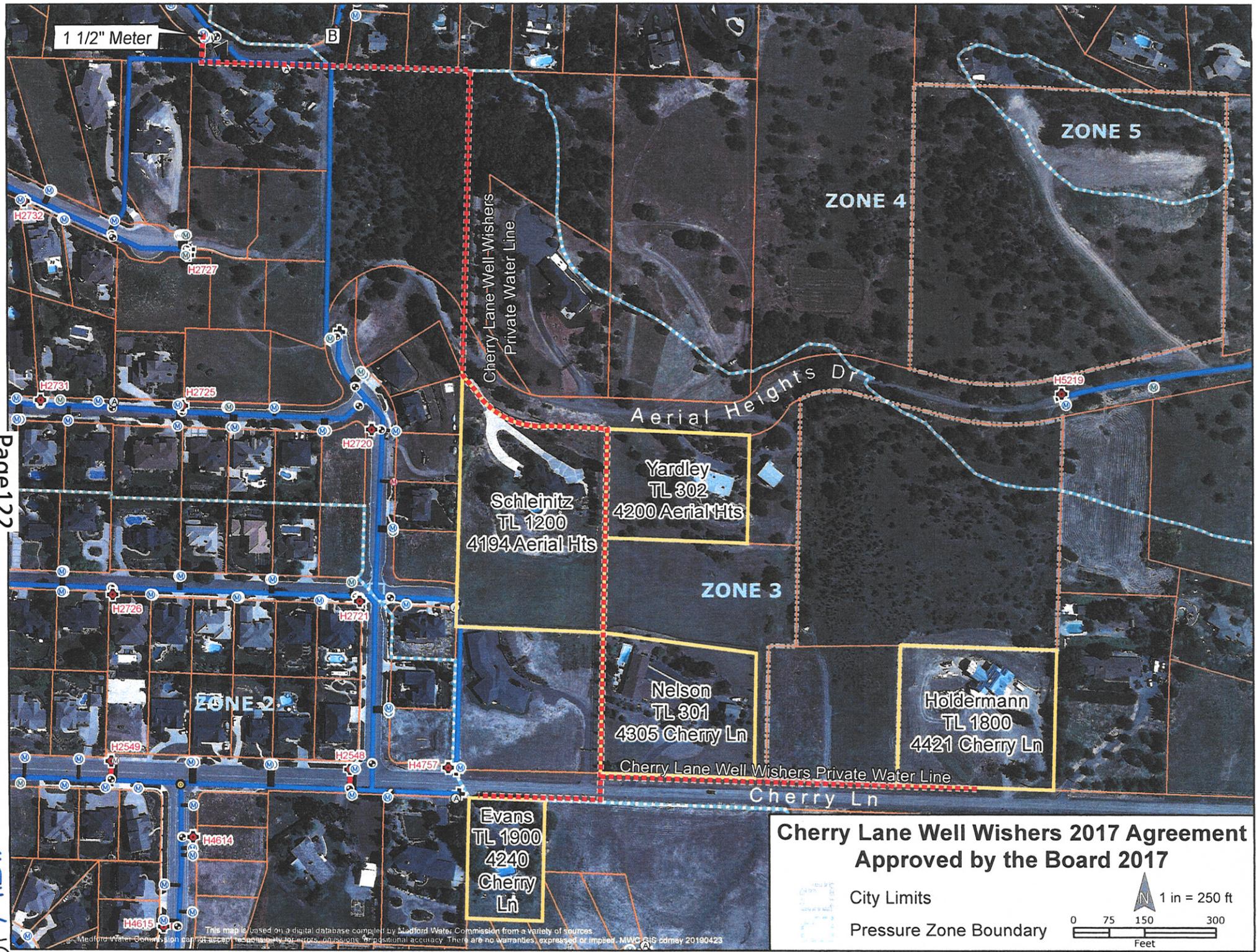
CONDITIONS

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. This parcel and existing home located at 4240 Cherry Lane is currently part of the "Cherry Lane Well Wishers" a small water district comprised of 5 parcels. These parcels have "private" water distribution piping to each of the 5 homes via the existing 1.5-inch water meter located near the east property corner of the existing home at 200 Mariposa Terrace.
3. This area was recently annexed into the City of Medford with the City of Medford's Urban Growth Boundary expansion. As the surrounding area develops to urban standards, the "Cherry Lane Well Wishers" will eventually be required to dissolve, and these 5 parcels will receive water service from the Medford Water Commissions public water distribution facilities.

COMMENTS

1. The MWC system does have adequate capacity to serve this property.
2. Off-site water line installation is not required.
3. On-site water facility construction is not required at this time.
4. MWC-metered water service does currently exist to this property via the Cherry Lane Wishers, Inc. and their 1.5-inch water meter. (See Condition 2 above)
5. Access to MWC water lines is available. There is a "proposed" 12-inch water line that will be installed along the south side of Cherry Lane to supply water to Summerfield Phase 18.

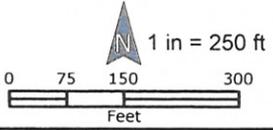
1 1/2" Meter



**Cherry Lane Well Wishers 2017 Agreement
Approved by the Board 2017**



City Limits
Pressure Zone Boundary



This map is based on a digital database compiled by Madford Water Commission from a variety of sources. Madford Water Commission cannot accept responsibility for errors, omissions, or additional accuracy. There are no warranties, expressed or implied. MWC GIS edmay 20190423



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
dejanvca@jacksoncounty.org

www.jacksoncounty.org

April 17, 2019

Attention: Liz Conner
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Consideration of a zone change on
Cherry Lane - a County maintained road at this location
Planning File: ZC-19-001

Dear Liz:

Thank you for the opportunity to comment on this consideration of a request for a zone change of a 0.93 acre parcel located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and cherry Lane from Single Family Residential, one dwelling units per parcel (SFR-00) to Single Family Residential, 4 to 6 dwelling units per gross acre (SFR-4) zoning district (37-1W-27Ac tax lot 1200). Jackson County Roads has the following comments:

1. Any new or improved road approaches off Cherry Lane shall be permitted and inspected by the City of Medford.
2. Roads recommend the removal of any existing driveways not being used on Cherry Lane.
3. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
4. We would like to be notified of future development proposals, as county permits may be required.
5. Cherry Lane is a County Local Road and is county-maintained. The Average Daily Traffic Count on the City of Medford 2016 Traffic Volume Map is 1,200.
6. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for

improvements to Cherry Lane. Jackson County Roads recommends that the city request jurisdiction of this road.

7. Storm water should meet City of Medford requirements that also include water quality.
8. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
9. Roads and Parks concur with any right-of-way dedication required by the City of Medford.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,



Chuck DeJanvier, PE
Construction Engineer

"G"
2 of 2

DENSITY CALCULATION FORM

For all residential LDP, LDS, PUD, and AC Application Files

SQ FT		6969.6
AC	0.16	0

File No.	ZC-19-001
Planner	Liz Conner
Date	May 10, 2019

GROSS ACREAGE	
Tax Lot Numbers 371W27AC1200	0.93 AC
	AC
	AC
	AC
	AC
Existing ROW to Centerline	0.13 AC
Gross Acres	1.06 AC
Effective Acres (Gross - Subtracted)	1.06

SUBTRACTED ACREAGE	
Large Lots for Existing Development	AC
Reserved Acreage	AC
Other ¹	AC
	AC
	AC
	AC
Subtracted Acres	- AC

DENSITY RANGE	
Zoning District	SFR-4
Density Range	
Minimum	2.5
Maximum	4
No. DU Proposed	
No. DU Permitted Min.	3
No. DU Permitted Max.	4
Minimum	2.65
Maximum	4.23
Percentage of Maximum	0.00%

EXISTING R-O-W CALCULATION

Street Name	LF	Width	SF	Acreage
Cherry Lane	160.00	35.00	5,600.00	0.13
			-	-
			-	-
			-	-
			5,600.00	0.13

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



Project Name:

**4240 Cherry Lane
 Zone Change**

Map/Taxlot:

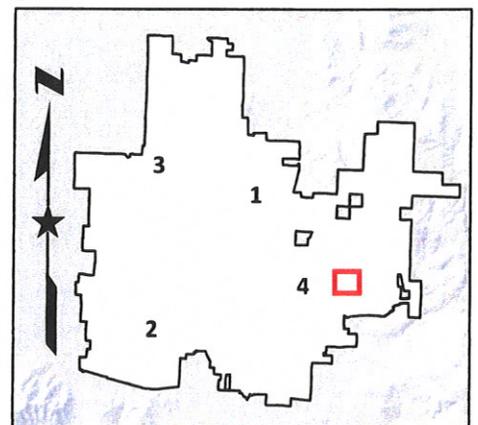
371W27AC TL 1200

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots



03/29/2019





STAFF REPORT

for a type-III quasi-judicial decision: **Land Division**

PROJECT Shafer Valley Landing
 Applicant: Horton Homes, Inc.
 Agent: Scott Sinner Consulting, Inc.

FILE NO. LDS-19-049

TO Planning Commission

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director

DATE May 16, 2019

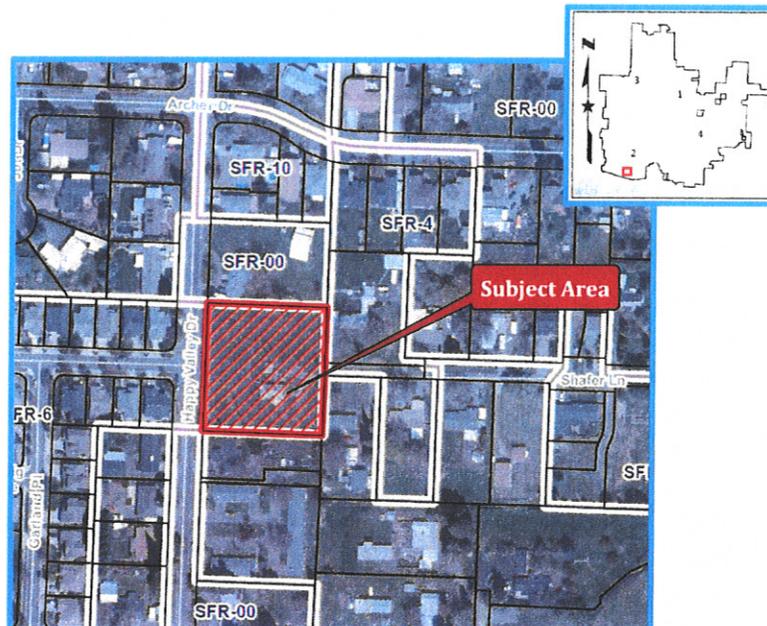
for May 23, 2019 hearing

BACKGROUND

Proposal

Consideration of tentative plat approval for Shafer Valley Landing, a proposed 8-lot residential subdivision on a single 1.50-acre parcel located at 1105 Shafer Lane in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (382W01BD 7800).

Vicinity Map



Subject Site Characteristics

Zoning: SFR-6 (Single-Family Residential, six dwelling units per gross acre)
GLUP: UR (Urban Residential)
Overlay(s): None
Use(s): Single-Family residence

Surrounding Site Characteristics

North Zone: SFR-00
Use(s): residential

South Zone: Jackson County residential zoning
Use(s): residential

East Zone: SFR-4 (Single-Family Residential, four dwelling units per gross acre) &
Jackson County residential zoning
Use(s): residential

West Zone: SFR-6
Use(s): residential

Related Projects

A-04-221 Annexation
ZC-05-046 Zone change from SFR-00 to SFR-6
LDS-05-297 Tentative plat approval of Sixto Village, an 8-lot residential subdivision

Applicable Criteria

MLDC 10.202(E): Land Division Criteria

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

(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;

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

(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted

by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;
(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

ISSUES AND ANALYSIS

Project Summary

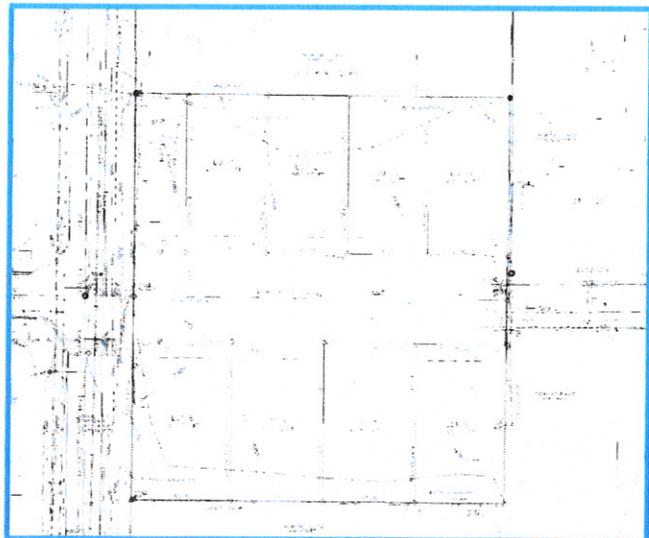
Site History

The site currently contains a one-story, single-family home constructed in 1949, which was annexed into the City in 2004, and rezoned from SFR-00 to its current zoning classification of SFR-6 in 2005. Sixto Village, a proposed 8-lot residential subdivision was tentatively approved on February 23, 2006, but subsequently expired in 2009.



Current Proposal

With the subject request, the applicant is once again proposing to create an 8-lot residential subdivision. The submitted plat (Exhibit B) shows Shafer Lane, a minor residential street, extended from Happy Valley Drive and stubbed at the site's easterly boundary, which will allow for future development to connect the segment of Shafer Lane from Kings Highway to Happy Valley Drive as shown on the adopted Southwest Circulation Plan (Exhibit J). Vehicular access to all eight proposed lots will take access off of Shafer Lane.



Density

Density Table

SFR-6 Min. /Max. Density	Allowed	Shown
<i>4.0 to 6.0 dwelling units per gross acre</i>	6 min. / 9 max.	8 lots

As shown on the Density Table above, based on 1.50 gross acres of land, the creation of eight lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-6 zoning district, as per MLDC 10.710.

Development Standards

Site Development Table (MLDC 10.710)

SFR-6	Lot Area	Min. lot Width (Interior)	Min. corner lot	Min. lot Depth	Min. Lot Frontage
Required	4,500 to 12,500 sq.ft.	50 feet	60 feet	90 feet	30 feet
Shown	4,861 to 5,815 sq.ft.	50 feet	60 feet	97 feet	50 feet

As shown in the Site Development Table above, it can be found that the eight proposed lots meet all the dimensional standards for lots in the SFR-6 zoning district, as found in MLDC 10.710.

Facility Adequacy

Per the agency comments submitted to staff, including the Rogue Valley Sewer Services (Exhibits F-I), it can be found that, with the imposition of the conditions of approval contained in Exhibit A, there are adequate facilities to serve the future development of the site.

Other Agency Comments

Rogue Valley Sewer Services (RVSS) (Exhibit I)

The subject property is within RVSS service area. In their submitted report, RVSS requires that future sewer improvements be designed and constructed in accordance with RVSS standards.

As a condition of approval, the applicant will be required to comply with the conditions of RVSS.

Committee Comments

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

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (Shafer Valley Landing), which has been reviewed and approved by the City's Address Technician; the plat includes the creation of a public street (Shafer Lane), which is laid out consistent with existing and planned streets of the adjoining properties; and criterion 5-6 are inapplicable.

Staff recommends that the Commission adopt the Findings of Fact as provided by staff.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-19-049 per the staff report dated May 16, 2019, including Exhibits A through J.

EXHIBITS

- A Conditions of Approval, drafted May 16, 2019.
- B Tentative Plat, received March 13, 2019.
- C Conceptual Grading & Drainage Plan, received March 13, 2019.
- D Conceptual Utility Plan, received March 13, 2019.
- E Applicant's Findings of Fact & Conclusions of Law, received March 13, 2019.
- F Public Works Staff Report, received May 2, 2019.
- G Medford Water Commission memo & associated map, received May 2, 2019.
- H Medford Fire Department Report, received May 2, 2019.
- I Rogue Valley Sewer Services (RVSS) report, received April 19, 2019.
- J Adopted Southwest Medford Circulation Plan, adopted November 20, 2003.
Vicinity map

PLANNING COMMISSION AGENDA:

MAY 23, 2019

EXHIBIT A

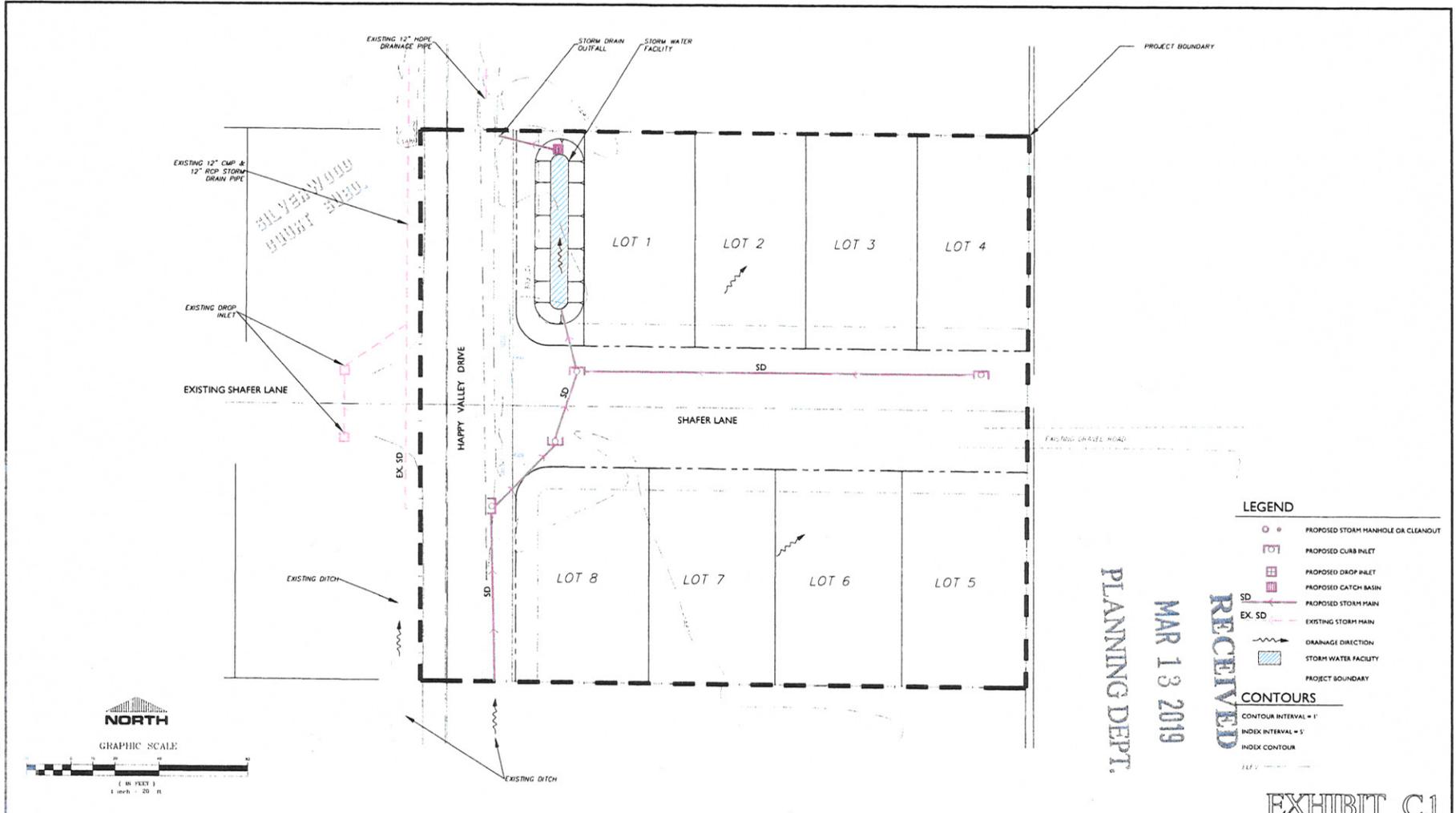
Shafer Valley Landing
LDS-19-049
Conditions of Approval
May 16, 2019

CODE REQUIRED CONDITIONS

Prior to the approval of the final plat, the applicant shall:

1. Comply with all conditions stipulated by the Medford Public Works Department (Exhibit F).
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit G).
3. Comply with all requirements of the Medford Fire Department (Exhibit H).
4. Comply with all conditions stipulated by the Rogue Valley Sewer Services (RVSS) (Exhibit I).

CITY OF MEDFORD
 EXHIBIT # C1
 FILE # LDS-19-049



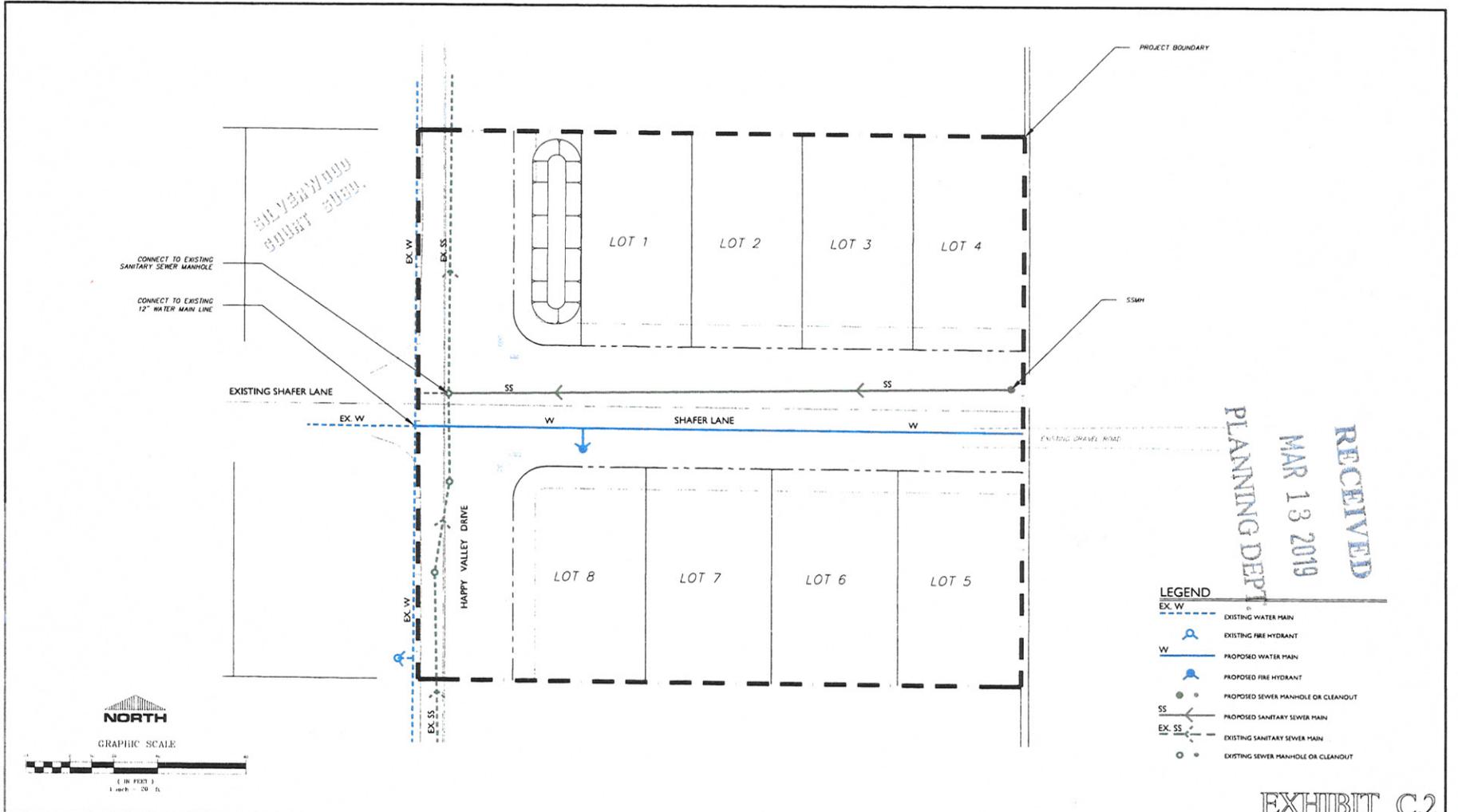
- LEGEND**
- PROPOSED STORM MANHOLE OR CLEANOUT
 - PROPOSED CURB INLET
 - ▣ PROPOSED DROP INLET
 - ▤ PROPOSED CATCH BASIN
 - SD — PROPOSED STORM MAIN
 - - - EX. SD - - - EXISTING STORM MAIN
 - ~ DRAINAGE DIRECTION
 - ▨ STORM WATER FACILITY
 - PROJECT BOUNDARY
- CONTOURS**
- CONTOUR INTERVAL = 1'
 - INDEX INTERVAL = 5'
 - INDEX CONTOUR

RECEIVED
 MAR 13 2019
 PLANNING DEPT.

EXHIBIT C1

<p>CALL 24 HOURS BEFORE YOU DIG</p>	<p>PH: 800 1728 - MEDFORD, OREGON 97501 PH: (541) 279 3288</p>	DRAWN BY: BND CHECKED BY: BSK, AMB	DATE: 02/19 DATE: 02/19 DATE: DATE: DATE:	NO. REVISION DATE BY	DATE BY	<p>CITY OF MEDFORD SHAFER HAPPY VALLEY LANDING CONCEPTUAL GRADING & DRAINAGE PLAN</p>	PROJECT NO. DRAWING NO. 1 of 2
		DATE: DATE: DATE:	DATE: DATE: DATE:	DATE: DATE: DATE:			

CITY OF MEDFORD
EXHIBIT # D
FILE # LDS-19-049



RECEIVED
MAR 13 2019
PLANNING DEPT

LEGEND

EX W	EXISTING WATER MAIN
	EXISTING FIRE HYDRANT
W	PROPOSED WATER MAIN
	PROPOSED FIRE HYDRANT
	PROPOSED SEWER MANHOLE OR CLEANOUT
SS	PROPOSED SANITARY SEWER MAIN
EX SS	EXISTING SANITARY SEWER MAIN
	EXISTING SEWER MANHOLE OR CLEANOUT

EXHIBIT C.2

CITY OF MEDFORD
 SHAFER HAPPY VALLEY LANDING
 CONCEPTUAL UTILITY PLAN
 PROJECT NO. _____
 DRAWING NO. 2 of 2



DRAWN BY: BHD	DATE: 02/19
CHECKED BY: BSH, AMB	DATE: 02/19
DATE:	
DATE:	
DATE:	

NO. REVISION	DATE	BY



DRAWING NAME: SHAFER Happy Valley Land... PROJECT NO.: 14-10 PLOT DATE: 03/04/19

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

IN THE MATTER OF AN APPLICATION FOR)
A LAND DIVISION FOR THE PROPERTY IDENTIFIED AS)
T382W01BD TAX LOT 7800)
HORTON HOMES, INC. APPLICANT)
SCOTT SINNER CONSULTING, INC. AGENT)

FINDING OF FACT
AND
CONCLUSIONS
OF LAW

RECEIVED
MAR 13 2019
PLANNING DEPT.

I. BACKGROUND INFORMATION

Owner / Applicant:

Ron Horton
Horton Homes Inc.
PO Box 3354
Central Point, OR 97502
horton110@hotmail.com

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
scottsinner@yahoo.com

Property:

382W01BD TL 7800
1105 Shafer Lane
Medford, OR 97501

1.33 net acres
1.50 Gross Acres
SFR -6 Zoning District
UR GLUP designation

Project Summary:

The subject property fronts on Happy Valley Drive at Shafer Lane. The tentative plat submitted with this application proposes 8 lots conforming to the standards for the SFR-6 zoning district.

All 8 lots are proposed to take access from the proposed segment of Shafer Lane. Shafer Lane is stubbed to the east property line and will allow for the future extension and connection of Shafer Lane west of Kings Highway.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Approval Criteria:

The relevant approval criteria for the requested land division is found within MLDC 10.202 (E) as provided below:

(E) Land Division Approval Criteria.

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the Planning Commission determines it is in the public interest to modify the street pattern;*
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Findings of Fact:

- (1) *Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;*

The Oregon Transportation Planning Rule requires a jurisdiction considers all modes of transportation in a land use decision. A review of this property determines water and rail transportation are not available.

The subject property is 7 miles from the Rogue Valley International Airport, and 2.5 miles from Interstate Highway 5 (I-5). The subject property has frontage on Happy Valley Drive.

The nearest RVTB bus stop is located at South Medford High School, approximately 1 mile from the site.

Happy Valley Drive is a standard residential street and, when fully developed, will have sidewalks on both sides of the street. The standard design for a standard residential street does not provide bike lanes, however the low traffic volumes anticipated with a minor residential street to promote both bicycle and pedestrian transportation opportunities.

The standards are consistent with the Medford Transportation System Plan, therefore also consistent with the Oregon Transportation Planning Rule.

The subject property is within the General Land Use Plan Map (GLUP) UR Urban Residential map designation. The UR designation allows for the SFR-2, SFR-4, SFR-6 and SFR-10 zoning districts. The property is currently in the SFR-6 zoning district.

The subject property is within the area of the Southwest Circulation Plan adopted by City Council. The adopted plan indicate Shafer Lane is intended to connect Happy Valley Drive with Kings Highway and the proposed plat is consistent with the circulation plan.

Conclusions of Law:

The Planning Commission can conclude this application is with the Comp Plan, the TSP and there are no neighborhood circulation plans. The application is consistent with the adopted Medford Transportation System Plan and the Oregon Transportation Planning Rule, and the SFR-6 zoning district is appropriate within the UR GLUP designation.

- (1) *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;*

Findings of Fact:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The tentative plat submitted with this application proposes development on the entire property at urban densities.

The property across Happy Valley drive are currently developed at urban densities. The properties to the north and south have frontage on Happy Valley Drive and have the ability to develop or redevelop at urban densities and will not be precluded from development with the development of the subject property as proposed.

The properties to the east will have improved development opportunities with the extension of Shafer Lane through the subject property. Currently Shafer Lane right of way does not connect to the subject property on the east. A small taxlot owned by Jackson County is between the public right of way of Shafer Lane on the east and the subject property.

Conclusions of Law:

The Planning Commission can conclude the entire property is available for development and the adjoining properties are not prevented from development.

(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;

Findings of Fact:

The proposed subdivision is proposed as Shafer Valley Landing Subdivision has been checked and is available as a unique subdivision name.

Conclusions of Law:

The Planning Commission can conclude the application is consistent with the criteria as the proposed subdivision name is unique.

(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

approving authority determines it is in the public interest to modify the street pattern;

Findings of Fact:

The proposed plat will create a segment of Shafer Lane and improve the Happy Valley frontage of the subject parcel. Both Happy Valley Drive and Shafer Lane are public streets and Happy Valley drive is a standard residential street, and Shafer Lane is a minor residential street.

The proposed plat aligns with the improved segment of Shafer Lane west of Happy Valley Drive. The plat will extent Shafer to the east and allow for future development to connect the segment of Shafer from Kings Highway to Happy Valley Drive as indicated on the adopted Southwest Circulation plan.

Conclusions of Law:

The Planning Commission can conclude the proposed plat conforms with new and existing street patterns in the area.

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

The Shafer Lane street segment proposed on the tentative plat is a public street.

Conclusions of Law:

The Planning Commission can conclude the tentative plat has provided public streets and these streets are labeled as required by the MLDC

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

Findings of Fact:

The subject parcel does not abut any properties in the County Exclusive Farm Use (EFU) zoning district.

Conclusions of Law:

The Planning Commission can conclude the subject property does not abut any properties or agricultural lands in the EFU zoning district and no mitigation is applicable.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Additional Criteria

Two additional criteria relevant to this application are the Hillside Ordinance and the Block Length Ordinance.

Hillside Ordinance

10.929 Hillside Ordinance, Purpose; Applicability

Sections 10.929 to 10.933 establish procedural requirements for development on Slopes in excess of fifteen percent (15%) to decrease soil erosion and protect public safety. Sections 10.929 to 10.933 apply in addition to all other requirements set forth by ordinance. In the case of conflict between Sections 10.929 to 10.933 and other requirements set forth by ordinance, Sections 10.929 to 10.933 shall govern.

The subject property is located in the Happy Valley Drive and Shafer Lane area. Steep slopes are not our problem. The slope in the area less than 2%

As required by the MLDC, this application contains the submittal the City of Medford Hillside Development Constraints Analysis Status Form signed by Staff and indicating the side has slopes of less than 2% and the requirements of the Hillside Ordinance have been met.

Conclusions of Law

The Planning Commission can conclude the application complies with the requirements for compliance with the submittal requirements contained within the Medford Hillside Ordinance and the requirements of the relevant sections are not applicable to this application.

Block Length Ordinance

The MLDC includes the following Block Length sections to assure the City provides circulation and connectivity in land division applications.

10.426 Street Circulation Design and Connectivity

A. Street Arrangement Suitability.

The approving authority shall approve or disapprove street arrangement. In determining the suitability of the proposed street arrangement, the approving authority shall take into consideration:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

1. *Adopted neighborhood circulation plans where provided; and*
2. *Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and*
3. *Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and*
4. *Compatibility with existing natural features such as topography and trees; and*
5. *City or state access management standards applicable to the site.*

B. Street Connectivity and Formation of Blocks Required.

1. *Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.*
2. *Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.*
3. *Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.*
4. *Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.*

C. Maximum Block Length and Block Perimeter Length.

1. *Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.*

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH
Table 10.426-1

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

<i>Zone or District</i>	<i>Block Length</i>	<i>Block Perimeter Length</i>
<i>a. Residential Zones</i>	<i>660'</i>	<i>2,100'</i>
<i>b. Central Business Overlay District</i>	<i>600'</i>	<i>1,800'</i>
<i>c. Transit Oriented Districts (Except SE Plan Area)</i>	<i>600'</i>	<i>1,800'</i>
<i>d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones</i>	<i>720'</i>	<i>2,880'</i>
<i>e. Regional Commercial and Industrial Zones</i>	<i>940'</i>	<i>3,760'</i>

2. *The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:*

- a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,*
- b. Environmental constraints including the presence of a wetland or other body of water,*
- c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet*
- d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,*
- e. The subject site is in SFR-2 zoning district,*
- f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,*
- g. The proposed use is a public or private school, college or other large institution,*
- h. The proposed use is a public or private convention center, community center or arena,*
- i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

j. *When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.*

3. *Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,*

4. *When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.*

D. Minimum Distance Between Intersections.

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

Findings of Fact

The proposed plat provides a new street segment to facilitate the future connection of Shafer Lane from Happy Valley Drive to Kings Highway. This connection is identified on the Southwest Circulation plan.

The proposed alignment of Shafer Lane is in direct alignment with the segment west of Happy Valley Drive and will allow for future development in the vicinity consistent with the Block Length standards of the MLDC.

Conclusions of Law

The Planning Commission can conclude the application is consistent with the block length ordinance contained in the MLDC.

Application Summary and Conclusion:

This application identifies the relevant approval criteria contained in the MLDC for a land division.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The Findings of Fact demonstrate consistency with the Oregon Transportation Planning Rule, the Medford Transportation System Plan and the General Land Use Plan Map.

The Tentative Plat will not prevent development of the remainder of the subject parcel or any adjoining parcels.

The subdivision name is proposed as Shafer Valley Landing is unique for the jurisdiction.

This application is consistent with all approval criteria contained in the MLDC for a land division. On behalf of the applicant, I respectfully request the approval of this application.

Scott Sinner
Scott Sinner Consulting, Inc.



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 5/1/2019
File Number: LDS-19-049

PUBLIC WORKS DEPARTMENT STAFF REPORT Shafer Valley Landing Subdivision (TL 7800)

- Project:** Consideration of tentative plat approval for Shafer Valley Landing, a proposed 8-lot residential subdivision on a single 1.50-acre parcel.
- Location:** Located at 1105 Shafer Lane in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (382W01BD 7800).
- Applicant:** Applicant, Horton Homes, Inc.; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

The following items shall be completed and accepted prior to the respective events under which they are listed:

- Approval of Final Plat:
Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
Construction of public improvements (Items A through E)
- Issuance of Certificates of Occupancy for individual units:
Sidewalks (Items A2)

A. STREETS

1. Dedications

Happy Valley Drive is classified as a Standard Residential Street within the Medford Land Development Code (MLDC) 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 31.5-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Shafer Lane is proposed as Minor Residential Street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 55-feet.

Corner radii shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the Development shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee simple, as a non-access reserve strip to the City of Medford. Upon approved dedication of the extension of said streets, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford (MLDC 10.439).

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Happy Valley Drive – Shall be improved to Standard Residential street standards, in accordance with MLDC 10.430. The Developer shall improve the east half plus 12-feet west of the centerline, or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.

As an option, the Developer may elect to provide evidence of the existing structural section to Public Works for consideration in order to determine if the extent of construction may be

reduced. Depending on the results, the Developer still may be responsible for the improvements noted above or at minimum improve the remainder of street from a point 1-foot inside the existing edge of pavement.

Shafer Lane shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430.

b. Street Lights and Signing

The Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. 3 – Type R-100 (LED)

Traffic Signs and Devices – City Installed, paid by the Developer:

- A. 1 – Stop Sign
- B. 1 – No Outlet sign
- C. 1 – Barricade (Type 3)
- D. 1 – Street Name Sign

Numbers are subject to change if changes are made to the plans. All street lights shall be installed per City standards and be shown on the public improvement plans. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs, school signs, dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

There is a no pavement cutting moratorium currently in effect along this frontage to Happy Valley Drive.

The Developer shall be responsible for notifying by certified letter all utility companies, as well as all current 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 at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

d. Soils Report

The Developer's Engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development. The soils report shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

e. Access to Public Street System

Driveways shall comply with MLDC 10.550.

f. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes which are not constructed within the street section.

Easements shall be shown on the final plat and the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an Applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so

that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining “rough proportionality” have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Happy Valley Drive and Shafer Lane: In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square footage of right-of-way per dwelling unit for dedications. The proposed development has 8 dwelling units and will improve approximately 485 lineal feet of roadway which equates to 60 lineal feet per dwelling unit. Also the development will dedicate approximately 13,300 square feet of right-of-way, which equates to approximately 1,662 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Franklin Place just northeast of this development on the west side of Kings Highway, north side of Halvorsen Street and consisted of 21 dwelling units. The previous development improved approximately 720 lineal feet of roadway and dedicated approximately 39,600 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 34 lineal feet of road per dwelling unit and approximately 1,885 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 8 new Lots within the City of Medford and increase vehicular traffic by approximately 76 average

daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.

- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous developments in the vicinity to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sanitary Sewer (RVSS) service area. Contact RVSS for availability and connection. A separate individual sanitary sewer lateral shall be constructed to each lot prior to approval of the Final Plat.

C. STORM DRAINAGE

1. 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.

2. Storm Drainage Conditions

The property is in the Crooked Creek drainage basin. There is no storm drainage

available to the property, the developer can be permitted to install a storm drain system along Shafer Lane from Crooked Creek to the proposed development. If the developer chooses an alternate route for stormwater conveyance, an engineer shall provide calculations showing capacity exists, or provide engineering showing what improvements shall be made to provide capacity along the alternative route.

3. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the developer or a Home Owners Association (HOA). The developer's engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

4. 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. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

5. Mains and Laterals

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

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 than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

6. Erosion Control

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

Final plat will show proper survey resolution of Shafer Lane west of Happy Valley Drive and align Shafer Lane east of Happy Valley drive per a common centerline intersection.

Final plat will refer to document/land division that created Happy Valley Drive. Any road dedication required per this application that adjoins Happy Valley Drive will do so based on a properly surveyed and resolved survey of said road.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public

Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

Please Note: If Project includes one or more Minor Residential streets, an additional Site Plan shall be submitted, noting and illustrating, one of the following design options to ensure fire apparatus access per MLDC 10.430(2):

- Clustered driveways,
- Building to have sprinklers, or
- 33-foot paved width.

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

3. Phasing

The proposed plans do not show any phasing.

4. Draft of Final Plat

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

5. Easements

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

6. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements

require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

7. System Development Charges (SDCs)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24-inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat.

8. 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 public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, 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.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

Shafer Valley Landing Subdivision
(TL 7800)

LDS-19-049

A. Streets

1. Street Dedications to the Public:

- Happy Valley Drive – Dedicate additional right-of-way.
- Dedicate full width right-of-way on Shafer Lane.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- Improve Happy Valley Drive half plus 12', to Standard Residential street standards.
- Construct Shafer Lane to Minor Residential Street standards.

Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

Access to Public Street System

- Driveways shall comply with MLDC 10.550.

Other

- No pavement cutting moratorium currently in effect along this frontage to Happy Valley Drive.
- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer:

- The site is situated within the RVSS area. Provide private laterals to each lot.

C. Storm Drainage:

- Provide an investigative drainage report.
- Comply with Storm Drainage Conditions.
- Provide water quality and detention facilities.
- Provide Engineers certification of stormwater facility construction.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.
- Final plat will show proper survey resolution of Shafer Lane west of Happy Valley Drive and align Shafer Lane east of Happy Valley drive per a common centerline intersection.
- Final plat will refer to document/land division that created Happy Valley Drive. Any road dedication required per this application that adjoins Happy Valley Drive will do so based on a properly surveyed and resolved survey of said road.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Additional Site Plan to ensure fire apparatus access per MLDC 10.430(2) if project includes Minor Residential streets.
 - = City Code Requirement
 - = Discretionary recommendations/comments

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: LDS-19-049

PARCEL ID: 382W01BD TL 7800

PROJECT: Consideration of tentative plat approval for Shafer Valley Landing, a proposed 8-l residential subdivision on a single 1.50-acre parcel located at 1105 Shafer Lane the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zonir district (382W01BD 7800); Applicant, Horton Homes, Inc.; Agent, Scott Sinn Consulting, Inc.; Planner, Dustin Severs.

DATE: May 1, 2019

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

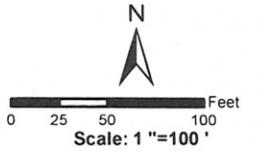
CONDITIONS

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. The existing water 2-inch water line in the westerly section of Shafer Lane is required to be abandoned.
4. The installation of a new 6-inch water line is required in Shafer Lane between the existing easterly 6-inch water line in Shafer Lane (East) and the existing 6-inch water line on the west side of Happy Valley Drive. (See provide Water Facility Map)

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Condition 2 and 3 above)
3. MWC-metered water service does not exist to this property.
4. Access to MWC water lines is available. There is an existing 6-inch water line in Happy Valley Drive. There is an existing 2-inch water line in Shafer Lane to the east. East of the 2-inch water line is a 6-inch water line that will be the point of connection for this proposed subdivision. (See Condition 3 above)
5. Static water pressure is currently near 35 psi.

CITY OF MEDFORD
EXHIBIT # 6
FILE # LDS-19-049
Page 1 of 1



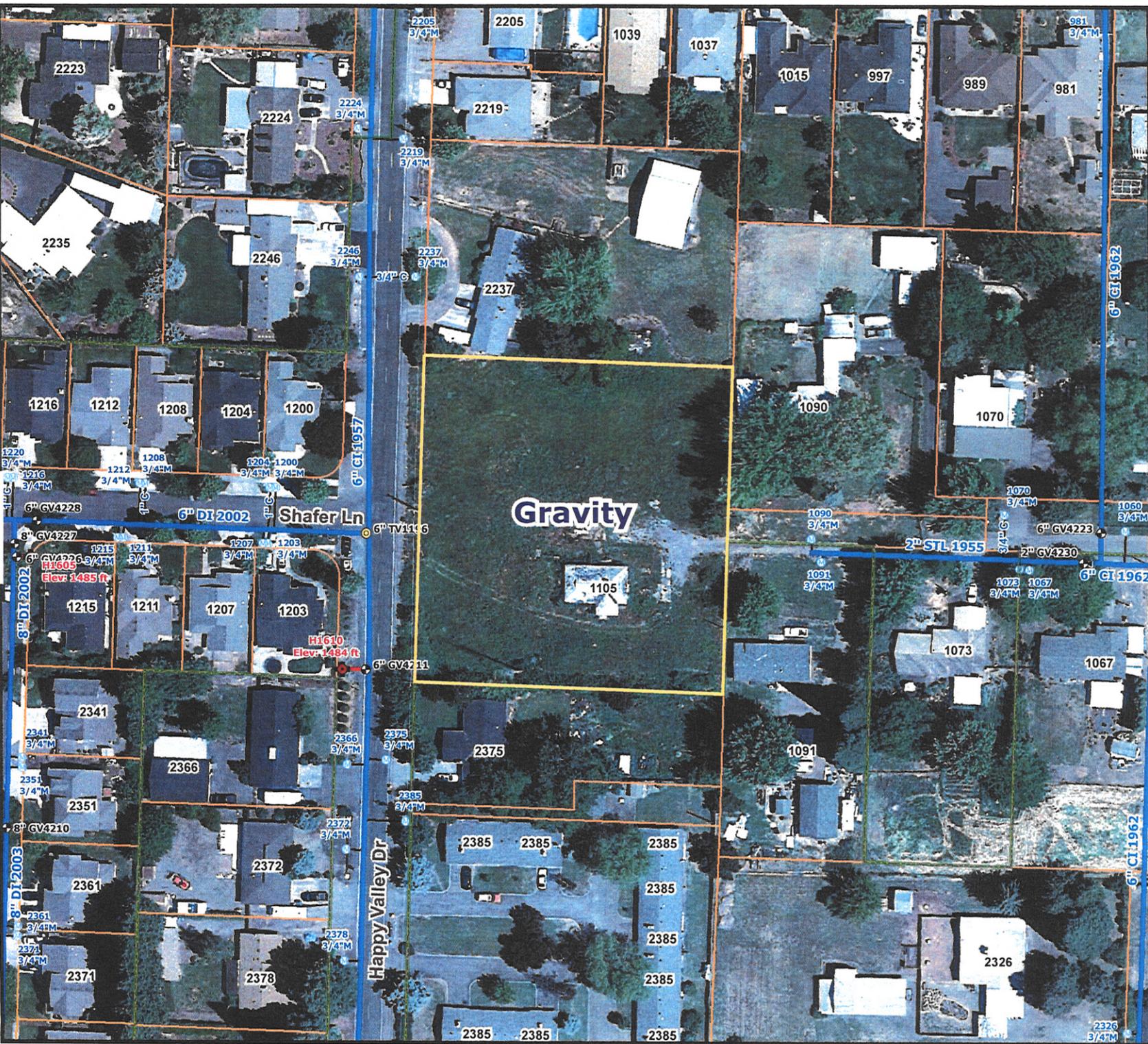
Water Facility Map
City of Medford
Planning Application:
LDS-19-049
(382W01BD7800)
April 17, 2019

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps
- Water Meters:**
- Active Meter
- On Well
- Unknown
- Vacant
- Water Valves:**
- Butterfly Valve
- Gate Valve
- Tapping Valve
- Water Mains:**
- Active Main
- Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line
- Boundaries:**
- Urban Growth Boundary
- City Limits
- Tax Lots
- MWC Facilities:**
- Control Station
- Pump Station
- Reservoir



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or general accuracy. There are no warranties, expressed or implied.
 Date: 4/10/2019
 Path: G:\Mapping\GIS\Map Water - RD.mxd





Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 4/25/2019

Meeting Date: 5/1/2019

LD File #: LDS19049

Planner: DUSTIN SEVERS

Applicant: Horton Homes, Inc.

Project Location: 1105 Shafer Lane in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (382W01BD 7800)

ProjectDescription: Consideration of tentative plat approval for Shafer Valley Landing, a proposed 8-lot residential subdivision on a single 1.50-acre parcel

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments	Description
OFC 508.5	Two (2) fire hydrants will be required for this project: One near the corner of Shafer Lane/Happy Valley Drive and one on Shafer Lane in front of lot #5.	<p>Fire hydrants with reflectors will be required for this project.</p> <p>The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.</p> <p>Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include</p>

MMC
10.430

The developer shall choose one of the three options in this section.

In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus on 28 feet wide minor residential streets, the developer shall choose from one of the following design options outlined in Medford Code section 10.430:

(a) Clustered, offset (staggered) driveways, and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

When the clustered-offset driveway option is chosen, submitted civil plans are required to show driveway locations which will be reviewed by the Fire Department and Engineering Department prior to development.

The Fire Department reserves the right to require parking restrictions with no parking signs in areas where the clustered-offset driveway option breaks down for short distances. Parking restrictions shall not be deemed as a separate option to the overall layout of the subdivision. If the developer by preference does not design the clustered/offset driveways into the overall design of the minor residential street, option (b) or (c) must be chosen.

The Oregon Fire Code requires; "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" (OFC 503.2.1). "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 in Section 503.2.1, shall be maintained at all times." (OFC 503.4).

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org



ROGUE VALLEY SEWER SERVICES

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

April 19, 2019

City of Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: LDS-19-049 Shafer Valley Landing Subdivision (Map 382W01BD, TL7800)

ATTN: Dustin,

There is a 12 inch sewer along Happy Valley Drive and a 4 inch service extended from this main to the property. The existing sewer latera to the property must be abandoned at the right-of-way per RVSS standards. There is also a 6 inch sewer stubbed near the intersection of the east property line and Shafer Lane.

Sewer service for the proposed development can be had by sewer main extension from either of the adjacent sewer mains. A sewer extension along Shafer Lane would require an 8 inch main. However, RVSS would compensate the developer the relative cost of upsizing the existing 6 inch main to 8 inches with the project.

Sewer connection permits will be issued by the city of Medford. However, sewer system development charges will be owed to RVSS.

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

1. The existing sewer service to the property must be abandoned per RVSS standards. A no cost sewer abandonment permit must be obtained from RVSS to perform this work.
2. All sewer design and construction must be performed in accordance with RVSS standards.
3. The sewer system must be accepted by RVSS prior to platting the subdivision and the issuance of plumbing permits.
4. The applicant must pay sewer system development charges to Rogue Valley Sewer Service prior to construction.

Feel free to call with any questions.

Sincerely,

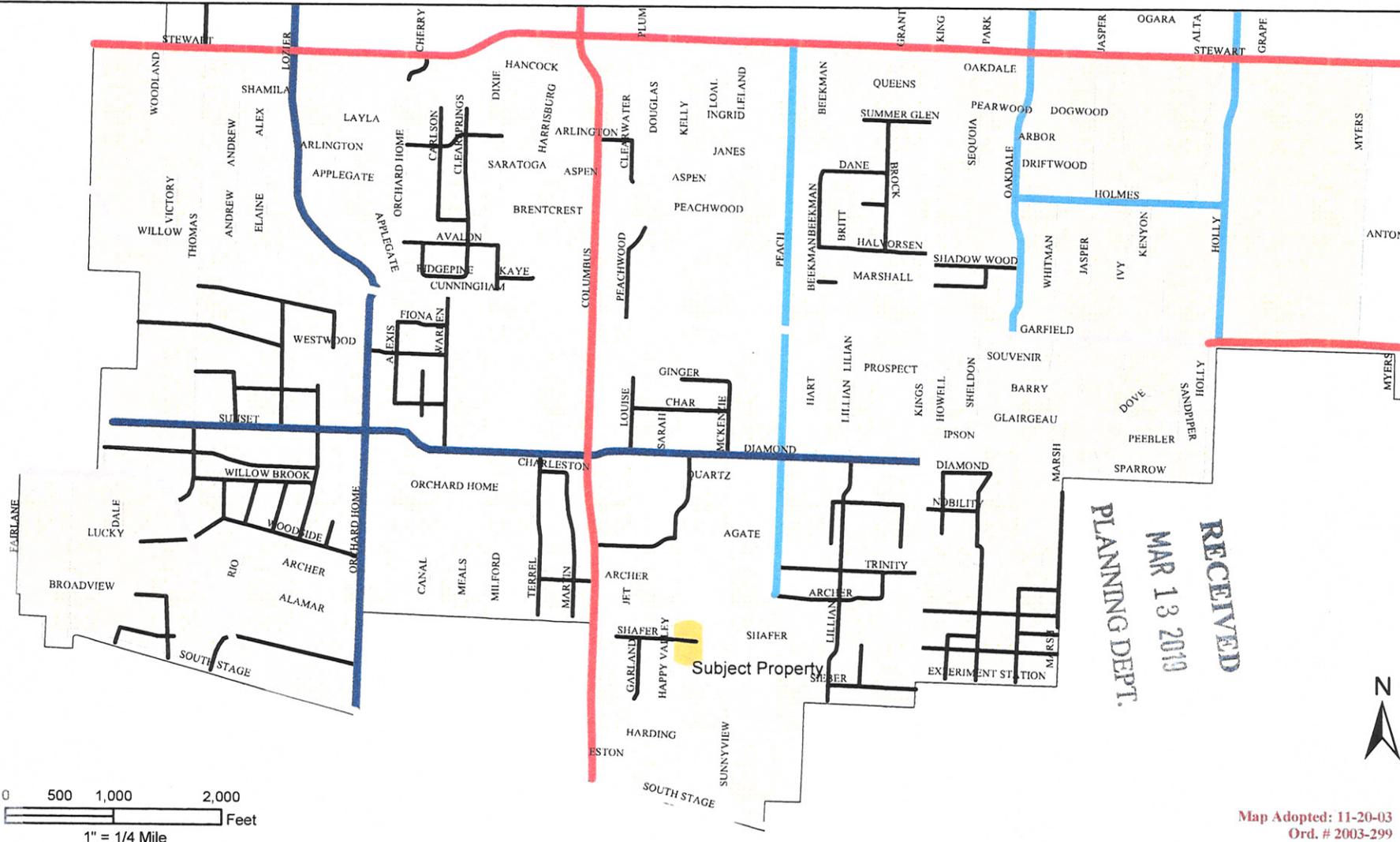
Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2019\LDS-19-049_SHAFAER VALLEY LANDING.DOC

CITY OF MEDFORD
EXHIBIT # I
FILE # LDS-19-049

Adopted Southwest Medford Circulation Plan



RECEIVED
MAR 13 2019
PLANNING DEPT.

Map Adopted: 11-20-03
Ord. # 2003-299
Map Printed: 1-29-04

Street Classifications

- Major Arterial
- Major Collector
- Residential
- Minor Arterial
- Minor Collector
- Other Streets

- UGB
- Adopted Circulation Plan Area



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.

CITY OF MEDFORD
EXHIBIT #
FILE # LDS-19-049

9



Project Name:

**Shafer Valley Landing
 Subdivision**

Map/Taxlot:

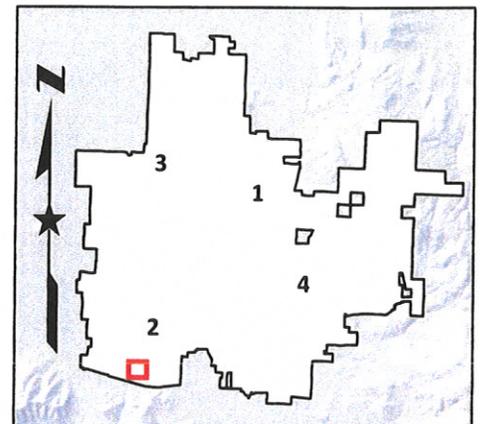
382W01BD TL 7800



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

03/21/2019





STAFF REPORT

for a Type-III quasi-judicial decision: **Land Division**

Project Jordan Village
Applicant: Lori Magel Homes; Agent: Scott Sinner Consulting, Inc.

File no. LDS-19-051 /E-19-047

To Planning Commission *for May 23, 2019 hearing*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director *ke*

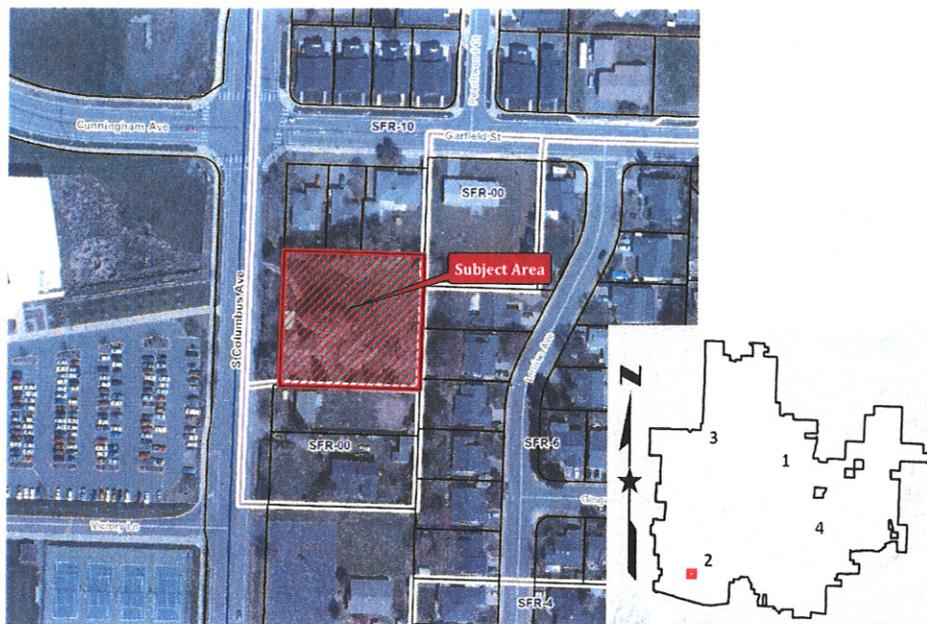
Date May 16, 2019

BACKGROUND

Proposal

Consideration of a proposed tentative plat for an 8-lot residential duplex dwelling subdivision with an exception to the number of units allowed to take access off a minimum access easement on 0.9 acres, located on the east side of S Columbus Avenue approximately 150 feet south of Garfield Street within the SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district (372W36CD TL 400).

Vicinity Map



Subject Site Characteristics

Zoning	SFR-10	Single Family Residential – 10 dwelling units per gross acre
GLUP	UR	Urban Residential
Use	Vacant	

Surrounding Site Characteristics

North

Zoning: SFR-10
Use: Single family homes

South

Zoning: SFR-00 (Single Family Residential – 1 dwelling unit per existing lot)
Use: Single family homes

East

Zoning: SFR-6 (Single Family Residential – 6 dwelling units per gross acre)
Use: Single Family Homes

West

Zoning: SFR-6
Use: South Medford High School

Related Projects

ZC-01-484 Zone Change

LDS-16-131 Land Division Expires January 12, 2020

Applicable Criteria

**SUBDIVISION TENTATIVE PLAT APPROVAL CRITERIA
FROM SECTION 10.202(E) OF THE MEDFORD LAND DEVELOPMENT CODE**

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the Planning Commission determines it is in the public interest to modify the street pattern;
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

**EXCEPTION APPROVAL CRITERIA
FROM SECTION 10.186(B) OF THE MEDFORD LAND DEVELOPMENT CODE**

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the land use review unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

ISSUES AND ANALYSIS

Background

The subject site is comprised of one lot totaling 1.08 gross acres located within the SFR-10 zoning district. The site received tentative plat approval in 2016 for four duplex residential lots, each to be developed with a duplex (8 units), and a minor residential lane terminating with a cul-de-sac. The current proposal is for eight lots that will have four duplex dwellings divided by a lot line with access provided via a minimum access easement. The differences between proposals are the type of street access and the fact that the each duplex unit is now proposed to be individually owned.

Code Compliance

Density

The standard density calculation for the SFR-10 zone is between six and ten dwelling units per gross acre. The net parcel size is 0.90 acres and the gross parcel size including the fronting half-street, is 1.08 acres. Based on the gross acreage, a minimum of six dwelling units is required and the maximum number of units permitted is eleven. The applicant is proposing eight duplex lots (four duplex structures divided by lot lines). Therefore, the tentative plat (Exhibit B) meets the density standards.

Street Circulation

The tentative plat shows a minimum access easement with hammerhead turnaround and does not propose additional connections. The property to the east was approved at Georgianna Village Subdivision in 1993, which predates the current Block Length Ordinance contained in MLDC 10.426 and prevents connections to the east. The development pattern prevents any connectivity to existing streets and disallows a pedestrian accessway pursuant to MLDC 10.464(1)(b).

Access

Kenzie Lane (Private) is proposed as a minimum access easement that is proposed at 33 feet in width. The proposed cross-section designates a five foot sidewalk on the north side of Kenzie Lane (Exhibit B). The proposed minimum access easement complies with Section 10.450(1)(b), which allows minimum access easements when it is not possible to create a street pattern which meets design standards for streets. Kenzie Lane is the subject of the Exception request, which is discussed below.

Arterial Separation

The subject property is located on S Columbus Avenue which is designated as a Major Arterial. A vertical separation feature that is a minimum of eight feet in height is required. The tentative plat (Exhibit B) shows an eight foot engineered wall along the front of S Columbus Avenue in accordance with MLDC Section 10.797.

Lot Standards

All of the proposed parcels meet the lot design standards found in Article V, Site Development Standards, of the MLDC Section 10.713.

Agency Comments

Per the agency comments submitted to staff, including the Rogue Valley Sewer Services (Exhibits G-L), it can be found that there are adequate facilities to serve the future development of the site.

Street Names

Per the Staff Memo from the Address Technician, Kenzie Lane is too similar to an existing street. The applicant is required to select a different name (Exhibit I).

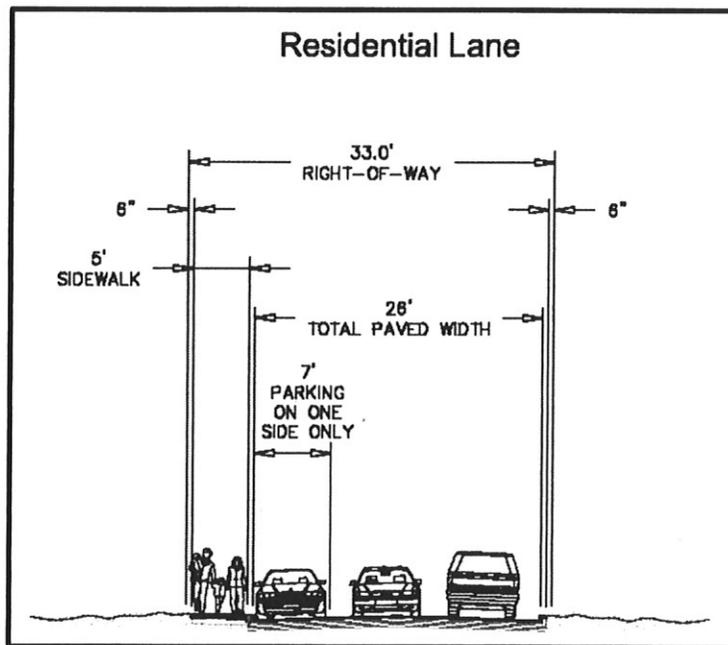
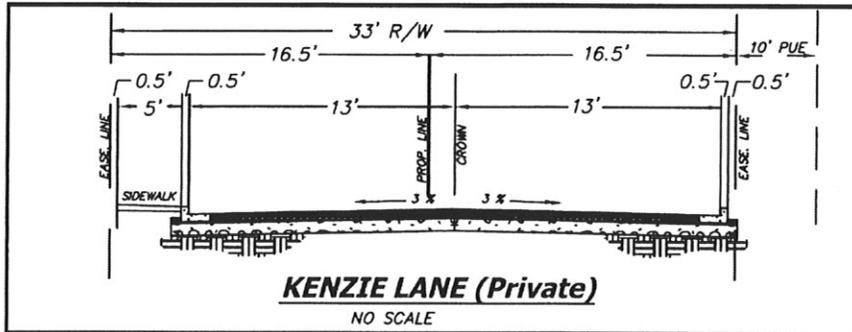
Medford Irrigation District

The Medford Irrigation District (Exhibit M) requests that the irrigation water rights within the proposed development be transferred off prior to final plat. A condition of approval has been included requiring the applicant to comply with the Medford Irrigation requirements.

Exception Criteria Compliance

The applicant is requesting relief from the total number of dwelling units allowed to take access from a minimum access easement. Section 10.430A(1) allows a minimum of two and a maximum of three dwelling units to access from minimum access easements. The minimum access easement is proposed to provide access to all eight dwelling units.

The applicant's findings (Exhibit E), state that the minimum access easement is proposed at 33 feet in width and is proposed to be constructed to the Residential Lane standard with the exception of how the proposed lane terminates. The tentative plat (Exhibit B) include a cross section of the proposed private lane as well as the required turn around area for emergency vehicles.



MLDC Section 10.430(3) describes Residential Lane as a street having the sole function of providing direct access to immediately adjacent residentially zoned land, and upon which a maximum of eight dwelling units take access. A residential lane is a short street (no more than 450-feet in length) with a single travel lane, and parking on one side. Sidewalks shall be provided on the parking side of the street, and planter strips are not required. Those residential lanes that are not through streets shall terminate in a standard cul-de-sac that complies with Section 10.450.

The cross section for Kenzie Lane meets the standards for Residential Lane. The Medford Fire Department does not object to proposed turnaround configuration (Exhibit J).

The previous tentative plat approval in 2016 proposed a residential lane with cul-de-sac constructed to the standards set forth in MLDC Section 10.430. The previous approval

included four duplex structures for a total of eight dwelling units which is also in accordance with 10.430 access standards.

Committee Comments

No comments were received by any committees such as BPAC.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit E) and recommends the Commission adopt the findings as presented, with the following exception:

For the Exception findings for criterion 1, p. 5 of 8, Conclusions of Law, the word "not" should be stricken.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of LDS-19-051/E-19-047 per the staff report dated May 16, 2019, including Exhibits A through P.

EXHIBITS

- A. Conditions of Approval, dated May 16, 2019
- B. Tentative Plat received March 18, 2019
- C. Conceptual Grading and Drainage plan received March 18, 2019
- D. Assessors Map received March 18, 2019
- E. Applicant's Findings of Fact received March 18, 2019
- F. Agent email clarifying intent for duplex dwellings received May 16, 2019
- G. Public Works Staff Report received May 8, 2019
- H. Medford Building Department Memo dated May 8, 2019
- I. Address Technician Memo dated May 8, 2019
- J. Medford Fire Department Report dated May 8, 2019
- K. Medford Water Commission Memo dated May 8, 2019
- L. Rogue Valley Sewer Services dated May 1, 2019
- M. Medford Irrigation District letter dated April 30, 2019
- N. Jackson County Roads Letter dated April 30, 2019
- O. Jackson County Planning Department email dated April 29, 2019
- P. Southwest Circulation Plan map adopted November 20, 2003
Vicinity map

PLANNING COMMISSION AGENDA:

MAY 23, 2019

Exhibit A
Jordan Village
LDS-19-051/E-19-047
Conditions of Approval
May 16, 2019

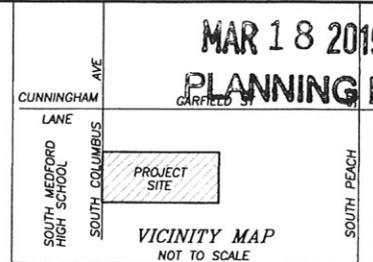
CODE REQUIREMENTS

1. Comply with the Public Works Department Staff Report dated May 8, 2019 (Exhibit G);
2. Comply with the Medford Building Department Memo, dated May 8, 2019 (Exhibit H);
3. Comply with the Address Technician Memo, dated May 8, 2019 (Exhibit I);
4. Comply with the Medford Fire Department Land Development Report dated May 8, 2019 (Exhibit J);
5. Comply with the Medford Water Commission Staff Memo dated May 8, 2019 (Exhibit K);
6. Comply with the Rogue Valley Sewer Services Report dated May 1, 2019 (Exhibit L);
7. Comply with the Medford Irrigation Districts Memo dated April 30, 2019 (Exhibit M);
8. Comply with the Jackson County Roads Report dated April 30, 2019 (Exhibit N);

RECEIVED

MAR 18 2019

PLANNING DEPT



JORDAN VILLAGE

A SUBDIVISION
In the S.W. 1/4 of Sec. 36, T.37S, R.2W, W.M. &
in the City of Medford Jackson County, Oregon

- LEGEND:**
- X- = FENCE
 - SD- = STORM DRAIN
 - SS- = SANITARY SEWER
 - W- = WATER
 - G- = GAS
 - ELEC- = ELECTRIC
 - UGP- = UNDERGROUND POWER
 - OWP- = OVERHEAD POWER
 - TELEP = TELEPHONE PEDESTAL
 - CPED = CABLE PEDESTAL
 - GM = GAS METER
 - WM = WATER METER
 - WV = WATER VALVE
 - IRV = IRRIGATION VALVE
 - GV = GAS VALVE
 - CT = CONIFER TREE - TYPE & DIAMETER AS NOTED
 - CD = DECIDUOUS TREE - TYPE & DIAMETER AS NOTED
 - SMH = SANITARY SEWER MANHOLE
R=W ELEV
I=INVERT ELEV
 - SDMH = STORM DRAIN MANHOLE
R=W ELEV
I=INVERT ELEV
 - SDCI = STORM DRAIN CURB INLET
R=W ELEV
I=INVERT ELEV
 - SDCIB = STORM DRAIN CATCH BASIN
R=W ELEV
I=INVERT ELEV
 - PO = POWER POLE
 - UP = UTILITY POLE

UTILITY NOTE:

A COMPLETE GRADING, DRAINAGE & UTILITY PLAN WILL BE PREPARED BY A LICENSED CIVIL ENGINEER FOR REVIEW BY CITY PUBLIC WORKS UPON APPROVAL OF THE TENTATIVE PLAT INCLUDING DETENTION STRUCTURES AS REQUIRED.
ADDITIONAL UTILITY EASEMENTS WILL BE PROVIDED AS NEEDED ON THE FINAL PLAT.

NOTES:

SEWER MAIN IN SOUTH COLUMBUS AVE.
SCHOOL DISTRICT: MEDFORD 549C
IRRIGATION DISTRICT: M.I.D. (CURRENTLY BEING ASSESSED)
GROSS ACREAGE: 1.072 ACRES
PRE = KENZIE LANE (PRIVATE ROAD EASEMENT, PUE & UE)
PUE = PROPOSED PUBLIC UTILITY EASEMENT.
UE = PRIVATE UTILITY EASEMENT.
ALL STRUCTURES WILL BE REMOVED.
CONTOUR INTERVAL: 1'
ELEVATION DATUM NGVD29 (UNADJUSTED) BASED ON CITY OF MEDFORD BM#C-168.
WS = PRIVATE UTILITY EASEMENT.
SUBJECT PROPERTY LIES IN ZONE "X" PER FIRM #41029C1977 DATED MAY 3, 2011.
WSL = PROPOSED WATER SERVICE.
SSL = PROPOSED SANITARY SEWER LATERAL.
SDL = PROPOSED STORM DRAIN LATERAL.

COURSE DATA TABLE

NUM	DELTA	ARC	RADIUS	CHORD
C1	296°39'49"	233.00	45.00	N0°03'05"E 47.25
C2	58°24'26"	45.87	45.00	S6°05'24"W 43.91
C3	89°55'28"	70.63	45.00	N44°54'39"W 63.60
C4	90°04'32"	70.75	45.00	N45°05'21"E 63.68
C5	58°15'23"	45.75	45.00	S6°04'42"E 43.81
C6	90°04'32"	23.58	15.00	S44°54'39"E 21.23
C7	89°55'28"	23.54	15.00	S45°05'21"E 21.20
C8	58°19'54"	15.27	15.00	N6°03'08"E 14.62
C9	58°19'54"	15.27	15.00	N6°04'58"W 14.62

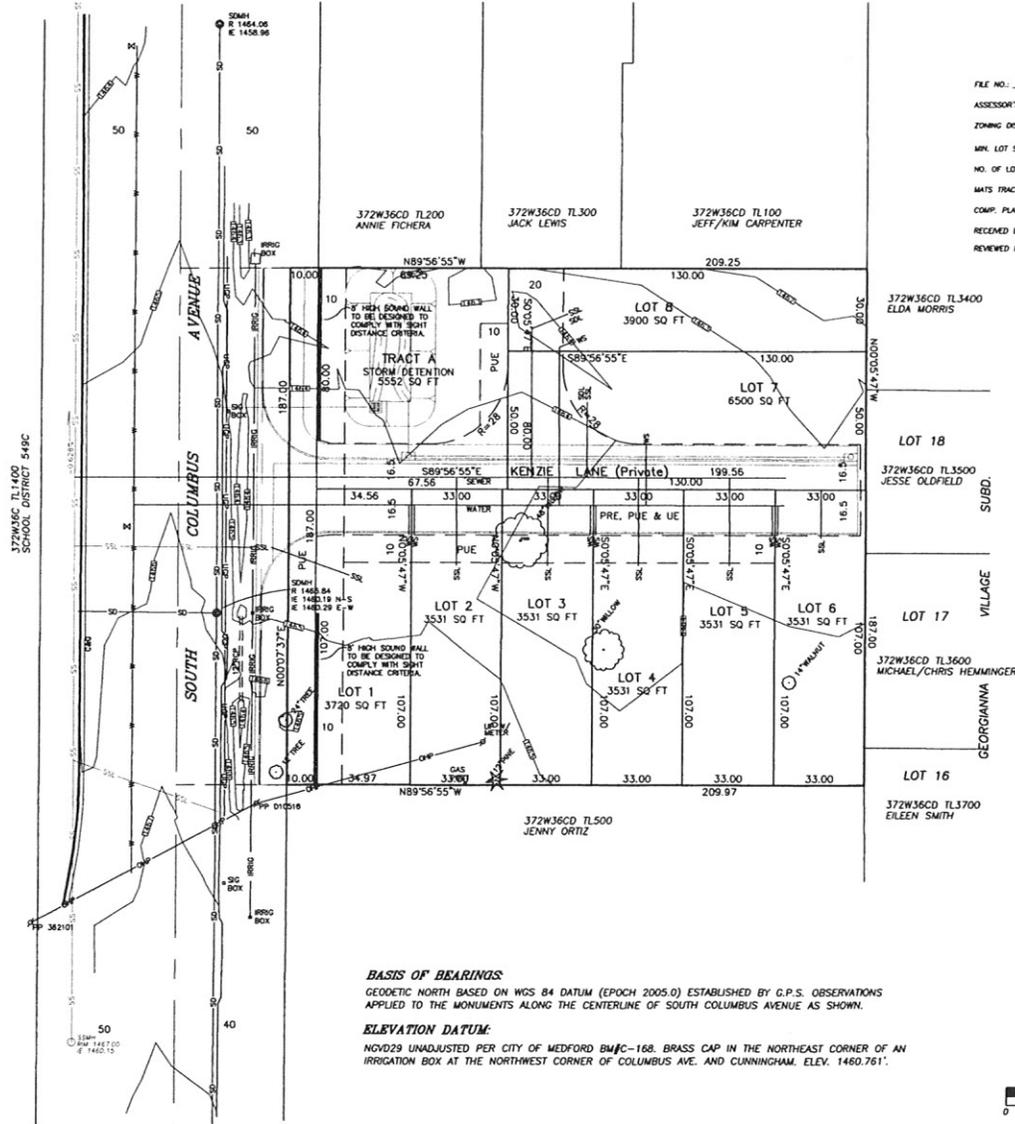
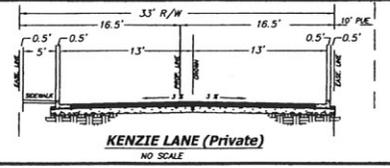


EXHIBIT "A"

FILE NO: _____ DATE: _____
ASSESSOR'S PARCEL NO.: 372W36CA TL400
ZONING DISTRICT: SFR-10
MIN. LOT SIZE: 3600 SF MAX. LOT SIZE: 8125 SF
NO. OF LOTS: 8 ZERO LOT LINE + 1 STORM DRAIN TRACT
MATS TRACT: _____
COMP. PLAN DESIGNATION: URBAN RESIDENTIAL
RECEIVED BY: _____ DATE: _____
REVIEWED BY: _____ DATE: _____

BASIS OF BEARINGS:
GEODETTIC NORTH BASED ON WGS 84 DATUM (EPOCH 2005.0) ESTABLISHED BY G.P.S. OBSERVATIONS APPLIED TO THE MONUMENTS ALONG THE CENTERLINE OF SOUTH COLUMBUS AVENUE AS SHOWN.

ELEVATION DATUM:
NOVD29 UNADJUSTED PER CITY OF MEDFORD BM#C-168. BRASS CAP IN THE NORTHEAST CORNER OF AN IRRIGATION BOX AT THE NORTHWEST CORNER OF COLUMBUS AVE. AND CUNNINGHAM. ELEV. 1460.761'.



REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
-2224-
RENEWAL DATE 6-30-19

TITLE: TENTATIVE SUBDIVISION PLAT
ASSESSOR'S MAP #: 372W36CA TL400
OWNER & APPLICANT: RNN PROPERTIES, LLC
2640 BARNETT RD., #E-341
MEDFORD, OR 97504

L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
PO BOX 1845, PHOENIX, OR
(503) 772-5262
lic#00000000000000000000000000000000

DATE: 13 MAR 2018
SCALE: 1 inch = 30 feet
DRAWN BY: JEH
CHK BY: JEH
ORIGIN:
ROTATION: 07
JOB#: 18101FM
Sheet 1 of 1

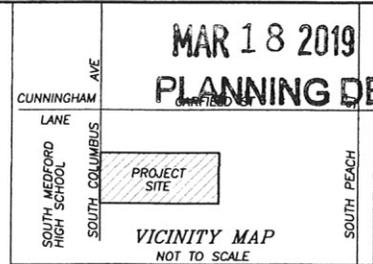
CITY OF MEDFORD
EXHIBIT # **B**
FILE # **LDS-19-051 / E-19-047**

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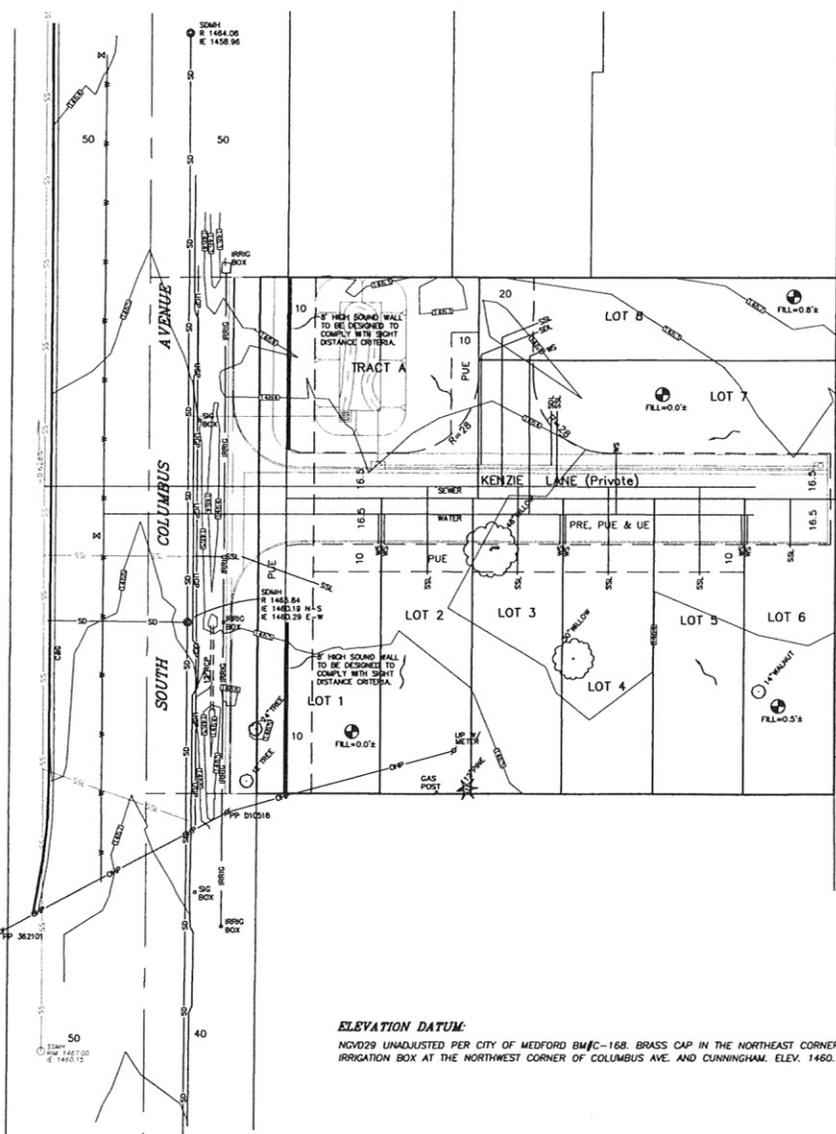
JORDAN VILLAGE A SUBDIVISION In the S.W. 1/4 of Sec. 36, T.37S, R.2W, W.M. & in the City of Medford Jackson County, Oregon



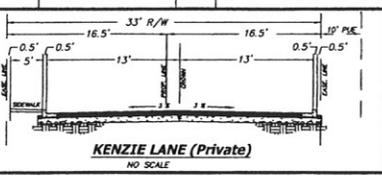
- LEGEND:**
- X- = FENCE
 - SD- = STORM DRAIN
 - SS- = SANITARY SEWER
 - W- = WATER
 - G- = GAS
 - ELEC- = ELECTRIC
 - UGP- = UNDERGROUND POWER
 - OHP- = OVERHEAD POWER
 - ☐ = TELEPHONE PEDESTAL
 - ☐ = CABLE PEDESTAL
 - ☐ = GAS METER
 - ☐ = WATER METER
 - ☐ = WATER VALVE
 - ☐ = IRRIGATION VALVE
 - ☐ = GAS VALVE
 - ☐ = CONIFER TREE - TYPE & DIAMETER AS NOTED
 - ☐ = DECIDUOUS TREE - TYPE & DIAMETER AS NOTED
 - = SMH - SANITARY SEWER MANHOLE
R=RM ELEV
IE=INVERT ELEV
 - = SDMH - STORM DRAIN MANHOLE
R=RM ELEV
IE=INVERT ELEV
 - = SDCI - STORM DRAIN CURB INLET
R=RM ELEV
IE=INVERT ELEV
 - ☐ = SDCB - STORM DRAIN CATCH BASIN
R=RM ELEV
IE=INVERT ELEV
 - = POWER POLE
 - = UTILITY POLE

NOTES:
SEWER MAIN IN SOUTH COLUMBUS AVE.
SCHOOL DISTRICT: MEDFORD 549C
IRRIGATION DISTRICT: M.I.D. (CURRENTLY BEING ASSESSED)
GROSS ACREAGE: 1.072 ACRES
PRE = KENZIE LANE (PRIVATE ROAD EASEMENT, PUE & UE)
PUE = PROPOSED PUBLIC UTILITY EASEMENT.
ALL STRUCTURES WILL BE REMOVED.
CONTOUR INTERVAL: 1'
ELEVATION DATUM NGVD29 (UNADJUSTED) BASED ON CITY OF MEDFORD BM#C-168.
UE = PRIVATE UTILITY EASEMENT.
SUBJECT PROPERTY LIES IN ZONE "X" PER FIRM #41029C1977F DATED MAY 3, 2011.
WS = PROPOSED WATER SERVICE.
SSL = PROPOSED SANITARY SEWER LATERAL.
SDL = PROPOSED STORM DRAIN LATERAL.

DRAINAGE NOTES:
UPON DEVELOPMENT, EXCESS SPILLAGE WILL BE REMOVED BY THE CONTRACTOR FROM THE PROJECT SITE. IN FACT, IT WILL CREATE AREAS OF DRAINAGE ONTO EXISTING PROPERTIES.
ROOF DRAINS WILL BE DIRECTED INTO STORM DRAIN LINES.
A COMPLETE GRADING, DRAINAGE & UTILITY PLAN WILL BE PREPARED BY A LICENSED CIVIL ENGINEER FOR REVIEW BY CITY PUBLIC WORKS UPON APPROVAL OF THE EXISTING PLAN INCLUDING DETENTION STRUCTURES AS REQUIRED.
STORM DRAIN EASEMENTS WILL BE PROVIDED AS NEEDED ON THE FINAL PLAN.



ELEVATION DATUM:
NGVD29 UNADJUSTED PER CITY OF MEDFORD BM#C-168. BRASS CAP IN THE NORTHEAST CORNER OF AN IRRIGATION BOX AT THE NORTHWEST CORNER OF COLUMBUS AVE. AND CUNNINGHAM. ELEV. 1460.761'.



REGISTERED PROFESSIONAL LAND SURVEYOR
James S. Hicks
OREGON
JULY 17, 1986
JAMES S. HICKS
2234
RENEWAL DATE 6-30-19

TITLE: CONCEPTUAL GRADING & DRAINAGE PLAN
ASSESSOR'S MAP #: 372W36CA TL400
OWNER & APPLICANT: RNN PROPERTIES, LLC
2840 BARNETT RD. #E-341
MEDFORD, OR 97504
L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
PO BOX 1847 PHOENIX, OR
(541) 752-7165
lrf@friar.net

DATE: 13 MAR 2018
SCALE: 1 inch = 30 feet
DRAWN BY: JEH
CHK BY: JEH
DATE: 181017M
Sheet 1 of 1

CITY OF MEDFORD
EXHIBIT # C
FILE # LDS-19-051 / E-19-047

S.E.1/4 S.W.1/4 SEC.36 T.37S. R.2W. W.M.
 JACKSON COUNTY
 1" = 100'

372W36CD
 MEDFORD

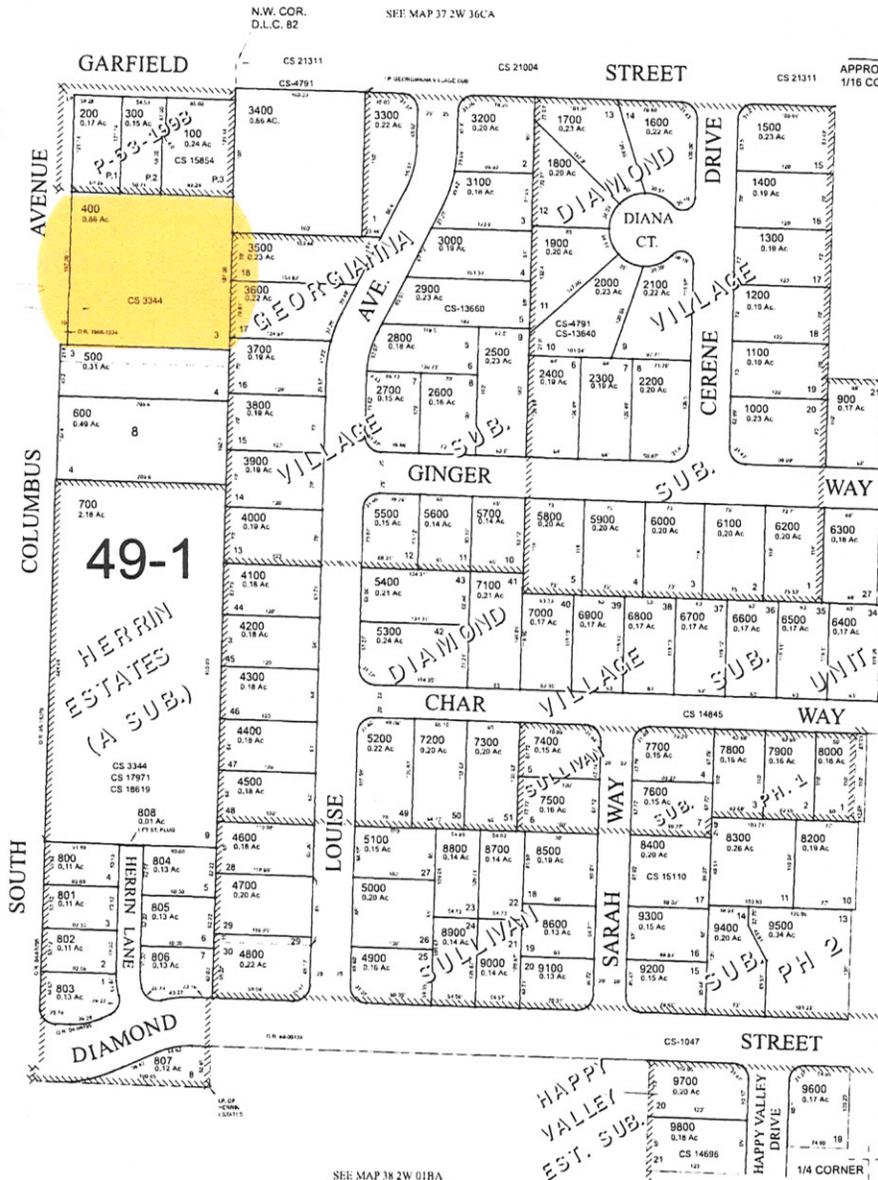
FOR ASSESSMENT AND
 TAXATION ONLY

APPROX
 1/16 COR.

APPROX
 1/16 COR.

ORCHARD
 HOME
 ASSOCIATION
 TRACTS

CANCELLED TAX LOT NUMBERS
 8100 ADDED TO 8000



SEE MAP 37 2W 36C

PLANNING DEPT.

MAR 18 2010

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372W36CD
 MEDFORD
 NEW MAP March 27, 2008
 REV October 29, 2018

SEE MAP 38 2W 01RA

APPROX
 1/16 COR.

HAPPY
 VALLEY
 EST. SUB.

9700
 0.20 AC
 9800
 0.18 AC
 9900
 0.17 AC
 CS 14696
 HAPPY VALLEY
 DRIVE
 1/4 CORNER

FINDINGS OF FACT

RECEIVED
MAR 18 2019
PLANNING DEPT

BEFORE THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF AN APPLICATION FOR)
LAND DIVISION OF PROPERTY IDENTIFIED AS) FINDINGS OF FACT
T37-R2W-36CD-TL 400) AND
APPLICANT LORI MAGEL HOMES) CONCLUSIONS
SCOTT SINNER CONSULTING, INC. AGENT) OF LAW

I. BACKGROUND INFORMATION

Applicant:

Lori Magel
Lori Magel Homes
PO box 5647
Central Point, OR 97502
lorimagelhomes@gmail.com

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr.
Medford, OR 97504
541-772-1494
scottsinner@yahoo.com

Property 1 :

372W36CD TL 400
RNN Properties, L.L.C
1705 Columbus Avenue South
Medford, OR 97501
.90 Acres net
SFR 10 City of Medford Zoning (ZC-11-039)

Summary:

This application is submitted to comply with the Land Division Criteria contained within the City of Medford Land Development Code (MLDC). The subject totals .90 acres within the SFR-10 zoning district. This application is submitted with an exception request for the number of lots served by a minimum access easement.

FINDINGS OF FACT

It this application and these findings of fact, the term "attached, zero lot line dwelling" is each of two dwelling units sharing a common wall and each on an individual lot, with each unit available for individual sale.

The property was approved for a land division application under LDS-16-131 with 4 duplexes served with a public cul-de-sac. The current application seeks approval of a total of 8 dwelling units, however the units are proposed as 8 zero lot line dwellings, instead of 4 duplex dwellings. The proposed dwellings will be constructed as two unit attached dwellings, similar to duplexes, however there will be a lot line in the middle of the attached wall and each half will be on a separate lot and will allow for separate ownership.

The original approved 4 duplex plat could not be configured with conforming lots for zero lot line dwellings so the applicant prepared the revised tentative plat.

The approval of this proposed plat and associated exception will provide a more affordable housing opportunity for owner occupied dwellings for the area.

The granting of the exception request will allow for 8 dwelling units to be served by a Minimum Access Easement (MAE). The Medford Land Development Code permits 3 dwellings units to access a MAE. The applicant intends to develop this MAE to the standards for a Residential Lane, which serves 8 dwellings. The access would be private and maintained by the owners of the dwellings.

The proposed plat includes Tract A which contains a surface storm water detention and treatment facility. The applicant has coordinated the conceptual design of the storm water facility with Public Works Staff.

Relevant Approval Criteria

The approval criteria for a land division are contained in the MLDC section 10.202 (E) as stated below:

(E) Land Division Approval Criteria.

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles 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*

FINDINGS OF FACT

the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the Planning Commission determines it is in the public interest to modify the street pattern;

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

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

Findings of Fact

(1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;

The property is within the UR Urban residential GLUP designation and the SFR-10 zoning district. The zoning is consistent with the GLUP designation, and therefore the Comprehensive Plan.

The site is within the area covered by the Southwest Circulation Plan. The proposed public is consistent with the Southwest Circulation Plan.

All lots proposed are suitable and intended to be developed with the standards for the SFR-10 zoning district.

This application is submitted concurrently with an exception request. The relief requested in the exception is the number of dwelling units taking access from a Minimum Access Easement.

Conclusions of Law

The Planning Commission can conclude the proposed tentative plat is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V.

FINDINGS OF FACT

(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;

The Tentative Plat submitted with this application proposes development for the entire area of the subject property. All adjoining properties are currently developed to urban densities and the approval of this application will not prevent adjoining properties from development.

Conclusions of Law

The Planning Commission can conclude the proposed tentative plat proposed development on the entire parcel at urban densities and the approval of this plat will not prevent development or access on adjoining properties.

(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;

Findings of Fact

The subject subdivision is submitted as Jordan Village. This application uses the same name as the original tentative plat approval. The name is unique.

Conclusions of Law

The Planning Commission can conclude the proposed subdivision bears a unique name.

(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority.

Findings of Fact

The site is within the area covered by the Southwest Circulation Plan. The proposed access is consistent with the Southwest Circulation Plan.

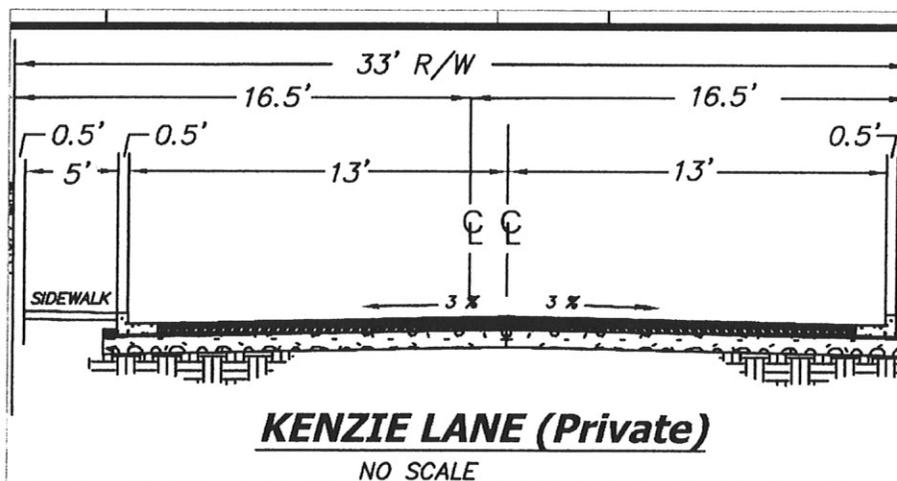
FINDINGS OF FACT

The site is infill development with existing development on all adjacent parcels preventing any connectivity opportunities. South Columbus is classified as a Major Arterial street and the MLDC does not allow direct access for dwelling units.

Kenzie Lane is proposed as a private Minimum Access Easement (MAE). The MLDC standards for a MAE state the access serves up to 3 dwelling units with a 20' easement and an 18' paved section.

The approval of the exception request submitted with this application would allow all 8 dwelling units to utilize the MAE that is proposed at 33'.

The 33' easement width would allow the applicant to develop the access to the same width of a Residential Lane with a 26' paved section and a 5' sidewalk proposed on the north side of the street.



The plat also provides a full size hammerhead fire turn around easement on lots 7 and 8 to allow adequate fire access and maneuvering.

Minimum Access Easements findings as required by MLDC 10.450, are included below in these findings.

10.450 Cul-de-sacs, Minimum Access Easements and Flag Lots

(1) Cul-de-sacs, minimum access easements and flag lots shall only be permitted when the approving authority finds that any of the following conditions exist:

FINDINGS OF FACT

(a) One or more of the following conditions prevent a street connection: excess slope (15% or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, presence of a freeway or railroad.

(b) It is not possible to create a street pattern which meets the design requirements for streets.

(c) An accessway is provided consistent with the standards for accessways in Section 10.464 through Section 10.466.

The subject property is infill development. South Columbus is classified as a major arterial with access controls prohibiting direct access to any dwelling units.

The abutting properties are developed, particularly the properties to the east, were approved as Georgianna Village Subdivision in 1993. This subdivision was approved under a previous development code that did not require the connectivity that is required in the current code.

This application with the proposed minimum access easement is consistent with subsection (a) a street pattern is not possible due to existing development.

Conclusions of Law

The Planning Commission can conclude the street pattern proposed with this subdivision is consistent with approved plats and prior development in the area, and the existing development in the area prevent a street connection.

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

Findings of Fact

Kenzie Lane is proposed as a private access. All lots will utilize Kenzie Lane for direct access and no lots will take direct access from South Columbus Avenue, which is classified as a major Arterial Street in the Medford TSP.

This plat is properly noted with Kenzie Lane as a private street.

Conclusions of Law

The Planning Commission can conclude this application for a land division provides the compliant documentation for streets on the proposed plat.

FINDINGS OF FACT

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

Findings of Fact

A review of the City of Medford Official Zoning map indicates there are no lands within the EFU zoning district and there are no special considerations necessary to protect agricultural lands.

Conclusions of Law

The Planning Commission can conclude that subject property is not adjoining any agricultural lands within the EFU zoning district.

Additional Applicable Criteria

The City of Medford land division application requires a complete application must demonstrate compliance with the Hillside Ordinance contained in section 10.929 to 10.933 and the Block Length Ordinance in sections contained within section 10.426, and consistency with adopted neighborhood circulation plans per 10.454.

Minimum Access Easements findings as required by MLDC 10.450, are included below in these findings.

10.450 Cul-de-sacs, Minimum Access Easements and Flag Lots

(1) Cul-de-sacs, minimum access easements and flag lots shall only be permitted when the approving authority finds that any of the following conditions exist:

(a) One or more of the following conditions prevent a street connection: excess slope (15% or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, presence of a freeway or railroad.

(b) It is not possible to create a street pattern which meets the design requirements for streets.

(c) An accessway is provided consistent with the standards for accessways in Section 10.464 through Section 10.466.

Findings of Fact

The subject property is infill development. South Columbus is classified as a major arterial with access controls prohibiting direct access to any dwelling units.

FINDINGS OF FACT

The abutting properties are developed, particularly the properties to the east, were approved as Georgianna Village Subdivision in 1993. This subdivision was approved under a previous development code that did not require the connectivity that is required in the current code.

This application with the proposed minimum access easement is consistent with subsection (a) a street pattern is not possible due to existing development.

Conclusions of Law

The Planning Commission can conclude the proposed plat which includes a minimum access easement consistent with MLDC 10.450 (1) (b), it is not possible to create a street pattern which meets the design requirements for streets consistent with the standards in the MLDC

Hillside Ordinance

10.929 Hillside Ordinance, Purpose; Applicability

Sections 10.929 to 10.933 establish procedural requirements for development on Slopes in excess of fifteen percent (15%) to decrease soil erosion and protect public safety. Sections 10.929 to 10.933 apply in addition to all other requirements set forth by ordinance. In the case of conflict between Sections 10.929 to 10.933 and other requirements set forth by ordinance, Sections 10.929 to 10.933 shall govern.

The subject property is located on Columbus Avenue. As per the referenced section of the MLDC, the site is not within a high slope area and the requirements to comply with the hillside ordinance requirements, including the constraints analysis do not apply to this property and the current development application.

As required by the MLDC, this application contains the submittal the City of Medford Hillside Development Constraints Analysis Status Form signed by Staff and indicating the site has slopes of less than 2% and the requirements of the Hillside Ordinance have been met.

Conclusions of Law

The Planning Commission can conclude the application complies with the requirements for compliance with the submittal requirements contained within the Medford Hillside Ordinance and the requirements of the relevant sections are not applicable to this application.

Block Length Ordinance

FINDINGS OF FACT

The City of Medford has amended the MLDC to include the following Block Length sections to assure the City provides circulation and connectivity in land division applications.

10.426 Street Circulation Design and Connectivity

A. Street Arrangement Suitability.

The approving authority shall approve or disapprove street arrangement. In determining the suitability of the proposed street arrangement, the approving authority shall take into consideration:

- 1. Adopted neighborhood circulation plans where provided; and*
- 2. Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and*
- 3. Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and*
- 4. Compatibility with existing natural features such as topography and trees; and*
- 5. City or state access management standards applicable to the site.*

B. Street Connectivity and Formation of Blocks Required.

- 1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.*
- 2. Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.*
- 3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.*

FINDINGS OF FACT

4. *Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.*

C. *Maximum Block Length and Block Perimeter Length.*

1. *Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.*

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH

Table 10.426-1

Zone or District	Block Length	Block Perimeter Length
a. Residential Zones	660'	2,100'
b. Central Business Overlay District	600'	1,800'
c. Transit Oriented Districts (Except SE Plan Area)	600'	1,800'
d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones	720'	2,880'
e. Regional Commercial and Industrial Zones	940'	3,760'

2. *The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:*
 - a. *Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,*
 - b. *Environmental constraints including the presence of a wetland or other body of water,*
 - c. *The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet*

FINDINGS OF FACT

- d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,
 - e. The subject site is in SFR-2 zoning district,
 - f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,
 - g. The proposed use is a public or private school, college or other large institution,
 - h. The proposed use is a public or private convention center, community center or arena,
 - i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.
 - j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.
3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,
4. When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

D. Minimum Distance Between Intersections.

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

Findings of Fact

The subject property has street frontage access on South Columbus Avenue, classified as a major arterial street. The subject property is adjacent to fully developed properties and there are no opportunities for development other than providing an access from a Cul-de-sac.

FINDINGS OF FACT

The block length created with the subdivision approvals in the early 1990's is approximately 3,375 feet and the maximum allowed for a residential zone is 2,100 feet.

As stated above in the findings of fact demonstrating compliance with MLDC 10.450 for Cul-de-sacs, the approval of previous subdivisions in the 1990s, which predated the current block length ordinance, and the subsequent development on those lots precludes any opportunities for connectivity and compliance with the block length ordinance, with this plat.

The applicant conferred with both Planning and Public Works Staff to review access and the potential for connectivity in this plat. It was concluded by staff this application is bounded by existing urban development which results in a significant unbuildable area or barrier to either starting or completing any connectivity that would meet the requirements the requirements of the Block Length Ordinance.

2 *The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:*

d. *Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,*

Conclusions of Law

The Planning Commission can conclude the application meets the exclusion criteria for compliance with the block length ordinance due to the existing development at urban densities that preclude new street connections.

10.454 Neighborhood Circulation Plan, Adoption

Neighborhood circulation plans developed for areas of the City and urbanizable area shall be adopted as amendments to the Medford Comprehensive Plan and Medford Street Functional Classification Plan Map. Such neighborhood circulation plans shall identify the functional classification and location of existing and planned streets and alleys and applicable objectives and policies, if any, as well as planned circulation for pedestrians, bicyclists, and transit users. Transportation system design standards shall be applied as per this code, unless alternative standards are provided by the adopted neighborhood circulation plan.

Findings of Fact

FINDINGS OF FACT

The proposed tentative plat will create a minimum access easement with the paved section of a residential lane and a 5' sidewalk on one side. The granting of the relief requested with the consolidated exception application will provide access for all 8 dwelling units. The approval of this application is consistent with the adopted Southwest Circulation Plan.

Conclusions of Law

The Planning Commission can conclude the application is consistent with the Adopted Southwest Circulation Plan. consistent with MLDC section 10.454.

10.797 Arterial Frontage

10.797 Street Frontage Landscaping Requirements

A. This section establishes the minimum landscaping requirements along all street frontages outside of the public right-of-way. Plans submitted to comply with this section shall be approved by the approving authority.

(1) For land divisions with houses that do not face an arterial street, an arterial street frontage landscape plan shall be submitted showing a vertical separation feature that is a minimum of eight (8) feet in height. The separation feature shall create a solid visual screen. A fence or wall shall be engineered to stand straight. The separation feature shall be reduced in height where otherwise required in a front or side yard or clear vision triangle. The Planning Commission may allow adjustments to the above requirement in response to topography.

The Tentative Plat submitted with this application indicates the location of an 8' engineered wall located at the Columbus Avenue frontage to comply with the standards in this section.

The applicant is still considering options for the buildings on the frontage lots and the requirement for the 8' wall is dependent on the final designs. The construction of the wall is dependent on the design of the building and is not required to be constructed to obtain final plat.

The applicant fully intends to comply with Code requirements at the time plans are submitted for the buildings. In the event a wall is required with the specific plans, a wall, with appropriate sight vision clearance will be reviewed by Staff prior to the issuance of building permits for vertical construction.

Application Summary and Conclusions

FINDINGS OF FACT

This application for a land division, and the granting of the relief requested in the accompanying exception request, demonstrates compliance with all relevant sections contained within the Medford Land Development Code. The proposed street circulation pattern is consistent with established street circulation patterns and the Transportation System Plan and the South West Circulation Plan.

The proposed development fully develops the applicant's property and does not prevent the development of any adjoining properties.

The lot dimensions and design standards are consistent with the requirements of the SFR-10 zoning district, and the application has demonstrated compliance with the standards for urban development contained in the Medford Land Development Ordinance.

The development of zero lot line dwellings will provide more affordable opportunities for owner occupied dwellings

On behalf of the applicant, I respectfully request the approval of the application for Tentative Plat approval of Jordan View Subdivision.

Regards,



Scott Sinner, President
Scott Sinner Consulting, Inc.

FINDINGS OF FACT

RECEIVED
MAR 18 2019
PLANNING DEPT

BEFORE THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF AN APPLICATION FOR)	
AN EXCEPTION ON PROPERTY IDENTIFIED AS)	FINDINGS OF FACT
T37-R2W-36CD-TL 400)	AND
APPLICANT LORI MAGEL HOMES)	CONCLUSIONS
<u>SCOTT SINNER CONSULTING, INC. AGENT</u>)	OF LAW

I. BACKGROUND INFORMATION

Applicant:

Lori Magel
Lori Magel Homes
PO box 5647
Central Point, OR 97502
lorimagelhomes@gmail.com

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr.
Medford, OR 97504
541-772-1494
scottsinner@yahoo.com

Property 1 :

372W36CD TL 400
RNN Properties, L.L.C
1705 Columbus Avenue South
Medford, OR 97501
.90 Acres net
SFR 10 City of Medford Zoning (ZC-11-039)

Summary:

It this application and these findings of fact, the term "attached, zero lot line dwelling" is each of two dwelling units sharing a common wall and each on an individual lot, with each unit available for individual sale.

FINDINGS OF FACT

This application requests relief from the strict application standards found in the City of Medford Land Development Code (MLDC). The relief requested is to allow 8 dwelling units to take access from a Minimum Access Easement (MAE).

This application is submitted with an application for a land division to create 8 lots on the subject property. The relief requested with this exception will allow the MAE to be the access for the development.

The MLDC section 10.430 describes the standards for a Minimum Access Easement.

10.430 (A) Non-Street Alternatives

*(1) Minimum Access Easement. An easement containing a shared driveway having the sole function of providing direct access to immediately adjacent residentially zoned land, and upon which a **minimum of two (2) and maximum of three (3) dwelling units (not including Accessory Dwelling Units-ADU's) take access.** A minimum access easement must meet the minimum driveway turnaround standards in Section 10.746(11). Minimum access easements are permitted subject to Section 10.450. A minimum access easement does not have sidewalks or planter strips. No parking is permitted on a minimum access easement. A minimum access easement is considered a street for purposes of meeting lot frontage requirements, and for setback purposes. Therefore, a minimum access easement creates street side yards and corner lots. A minimum access easement does not create a through lot.*

The property was approved for a land division application under LDS-16-131 with 4 duplexes served with a public cul-de-sac. The cul-de-sac design provided access for 4 duplex dwellings, but that design would not allow for the lot lines necessary for the proposed 8 zero lot line dwellings.

The applicant seeks to use the attached two unit zero lot line dwellings as a more affordable home ownership opportunity for residents. The existing development on surrounding properties will not allow a street connection and a public street can only end in a cul-de-sac therefore the request to allow 8 dwellings to access a minimum access easement is the least relief required for the development of this more affordable housing type.

The current land division application seeks approval of a total of 8 dwelling units, however the units are proposed as 8 attached zero lot line dwellings, instead of 4 duplex dwellings.

The proposed dwellings will be constructed as two unit attached dwellings, similar to duplexes, however there will be a lot line in the middle of the attached wall and each half will be on a separate lot and will allow for separate ownership.

FINDINGS OF FACT

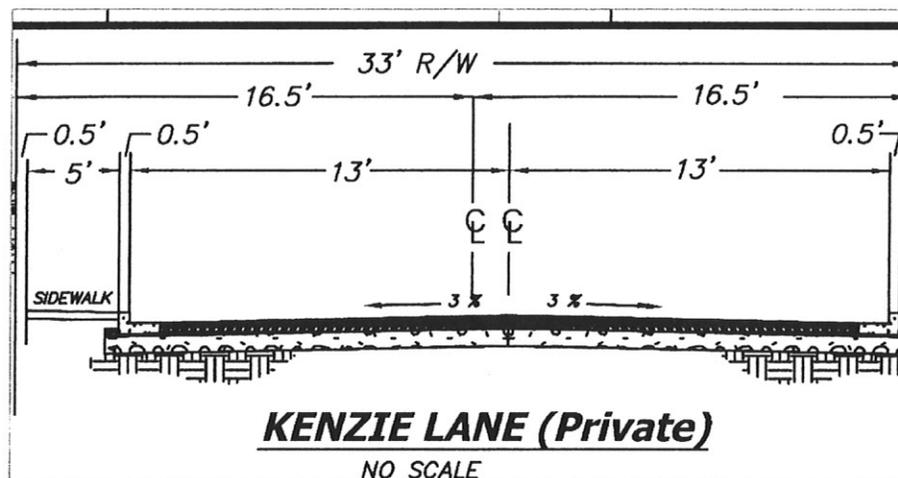
The original approved 4 duplex plat could not be configured with conforming lots for zero lot line dwellings so the applicant prepared the revised tentative plat.

The approval of this proposed plat and associated exception will provide a more affordable housing opportunity for owner occupied dwellings for the area.

The granting of the exception request will allow for 8 dwelling units to be served by a Minimum Access Easement (MAE). The Medford Land Development Code permits 3 dwellings units to access a MAE. The applicant intends to develop this MAE to the standards for a Residential Lane, which serves 8 dwellings. The access would be private and maintained by the owners of the dwellings.

The approval of the exception request submitted with this application would allow all 8 dwelling units to utilize the MAE that is proposed at 33'.

The 33' easement width would allow the applicant to develop the access to the same width of a Residential Lane with a 26' paved section and a 5' sidewalk proposed on the north side of the street.



The plat also provides a full size hammerhead fire turn around easement on lots 7 and 8 to allow adequate fire access and maneuvering.

Relevant Approval Criteria

The purpose and criteria for an exception are provided in MLDC section 10.186 below:

10.186 Exception

(A) Exception, Purpose.

The purpose of this section is to empower the approving authority to vary or

FINDINGS OF FACT

adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of:

- (1) exceptional narrowness or shape of a parcel; or*
- (2) exceptional topographic conditions; or*
- (3) extraordinary and exceptional building restrictions on a piece of property; or*
- (4) if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.*

(B) Criteria for an Exception.

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the land use review unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

FINDINGS OF FACT

Findings of Fact:

(1) *The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.*

The granting of relief from the standard of no more than 3 dwelling units taking access from a Minimum Access Easement to allow 8 units to use the MAE for access allows an outright permitted use, single family residential development, in the UR GLUP designation, and the SFR-10 zoning district.

The relief requested will result in single family development and is in harmony with the intent of the SFR-10 zoning district.

The MLDC standard for a MAE is a 20' easement and an 18' paved section, as a minimum requirement. The applicant is proposing a 33' MAE with a paved section of 26' and a 5' sidewalk on the north side of the pavement. This described street section is the same as MLDC standard for a Residential Lane. A residential lane provides access for up to 8 dwelling units.

The configuration of the proposed MAE also provides an approved fire department hammerhead turn around in the development. This provides for public safety of emergency vehicles on the site and those vehicles can maneuver onsite to exit the property in a forward manner to preserve the safety of the residents and the first responders.

Conclusions of Law:

The Planning Commission can conclude the relief requested will not *be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources.*

Findings of Fact:

(2) *The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.*

FINDINGS OF FACT

The outright permitted use in the SFR-10 zoning district is residential development.

The granting of the requested relief from the standard of no more than 3 dwelling units taking access from a Minimum Access Easement, to allow 8 dwelling units to use the MAE for access for single family residential development in the SFR-10 zoning district.

The granting of the requested relief will allow for the development of 8 dwelling units in the SFR-10 zoning district.

Conclusions of Law:

The Planning Commission can conclude the granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located

Findings of Fact:

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

This site is infill development. The parcel fronts on Columbus, classified as a major arterial street in Medford Transportation System Plan.

As a major arterial street, the MLDC has standards to control access to the higher order streets. The width of the subject property, and the proximity to Garfield Street, a minor arterial street, allows only one point of access on the property.

Existing development in the area did not provide any street connections to allow for the completion of a street circulation pattern. The site is within the area of the Southwest Circulation Plan, however lower order streets are not identified on the adopted plan and the surrounding properties were developed prior to the establishment of the Southwest Circulation Plan.

The property is currently entitled to develop a public cul-de-sac and 4 duplex buildings. The approved cul-de-sac would not allow for the duplex buildings to be configured with a lot line bisecting the duplexes to provide for the sale of each side of the duplex, to provide for an owner occupied dwelling.

The applicant has redesigned the plat as submitted to use the MAE as access for each of the 8 dwelling units, each being available for individual sale.

FINDINGS OF FACT

The propose MAE will be privately owned and maintained by the residents of the development, and the City will not be responsible for the maintenance.

Not granting the request would result in a hardship to not only the applicant but the potential homeowners that are seeking a more affordable option for home ownership than a detached single family dwelling of comparable size.

Conclusions of Law:

The Planning Commission can conclude the granting of an exception will not permit the

The Planning Commission can conclude the granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located

Findings of Fact:

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

The request to grant relief from the strict application of the standards of the MLDC to allow 8 dwelling units to use a MAE for access is not the result of an illegal act, the applicant seeks to provide a more affordable home ownership opportunity for the purchasers of the dwellings.

The attached dwellings are an efficient use of developable land and reduce construction costs as a result of shared walls and other construction assemblies.

The applicant and agent are aware of code standards and have proposed this application as the minimum relief needed to achieve the desired single family attached dwelling units.

The applicant's profit is not materially affected by the granting of the relief requested. The cost of construction for a duplex is essentially equal to the proposed attached zero lot line dwellings.

The purchaser of the dwellings will be the beneficiary of the reduced cost of the dwelling when compared to a comparable single family detached dwelling.

Conclusions of Law:

FINDINGS OF FACT

The Planning Commission can conclude the need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Application Summary and Conclusions

This application requesting relief from the strict application of the Medford Land Development Code meets for approval criteria for an exception.

The relief for the standard to allow 8 dwelling units to use a Minimum Access Easement is in harmony with the intent of the code and will not be detrimental to the general health, safety and welfare of all residents in the vicinity.

The granting of the relief will not establish a use that is not permitted in the zoning district.

There are unique circumstances which apply to this property that do not typically apply elsewhere in the City.

The need for the exception is not a result of an illegal act and knowledge of the Code is not a factor. The developer's profit is not greater as the code of development for a duplex and the proposed attached zero lot line dwellings is comparable.

The approval of the requested exception will provide a more affordable home ownership opportunity for the buyers of these dwellings when compared to single family detached dwellings of comparable size.

On behalf of the applicant, I respectfully request the approval of the application for Tentative Plat approval of Jordan View Subdivision.

Regards,



Scott Sinner, President
Scott Sinner Consulting, Inc.

Liz A. Conner

From: scottsinner@yahoo.com
Sent: Thursday, May 16, 2019 9:45 AM
To: Liz A. Conner
Subject: Jordan Village

Liz,

Apparently, I am the only person the development community that calls a duplex divided by a lot line a, "Zero Lot Line Dwelling".

All of the building lots in the proposed Jordan Village are duplexes divided by a lot line with the ability for separate ownership on each side. I will also clarify our intent at the hearing.

Please include this email in the record.

Thank you

Scott

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
541-601-0917



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 5/8/2019

File Number: LDS-19-051/E-19-047

**PUBLIC WORKS DEPARTMENT STAFF REPORT
Jordan Village Subdivision
(TL 400)**

Project: Consideration of a proposed tentative plat for an 8-lot residential zero lot line dwelling subdivision with an exception to the number of units allowed to take access off a minimum access easement on 0.9 acres

Location: Located on the east side of Columbus Ave approximately 150 feet south of Garfield St. within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district. (372W36CD TL 400).

Applicant: Scott Sinner Consulting LLC, applicant. Liz Conner, Planner.

The following items shall be completed and accepted prior to the respective events under which they are listed:

- Approval of Final Plat:
Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
Construction of public improvements (Items A through E)
- Issuance of Certificates of Occupancy for individual units:
Sidewalks (Items A2)

A. STREETS

1. Dedications

South Columbus Avenue is classified as a Major Arterial street within the Medford Land Development Code (MLDC), Section 10.428(1). The developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to comply with the half width of right-of-way, which is 50-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **South Columbus Avenue**, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Kenzie Lane (Private) according to MLDC 10.430A(1) would require a minimum width of 20-feet. However, it is proposed to be constructed as a widened Minimum Access with an easement width of 33-feet. This exceeds the minimum requirements for a Minimum Access Easement.

An **exception request** has been submitted, which includes allowing the eight (8) units to take access from the Minimum Access Easement (Kenzie Lane). The maximum allowed under MLDC 10.430A(1) is 3 dwelling units. Also included is the elimination of the cul-de-sac requirement in MLDC 10.450. **Public Works supports these requests** as the Minimum Access Easement will be a private street, maintained by the home owners, and the property to the north, east and south are all fully developed with no opportunity for future street connectivity. If the exception request is denied then the proposed Minimum Access Easement shall be a Residential Lane with a right-of-way width of 33-feet and a cul-de-sac shall be required at the east terminus of this street per MLDC 10.430(3) and 10.450.

Corner radii shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or

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mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

South Columbus Avenue shall be improved to Major Arterial street standards, which includes a 70-foot wide paved section, complete with curbs, gutters, 10-foot wide park strips, 5-foot wide sidewalks, 6-foot wide bike lanes in accordance with MLDC 10.428(1). However, the South Medford High School project (P1728D) completed partial improvements to the west half plus 16-feet east of centerline to South Columbus Avenue. Therefore, along this partially improved portion, the Developer shall improve the remaining east half to provide a 35-foot half street width. This shall include saw cutting the existing east edge of pavement back a minimum of 1-foot to ensure structural integrity and to provide cross slopes that meet current standards as required.

The developer shall receive SSDC credits for the public improvements on South Columbus Avenue per the value established by the Medford Municipal Code, Section 3.815.

Kenzie Lane (Private) shall be built with a minimum width of 20-feet, consistent with MLDC 10.430A(1). However, it is proposed to be constructed to a 26-foot wide paved section, complete with curbs, gutters, 5-foot wide sidewalk on the north side and street lights. This exceeds the minimum requirements for a Minimum Access Easement and it will be the responsibility of the property owners to maintain.

An **exception request** has been submitted, which includes allowing the eight (8) units to take access from the Minimum Access Easement (Kenzie Lane). The maximum allowed under MLDC 10.430A(1) is 3 dwelling units. Also included is the elimination of the cul-de-sac requirement in MLDC 10.450. **Public Works supports these requests** as the Minimum Access Easement will be a private street, maintained by the home owners, and the property to the north, east and south are all fully developed with no opportunity for future street connectivity. If the exception request is denied then the proposed Minimum Access Easement shall be built as a Residential Lane consistent with MLDC 10.430(3) and a cul-de-sac will be constructed at the east terminus of this street per MLDC 10.430(3) and 10.450.

b. Street Lights and Signing

The developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. **Note:** There might be a conflict with NB advance loop JB/conduit at the signal of Columbus Ave at Garfield St. Most likely the conduit would have to be lowered

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going across Kenzie Lane when the roadway gets developed.

Traffic Signs and Devices – City Installed, paid by the Developer:

B. None

Although Kenzie Lane is proposed as a private lane, the development would still need to follow 10.495 (B) requirements.

Numbers are subject to change if changes are made to the plans. All street lights shall be installed per City standards and be shown on the public improvement plans. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs, school signs, dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

The Developer shall be responsible for notifying by certified letter all utility companies, as well as all current 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 at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

d. Soils Report

The Developer’s engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development. The soils report shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

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e. Access to Public Street System

All lots shall take vehicle access from Kenzie Lane (Private). No further access to South Columbus Avenue shall be allowed.

f. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes which are not constructed within the street section.

Easements shall be shown on the final plat and the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed improvements have a

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nexus to these purposes and policies.

2. Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining “rough proportionality” have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

South Columbus Avenue is classified as a Major Arterial street per the adopted Circulation Plan. It is the primary connector between Stewart Ave and Diamond Street. As a Major Arterial, S Columbus Ave will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order street, it is eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets and are therefore roughly proportional.

Kenzie Lane (Private) and Cul-de-sac:

The private Minimum Access Easement (Kenzie Lane) does not warrant an analysis. However, if the exception request is denied the following analysis shall apply.

In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications to a Residential Lane. The proposed development has 8 dwelling units and will improve approximately 145 lineal feet of roadway which equates to 18 lineal feet per dwelling unit. Also the development will dedicate approximately 4,785 square feet of right-of-way which equates to approximately 598 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Silky Oaks Subdivision Phase 1 & 2 north of this development on the north side of Maple Park Drive and consisted of 19 dwelling units. The previous development improved approximately 351 lineal feet of roadway and dedicated approximately 19,690 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 18 lineal feet of road per dwelling unit and approximately 1,036 square feet of right-of-way per dwelling unit

- a. Dedication will ensure that new development and density intensification provides the

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current level of urban services. This development will create an additional 8 new Lots within the City of Medford and increase vehicular traffic by approximately 75 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.

- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous developments in the vicinity to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Developer shall contact RVSS for conditions of connection to the sanitary sewer collection system.

C. STORM DRAINAGE

1. 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.

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2. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that the construction of the controlled storm water release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the developer or a Home Owners Association (HOA). The developer's engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

3. 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. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

4. Mains and Laterals

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

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 than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All

manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

5. Erosion Control

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

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

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall

submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. Phasing

The proposed plans do not show any phasing.

4. Draft of Final Plat

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

5. Easements

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

6. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

7. System Development Charges (SDCs)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24-inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat.

8. 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 public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, 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.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

"G"

SUMMARY CONDITIONS OF APPROVAL

Jordan Village Subdivision
(TL 400)

LDS-19-051/E-19-047

A. Streets

1. Street Dedications to the Public:

- South Columbus Avenue – Dedicate additional right-of-way.
- Kenzie Lane – Dedicate full width right-of-way, unless otherwise approved with the requested exception.
- Dedicate 10-foot Public Utility Easements (PUE).

2. Improvements:

Public Streets

- Improve South Columbus Avenue to Major Arterial street standards.
- Construct Kenzie Lane to Residential Lane standards and cul-de-sac street standards, unless otherwise approved with the requested exception.

Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

Access and Circulation

- All lots shall take vehicle access from Kenzie Lane (Private). No further access to South Columbus Avenue shall be allowed.

Other

- No pavement moratorium currently in effect along this frontage to Ross Lane North.
- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer:

- The site is situated within the RVSS area. Provide private laterals to each lot.

C. Storm Drainage:

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide Engineers certification of stormwater facility construction.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- = City Code Requirement
- = Discretionary recommendations/comments

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.

P:\Staff Reports\LDS\2019\LDS-19-051_E-19-047 Jordan Village Subdivision 8-Lots (TL 400)\LDS-19-051_E-19-047 Staff Report-LD.docx Page 12 of 12

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

Memo



To: Liz Conner, Planning Department
From: Mary Montague, Building Department
CC: Applicant, Lori Magel Homes; Agent Scott Sinner Consulting, Inc.
Date: May 8, 2019
Re: Jordan Village; LDS-19-051/E-19-047

Building Department:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.
5. Permit is required for the sound wall.
6. A permit is required for the storm detention.
7. Provide a letter to the building official per Section R401.4 indicating if expansive soils are present or not. If expansive soils are present then a site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information per Section 403.1.10 and on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.
8. These are single family attached homes. Additionally, construction will follow Section R302.2 Townhouses in the 2017 ORSC or current code at time of construction.

STAFF MEMO

To: Liz Conner
From: Jennifer Ingram, Address Technician
Date: May 8, 2019
Subject: LDS-19-051

1. Please select an alternate street name for the proposed street *Kenzie*, as there is already a street named *McKenzie* in Medford (near this proposed development, in fact). Per the City of Medford Municipal Code (see section 10.457), proposed street names cannot sound the same or similar to any other streets in Jackson County. In addition, duplicate or similar street names are a problem for 911 Dispatch/Emergency Services.
2. A minimum access drive address sign displaying the address for lot 8 will need to be placed at the entrance of the minimum access drive/easement.

CITY OF MEDEORD
EXHIBIT # L
FILE # LDS-19-051 / E-19-047



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 5/2/2019

Meeting Date: 5/8/2019

LD File #: LDS19051 **Associated File #1:** E19047

Planner: Liz Conner

Applicant: Lori Magel; Agent: Scott Sinner Consulting LLC

Project Location: located on the east side of Columbus Ave approximately 150 feet south of Garfield St. within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district. (372W36CD TL 400)

ProjectDescription: Consideration of a proposed tentative plat for an 8-lot residential zero lot line dwelling subdivision with an exception to the number of units allowed to take access off a minimum access easement on 0.9 acres.

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments	Description
OFC 508.5	One new fire hydrant is required near the corner of South Columbus Ave./Kenzie Lane in front of lot #1.	<p>Fire hydrants with reflectors will be required for this project.</p> <p>The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.</p> <p>Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a</p>

CITY OF MEDFORD
EXHIBIT # J 1 of 2
FILE # LDS-19-051 / E-19-047

OFC 503.4 Parking shall be posted as prohibited along one side of Kenzie Lane and in the fire department turn around area.

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).

Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING-FIRE LANE" (See handout).

For privately owned properties, posting/marking of fire lanes may be accomplished by any of the following alternatives to the above requirement (consult with the Fire Department for the best option):

Alternative #1:

Curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals.

Alternative #2:

Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot intervals.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).

This restriction shall be recorded on the property deed as a requirement for future construction.

A brochure is available on our website at:

<http://www.ci.medford.or.us/Files/Fire%20Lane%20Brochure.pdf>

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

"J"
2 of 2



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: LDS-19-051 & E-19-047

PARCEL ID: 372W36CD TL 400

PROJECT: Consideration of a proposed tentative plat for an 8-lot residential zero lot line dwelling subdivision with an exception to the number of units allowed to take access off a minimum access easement on 0.9 acres, located on the east side of Columbus Ave approximately 150 feet south of Garfield St. within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district. (372W36CD TL 400); Scott Sinner Consulting LLC, applicant. Liz Conner, Planner.

DATE: May 8, 2019

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of an 8-inch ductile iron water line is required with connection to the existing 24-inch concrete cylinder pipe in S Columbus Avenue. This 8-inch water line shall extend to the east into the "public" right-of-way along Columbus Avenue where the 8-inch water line is required to branch to both the north and south. The north branch is required to be an 8-inch ductile iron pipe, and the south branch is required to be a 4-inch ductile iron pipe.
4. The required 8-inch ductile iron water line branch to the north will provide domestic water to proposed Lots 7 & 8 and will also have a Fire Hydrant located off the northerly end of this 8-inch line.
5. The required 4-inch ductile iron water line branch to the south will provide domestic water to proposed Lots 1 thru 6.
6. Installation of a total of 8 (eight) water meters is required. Water meters for Lots 7 & 8 shall be "grouped" along the east side of S Columbus Avenue north of the "private" drive off the above required 6-inch water line. Proposed Lots 1 thru 6 shall have their water meters "grouped"

Continued to Next Page



Continued from Previous Page

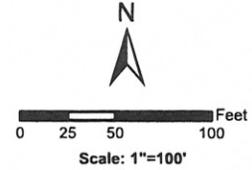
along the east side of S Columbus Avenue south of the "private" drive. "Private" water service lines shall extend from each water meter box to each proposed Lot. Applicants civil engineer shall coordinate proposed location of water meters with MWC engineering staff.

7. The existing "well" located on this parcel is required to be abandoned per Oregon Water Resources Department Chapter 690 Division 220.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Condition 3 above)
3. MWC-metered water service does not exist to this property.
4. Access to MWC water lines is available. There is an existing 24-inch bar-wrapped concrete cylinder pipe water line in Columbus Avenue.

"K"



Water Facility Map
 for
LDS-19-051 & E-19-047
 May 8, 2019

Legend

- ⊙ Air Valve
- ⊙ Sample Station
- Fire Service
- ⬢ Hydrant
- ▲ Reducer
- Blow Off
- ⊕ Plugs-Caps

Water Meters:

- ⊙ Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- ⊙ Butterfly Valve
- ⊙ Gate Valve
- ⊙ Tapping Valve

Water Mains:

- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots

MWC Facilities:

- C** Control Station
- P** Pump Station
- R** Reservoir



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission does not accept responsibility for errors, omissions, or outdated information. There are no warranties, expressed or implied.
 Date: 5/8/2019
 Path: G:\MWC\Info\MWC Map - MWC IDE - Letter L5 - May 2 2019.mxd



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

May 1, 2019

City of Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: LDS-19-051 Jordan Village (Map 372W36CD, TL400)

ATTN: Elizabeth,

There is an 8 inch sewer along Columbus Avenue and a 4 inch service extended to the property. The existing sewer lateral to the property must be abandoned at the right-of-way per RVSS standards. Sewer service for the proposed development can be had by sewer main extension from the main along Columbus Avenue.

Sewer connection permits will be issued by the City of Medford. However, sewer system development charges will be owed to RVSS.

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

1. The existing sewer service to the property must be abandoned per RVSS standards. A no cost sewer abandonment permit must be obtained from RVSS to perform this work.
2. All sewer design and construction must be performed in accordance with RVSS standards.
3. An RVSS sewer easement must be dedicated for all sewer mains constructed on private property.
4. The sewer system must be accepted by RVSS prior to platting the subdivision and the issuance of plumbing permits.
5. The applicant must pay sewer system development charges to Rogue Valley Sewer Service prior to construction.

Feel free to call with any questions.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2019\LDS-19-051 & E-19-047_JORDAN VILLAGE.DOC

CITY OF MEDFORD
EXHIBIT # L
FILE # LDS-19-051 / E-19-047



MEDFORD IRRIGATION DISTRICT

PO Box 70.
Jacksonville OR 97530
Office (541)899-9913
Fax (541)899-9968

City of Medford Planning Dept.

April 30, 2019

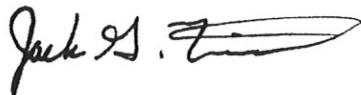
ATTN: Elizabeth Conner

File No.: LDS-19-051, E-19-047

Jordan Village Subdivision

After reviewing the documents attached to the Jordan Village Subdivision land development project, the Medford Irrigation District would request the developer contact the district about the facilities we have on the west end of the development. The District also requires water rights within the proposed development to be transferred off prior to subdividing. If there are any questions regarding these conditions of approval, please contact our office.

Sincerely,



Jack Friend, District Manager

Medid@medfordid.org

Office: 541-899-9913

CITY OF MEDFORD
EXHIBIT # M
FILE # LDS-19-051 / E-19-047



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
dejanvca@jacksoncounty.org

www.jacksoncounty.org

April 30, 2019

Attention: Liz Conner
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Tentative plat approval for proposed 22-lot subdivision on
Columbus Avenue - a County maintained road at this location
Planning File: LDS-19-051/E-19-047

Dear Liz:

Thank you for the opportunity to comment on this consideration of a tentative plat for a 8-lot residential zero lot line subdivision with an exception to the number of units allowed to take access off a minimum access easement on 0.9 acres, located on the east side of Columbus Avenue within a Single Family Residential 10 dwelling units per gross acre (SFR-10) zoning district (37-2W-36CD tax lot 400). Jackson County Roads has the following comments:

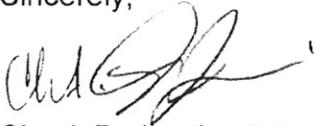
1. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Columbus Avenue. Jackson County Roads recommends that the city request jurisdiction of this road.
2. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
3. If county storm drain facilities are to be utilized, the applicant's registered Engineer shall provide a hydraulic report and plans for review and approval by Jackson County Roads. Storm drainage runoff is limited to that area currently draining to the County storm drainage system. Upon completion of the project the developer's Engineer shall certify that the construction of the drainage system was constructed per the approved

plan. A copy of the certification shall be sent to Chuck DeJanvier at Jackson County Roads.

4. Columbus Avenue is a County Minor Arterial and is maintained by the County. The Average Daily Traffic count was 3,349 on June 27, 2018, 75' north of South Stage Road. As a comparison of capacity for Columbus Avenue, the capacity of a two lane rural road with ten foot lanes and no shoulders is 5,888 ADT.
5. No accesses will be permitted from Columbus Avenue.
6. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
7. We would like to be notified of future development proposals, as county permits may be required.
8. If frontage improvements are required off Columbus Avenue, they shall be permitted and inspected by the City of Medford.
9. Storm water should meet City of Medford requirements that also include water quality.
10. Roads and Parks concur with any right-of-way dedication required by the City of Medford.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,



Chuck DeJanvier, PE
Construction Engineer

"N"

Liz A. Conner

From: Shandell Clark <ClarkSP@jacksoncounty.org>
Sent: Monday, April 29, 2019 12:13 PM
To: Liz A. Conner
Subject: FW: Review of Jordan Village

Not sure why, but this bounced back the first time.

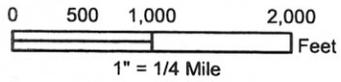
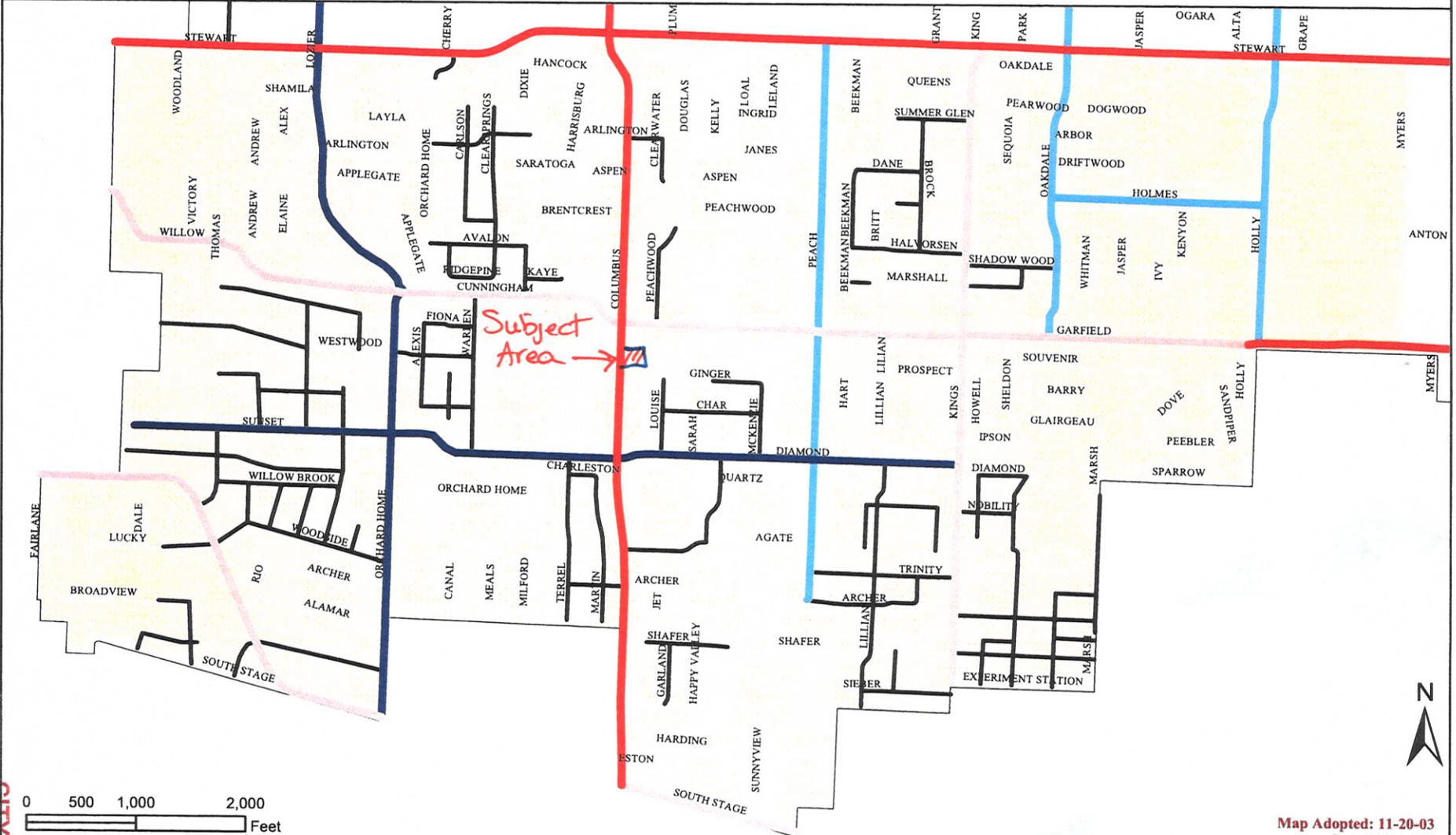
From: Shandell Clark
Sent: Monday, April 29, 2019 12:09 PM
To: 'Elizabeth.conner@cityofmedford.org.' <Elizabeth.conner@cityofmedford.org.>
Cc: Ted Zuk <ZukTJ@jacksoncounty.org>
Subject: Review of Jordan Village

Good Morning Elizabeth,
Thank you for the opportunity to review the Jordan Village proposal. My only comment is related to parking. Specifically, will parking be allowed on Kenzie Lane?
If so, the overall width of the travel lane should be reduced to reflect presumed parking along one or both sides.
This came up on several infill projects at my previous jurisdiction, and caused quite a dilemma for the new residents.
Therefore, I thought it pertinent to share.
Sincerely,
Shandell

Shandell Clark
Development Services
Planning Manager

 JACKSON COUNTY
10 South Oakdale Ave., Rm 100
Medford, OR 97501
PH: 541-774-6519
Fax: 541-774-6791
clarksp@jacksoncounty.org

Adopted Southwest Medford Circulation Plan



Street Classifications

- Major Arterial
- Major Collector
- Residential
- Minor Arterial
- Minor Collector
- Other Streets



UGB



Adopted Circulation Plan Area



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.

Map Adopted: 11-20-03
Ord. # 2003-299
Map Printed: 1-29-04



Project Name:

**Jordan Village
 Subdivision**

Map/Taxlot:

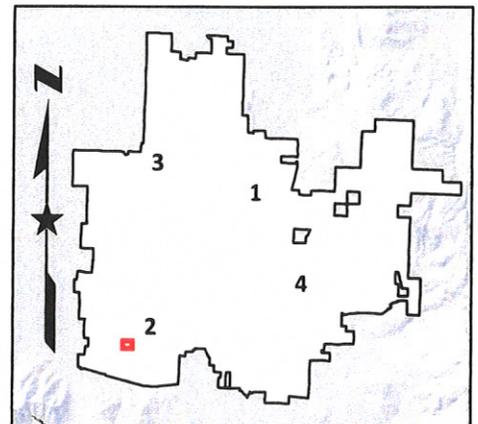
372W36CD TL 400



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

03/29/2019





STAFF REPORT

for a type-III quasi-judicial decisions: **Land Division & Conditional Use Permit**

PROJECT The Meadows at Crooked Creek
Applicant: Meadows at Crooked Creek, LLC.
Agent: CSA Planning

FILE NO. LDS-19-040 / CUP-19-041

TO Planning Commission

for May 23, 2019 hearing

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director

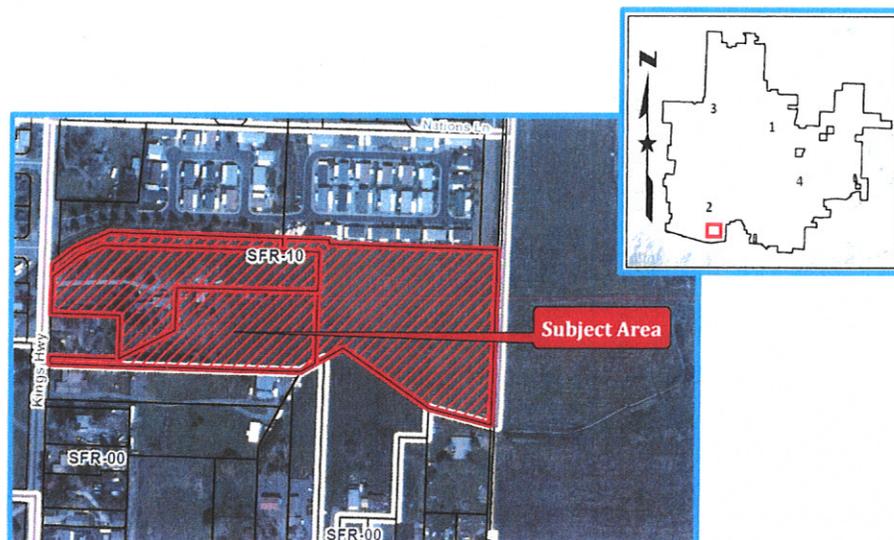
DATE May 16, 2019

BACKGROUND

Proposal

Consideration of tentative plat approval for The Meadows at Crooked Creek, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on four contiguous parcels totaling 10.3-acres, and located at 2145 Kings Highway, in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000, 3900, 4200 & 381W06B TL 400).

Vicinity Map



Subject Site Characteristics

Zoning: SFR-10
GLUP: UR (Urban Residential)
Overlay(s): None
Use(s): Single-family residence

Surrounding Site Characteristics

North Zone: SFR-10
Use(s): Residential
South Zone: SFR-00
Use(s): Residential
East Zone: Jackson County EFU
Use(s): Residential
West Zone: SFR-6 & SFR-00
Use(s): Residential

Related Projects

ZC-05-069 Zone Change
LDS-07-168 Tentative Plat approval for Kings Place Subdivision (expired)

Applicable Criteria

MLDC 10.202(E): Land Division Criteria

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*

- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;*
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

Medford Municipal Code §10.184(C) Conditional Use Permit Approval Criteria.

- (1) The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.*
 - (a) 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.*
 - (b) 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.*
- (2) In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:*
 - (a) 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.*
 - (b) Establish a special yard or other open space or lot area or dimension requirement.*
 - (c) Limit the height, size, or location of a building or other structure.*
 - (d) Designate the size, number, location, or nature of vehicle access points.*
 - (e) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.*
 - (f) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.*
 - (g) Limit or otherwise designate the number, size, location, height, or lighting of signs.*
 - (h) Limit the location and intensity of outdoor lighting, or require its shielding.*
 - (i) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.*
 - (j) Designate the size, height, location, or materials for a fence.*

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

Medford Municipal Code §10.184(D) Conditional Use Permits, Mitigation of Impacts.

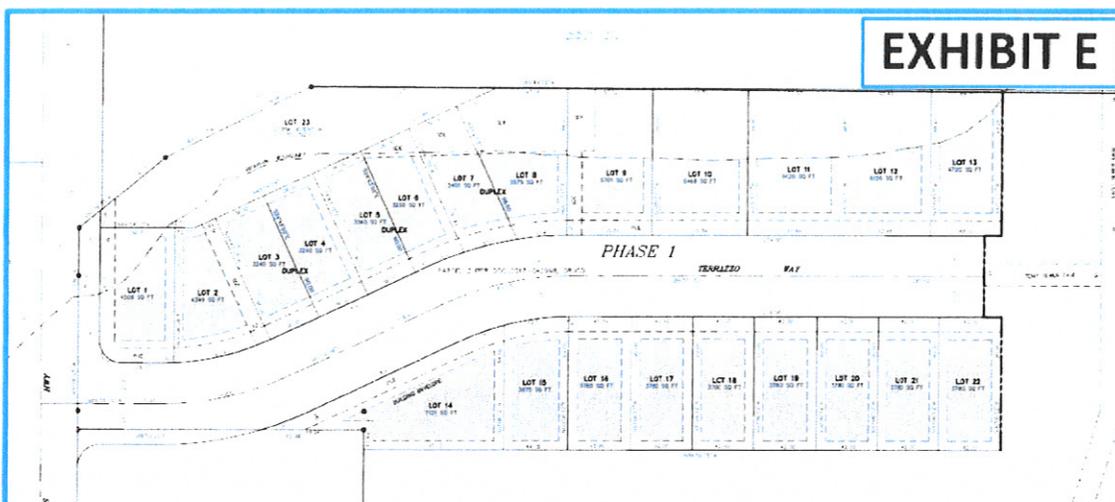
A conditional use requiring the mitigation of impacts under Subsection (C)(1)(b) above must do one of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

ISSUES AND ANALYSIS

Project Summary

With the subject development, the applicant is requesting to subdivide the site, developing a 3.28-acre portion of the site as The Meadows at Crooked Creek, a proposed 22-lot residential subdivision consisting of 16 single-family lots and 6 duplex lots (divided by lot lines); while the remaining 7.02 acres of the site – tracts B, C and D, as identified on the tentative plat – are proposed as Reserve Acreage to be developed in the future. Tract A, as identified on the tentative plat, is proposed for stormwater detention, and therefore, as with Reserve Acreage, is considered a Non-Development Area (NDA), pursuant to MLDC 10.708(3)(d).



Access to the subject site is currently provided solely by Kings Highway, classified as a Major Arterial, while the unimproved right-of-way of Marsh Lane abuts the site at its northeast corner. The submitted tentative plat shows the creation of a new public street, Terrazzo Way, proposed as a 55-foot wide Minor Residential street running east-west through the project from Kings Highway and stubbed at the easterly boundary of the subject development.

Density

Density Table

SFR-10	Allowed	Shown
Min. /Max. Density <i>6.0 to 10.0 dwelling units per gross acre</i>	20 to 33 lots	22 lots

As shown on the Density Table above, based on 3.28 acres of developable land, the creation of 22 lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-10 zoning districts, respectively, as per MLDC 10.710.

Development Standards

Site Development Table

SFR-10	Lot Area	Min. lot Width (Interior)	Min. lot Width (Corner)	Min. lot Depth	Min. Lot Frontage
Required SFR-10 standard lots	3,600 to 8,125	40 feet	50 feet	90 feet	30 feet
Shown	3,780 to 7,121	41.59 feet (lowest)	50 feet (lot 1)	90 feet	41.59 feet (lowest)
Required SFR-10 duplex lots	3,000 to 6,250	25 feet	NA	90 feet	15 feet
Shown	3,240 to 5,575	25.4 feet (lowest)	NA	90 feet (lowest)	25.4 (lowest)

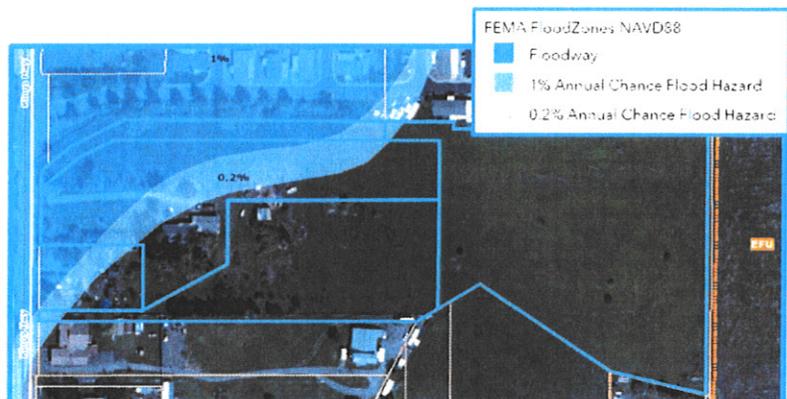
As shown in the Site Development Tables above, it can be found that the 22 lots shown on the tentative plat meet all the dimensional standards for the SFR-10 zoning districts as found in Article V of the Medford Land Development Code.

Reserve Acreage

The submitted tentative plat shows Tract A reserved for storm detention, while Tracts B, C and D are identified as Reserve Acreage. Pursuant to MLDC 10.728(A)(3)(a), that portion of the project site which is not intended to be part of the development and can be separately developed at a later time – Non-Development Areas (NDAs) – may be removed from the density calculation at the discretion of the developer. The portions of the project site identified as NDAs are not subject to the dimensional standards of the underlying zoning district (lots conforming to the dimensional standards of the underlying zone will be required with the future development of the Reserve Acreage portion of the site), and while the construction of public improvements along all abutting rights-of-way are required of subdivisions prior to final plat approval, the public improvements for the tracts identified as Reserve Acreage will be delayed until the time at which the properties are developed, pursuant to MLDC 10.708(A)(3)(a).

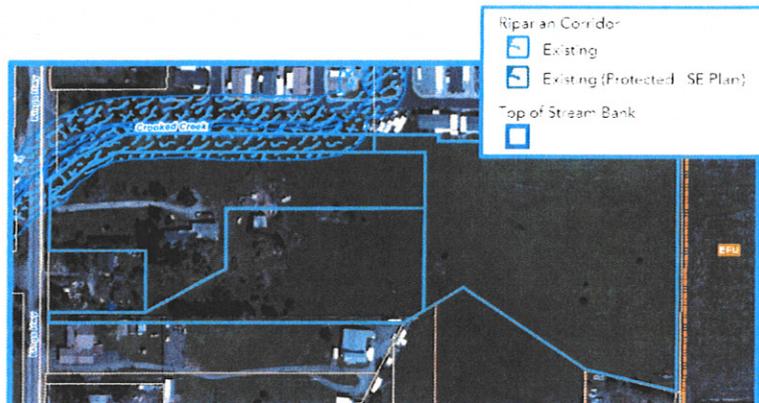
Floodplain

Much of the proposed development is located within the 1% Special Flood Hazard Area (SPHA). As a condition of approval, the applicant will be required to obtain a floodplain permit through the City prior to final plat approval.



Riparian Corridor

The northwesterly portion of the site is encumbered by the riparian corridor of Crooked Creek. Per MLDC 10.922, Crooked Creek is identified as a protected waterway within the City. As such, a 50-foot riparian corridor – measured horizontally from the top-of-bank on both sides of the creek – is applied to the section of Crooked Creek abutting the lot, restricting development within this established corridor. The creek's southerly top-of-bank encroaches within the boundary of the subject site along its northwesterly corner, with the 50-foot riparian corridor area almost completely covering lot 3900. Per MLDC 10.925, titled *Conditional Uses within Riparian Corridors*, water-related or water-dependent uses,



including drainage facilities, are allowed within a riparian corridor subject to the approval of a Conditional Use Permit.

With the subject request, the applicant is requesting a CUP in order to place the site's storm detention facilities (tract A) partially within the riparian corridor of Crooked Creek. The subdivision has been designed in a manner that all dwellings are capable of being sited outside the 50-foot riparian corridor. Consistent with the requirements found in MLDC 10.925, the applicant has submitted a Mitigation Plan (Exhibit H) that shows planting and a continuous row of trees along the creek's south side and the plantings within and throughout the storm detention facilities. The applicant has also provided a letter of recommendation from the Oregon Department of Fish and Wildlife (ODFW) (Exhibit Z), and staff has received an email from ODFW confirming its approval of the proposal (Exhibit Y).

It is further staff's view that the submitted Mitigation Plan will provide greater protection of the riparian corridor from what currently exists. Therefore, the granting of the CUP request can be made in keeping with the purpose and intent of the *Medford Land Development Code*, and 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.

As a condition of approval, the applicant will be required to install the plantings and irrigation system in accordance with the approved Riparian Planting Plan, and provide staff with documentation of a conservation easement to ensure that the section of the Riparian Corridor contained within the subject site will be protected in perpetuity, prior to the approval of the final plat.

Lot Line dispute

Staff was contacted by an abutting neighbor of the proposed development, Christian Nelson (2165 Kings Hwy) on May 15, 2019 (Exhibit CC). Mr. Nelson is disputing the accuracy of the submitted tentative plat, specifically the location of his shared (northerly) property line with lot 4000. City staff is currently working with Mr. Nelson and the applicant in investigating the matter. At the time of this writing, a resolution has not been reached.

Facility Adequacy

Per the agency comments submitted to staff, (Exhibits S-V), including the Rogue Valley Sewer Services, it can be found that there are adequate facilities to serve the future development of the site.

Other Agency Comments

Jackson County Roads (Exhibit X)

Jackson County Roads memo includes an itemized list of 11 comments, including the requirement that the applicant submit construction plans to Jackson County Roads, so that they may determine if County permits will be required.

As a condition of approval, the applicant will be required to comply with all requirements of Jackson County Roads, prior to final plat approval.

Medford Irrigation District (Exhibit AA)

The subject site is located within the Medford Irrigation District (MID). Per the letter submitted by the District Manager, MID requests that the developer contact the district about water rights within the proposed development to be transferred off prior to subdividing.

Committee Comments

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

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (The Meadows at Crooked Creek), which has been reviewed and approved by the City's Address Technician; the plat includes the creation of a public street (Terrazzo Way), which are laid out to be consistent with existing and planned streets of the adjoining properties; and criterion 5-6 are inapplicable.

Conditional Use Permit

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.

The Commission can find that the submitted Mitigation Plan will provide greater protection of the riparian corridor from what currently exists, therefore, the granting of the CUP to allow the applicant to locate the site's storm detention facilities (tract A) partially within the riparian corridor of Crooked Creek can be made in keeping with the purpose and intent of the *Medford Land Development Code*, and 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.

This criterion is satisfied.

- (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.

This criterion is not applicable.

Staff recommends that the Commission adopt the Findings of Fact as recommended by staff.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-19-040 & CUP-19-041 per the staff report dated May 16, 2019, including:

- Exhibits A through CC.
- Adoption of the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit Q).

EXHIBITS

- A Conditions of Approval, dated May 16, 2019.
- B Tentative Plat (1 of 2), received May 14, 2019.
- C Conceptual Grading and Drainage Plan, received April 17, 2019
- D Conceptual Utility Plan, received April 17, 2019.
- E Building Envelopes Plan, received April 17, 2019.
- F Proposed Lots by Type Plan, received April 17, 2019.
- G Conceptual Future Division Plan, March 4, 2019.
- H Proposed Mitigation Plan, received March 4, 2019.
- I Subdivision Layout on Aerial, received March 4, 2019.
- J Floodplain Information Map (1 of 2), received March 4, 2019.
- K Adopted Southwest Medford Circulation Map, received March 4, 2019.
- L Medford Irrigation Map, received March 4, 2019.
- M GLUP Map, received March 4, 2019.
- N Zoning Map, received March 4, 2019.
- O Assessor's Map (1 of 3), received March 4, 2019.
- P Applicant's narrative, received March 4, 2019.
- Q Finding of Fact and Conclusion of Law, received March 4, 2019.
- R Demonstration of Compliance with Applicable Land Division Criteria, received March 4, 2019.
- S Public Works report, received May 8, 2019.
- T Medford Water Commission memo and associated map, received May 8, 2019.
- U Fire Department report, received May 8, 2019.
- V Rogue Valley Sewer Services (RVSS) report, received May 9, 2019.
- W Floodplain report, drafted May 8, 2019.
- X Jackson County Roads memo, received April 30, 2019.
- Y Oregon Department of Fish & Wildlife email, received April 29, 2019.
- Z Oregon Department of Fish & Wildlife letter of recommendation, dated January 29, 2019.
- AA Medford Irrigation District letter, received April 30, 2019.
- BB Applicant's supplemental findings, received May 14, 2019.
- CC Neighbor email (Christian Nelson, 2165 King Hwy), received May 15, 2019.

Vicinity map

PLANNING COMMISSION AGENDA:

MAY 23, 2019

EXHIBIT A

The Meadows at Crooked Creek
LDS-19-040 / CUP-19-041
Conditions of Approval
May 16, 2019

DISCRETIONARY CONDITIONS

1. The Commission accepts the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit Q), and applies them as conditions except as modified.

CODE REQUIRED CONDITIONS

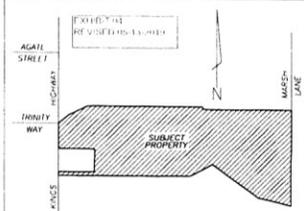
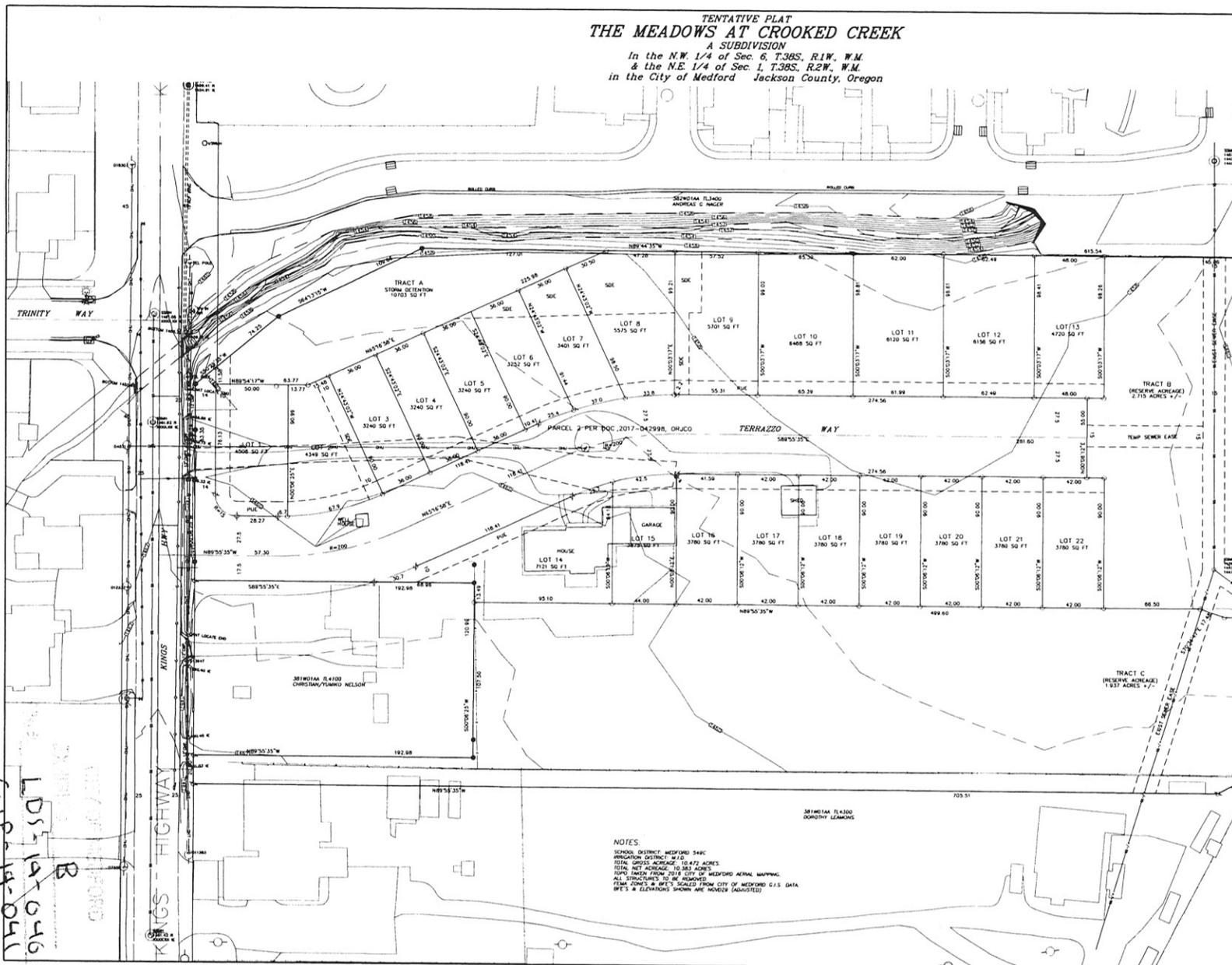
Prior to the approval of the final plat, the applicant shall:

2. Comply with all requirements of the Medford Public Works Department (Exhibit S)
3. Comply with all conditions stipulated by the Medford Water Commission (Exhibit T).
4. Comply with all requirements of the Medford Fire Department (Exhibit U).
5. Comply with all requirements of the Rogue Valley Sewer Services (Exhibit V).
6. Comply with all requirements of Jackson County Roads (Exhibit X).
7. Comply with all requirements outlined in the Floodplain report (Exhibit W).
8. Install the plantings and irrigation system in accordance with the approved Mitigation Plan (Exhibit H), and provide staff with documentation of a conservation easement to ensure that the section of the Riparian Corridor contained within the subject site will be protected in perpetuity.

CITY OF MEDFORD
EMERALD A
LDS-19-040
CUP-19-041

TENTATIVE PLAT
THE MEADOWS AT CROOKED CREEK
 A SUBDIVISION

In the NW 1/4 of Sec. 6, T.38S, R.1W, W.M.
 & the NE 1/4 of Sec. 1, T.38S, R.2W, W.M.
 in the City of Medford Jackson County, Oregon



VICINITY MAP
 NOT TO SCALE

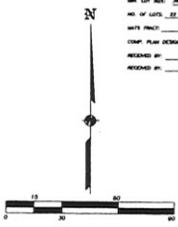
DATE: 10 MAY 2018

PROJECT: MEADOWS AT CROOKED CREEK, 4000 & 4200

OWNER: MEADOWS AT CROOKED CREEK LLC

PREPARED BY: JAMES E. HILLYER

DATE: 10 MAY 2018



NOTES:
 1. RECORD DISTRICT: MEDFORD 349C
 2. JURISDICTION DISTRICT: W.J.S.
 3. TOTAL GROSS ACRES: 10.477 ACRES
 4. TOTAL NET ACRES: 10.383 ACRES
 5. DATA FROM 2018 CITY OF MEDFORD AERIAL MAPPING
 6. ALL STRUCTURES TO BE REMOVED
 7. ELEVATIONS & AREAS SCALED FROM CITY OF MEDFORD GIS DATA
 8. ELEVATIONS SHOWN ARE APPROXIMATE (ADJUSTED)

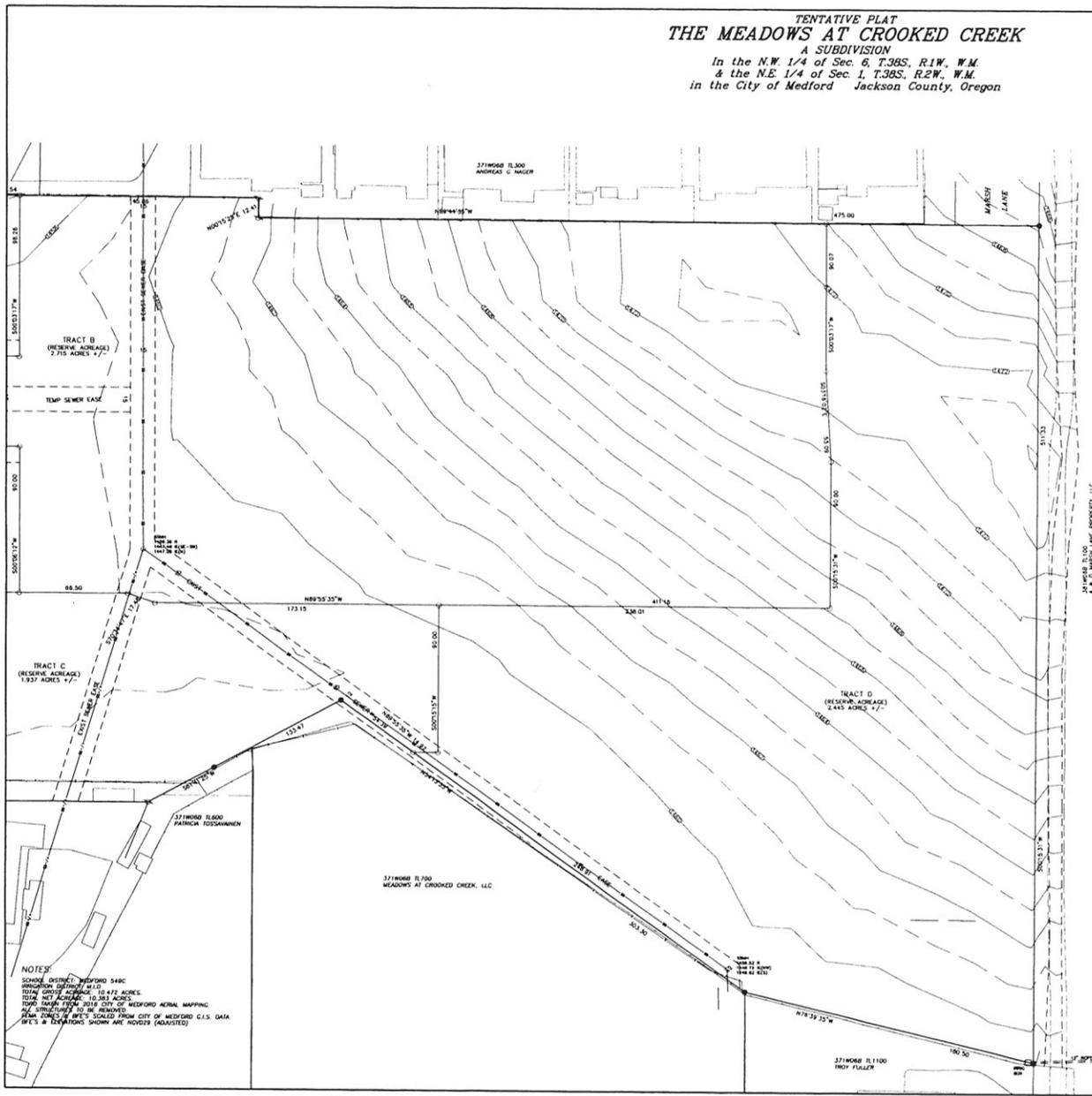
REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hillyer
 JAMES E. HILLYER
 2324
 MEDFORD, OREGON 97504
 EXPIRES: 12-31-19

PROJECT: TENTATIVE SUBDIVISION PLAT	DATE: 10 MAY 2018
ADDRESS: MAP # 30 110068 11 400	SCALE: 1" = 40' (AS SHOWN)
OWNER: MEADOWS AT CROOKED CREEK LLC	OWNER: JAMES E. HILLYER
PROJECT: 3182X HISTORIC COLUMBIA RIVER HWY, TROUTDALE, OR 97060	DATE: 10 MAY 2018
L.J. FRIAR & ASSOCIATES P.C. REGISTERED PROFESSIONAL LAND SURVEYORS 200 1ST ST, SUITE 100, MEDFORD, OREGON 97504 TEL: 541-753-1111 FAX: 541-753-1112	

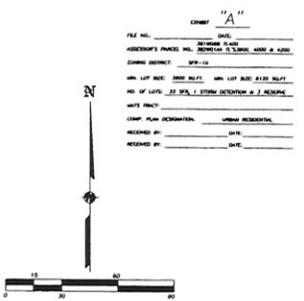
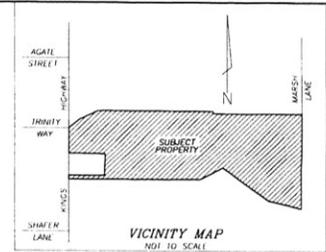
LD5-1A7046
 CDP-14-041
 B

TENTATIVE PLAT
THE MEADOWS AT CROOKED CREEK
 A SUBDIVISION

In the N.W. 1/4 of Sec. 6, T.38S, R.1W, W.M.
 & the N.E. 1/4 of Sec. 1, T.38S, R.2W, W.M.
 in the City of Medford Jackson County, Oregon

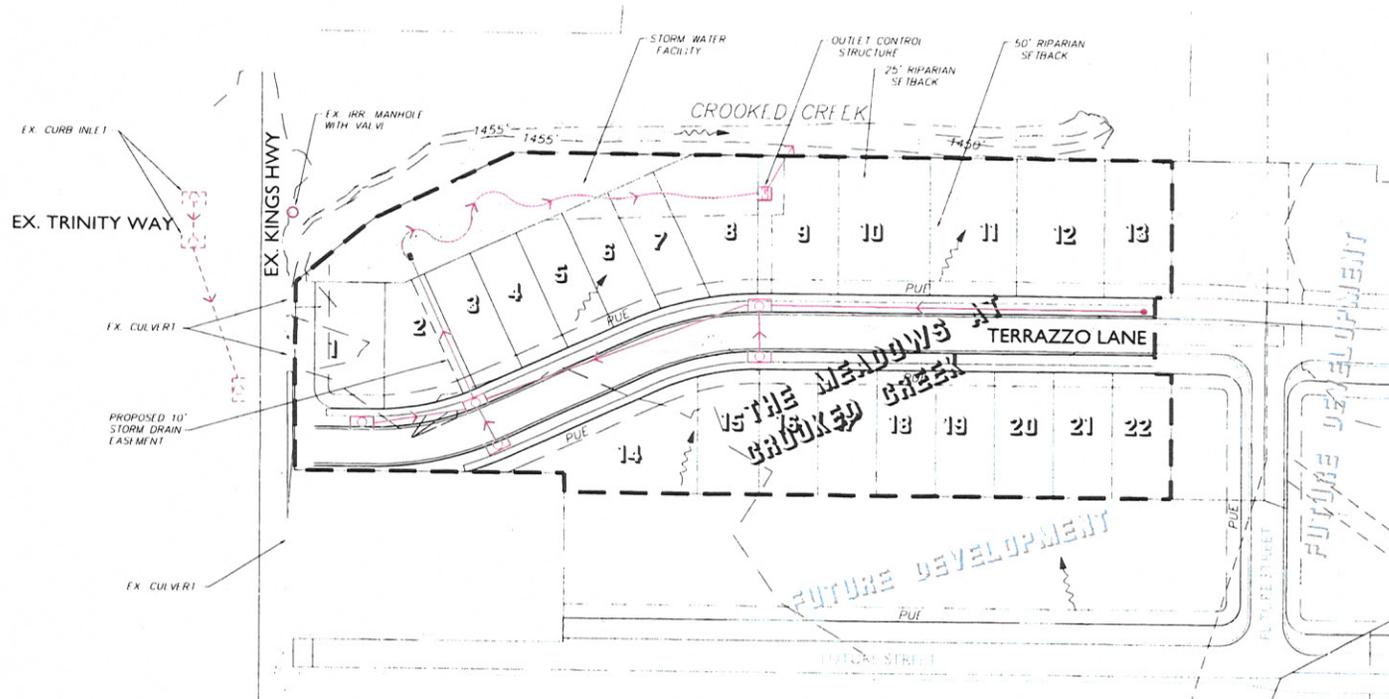


NOTES
 ZONING DISTRICT: MEDFORD 540C
 SUBDIVISION DISTRICT: M.L.D.
 TOTAL GROSS ACRES: 10.472 ACRES
 TOTAL NET ACRES: 10.383 ACRES
 TOTAL TRACT AREA: 2018 CITY OF MEDFORD AERIAL MAPPING
 ALL DISTANCES TO BE IN FEET
 PLANS, NOTES & WEL'S SCALED FROM CITY OF MEDFORD C.I.S. DATA
 WEL'S & ELEVATIONS SHOWN ARE HORIZES (ADJUSTED)



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
James C. Hill
 JULY 11, 1988
 JAMES C. HILL
 2228
 RENEWAL DATE 8-30-18

© L.J. FRIAR & ASSOCIATES, P.C. 2018	
PROJECT: TENTATIVE SUBDIVISION PLAT	DATE: 10 MAY 2018
ADDRESS: MAP # 38110068 TL 400 382701AA TL 53900, 4000 & 4200	SHEET: 1 OF 2
CLIENT: MEADOWS AT CROOKED CREEK LLC 31825 HISTORIC COLUMBIA RIVER HWY. TROUTDALE, OR 97150	DRAWN BY: JCF CHK BY: JCF
L.J. FRIAR & ASSOCIATES P.C. CONVEYING LAND SURVEYORS 2228 1/2 NW 1/4, TOWN OF FRENCH TROUTDALE, OREGON	REVISION BY: JAMES HERRICK
	SHEET 2 OF 2



- LEGEND**
- PROPOSED STORM MANHOLE OR CLEANOUT
 - PROPOSED CURB INLET
 - ▣ PROPOSED CATCH BASIN
 - ▤ PROPOSED DITCH INLET
 - PROPOSED STORM MAIN
 - - - EXISTING STORM MAIN
 - DRAINAGE DIRECTION

CONTOURS
 CONTOUR INTERVAL = 1'
 INDEX INTERVAL = 5'
 INDEX CONTOUR
 ELEV



CITY OF MEDFORD
 EXHIBIT #

File # LDS-19-046
 CJP-19-04



DRAWN BY	BHD	DATE	02/19
CHECKED BY	***	DATE	**/**
		DATE	
		DATE	
		DATE	

NO.	REVISION	DATE	BY

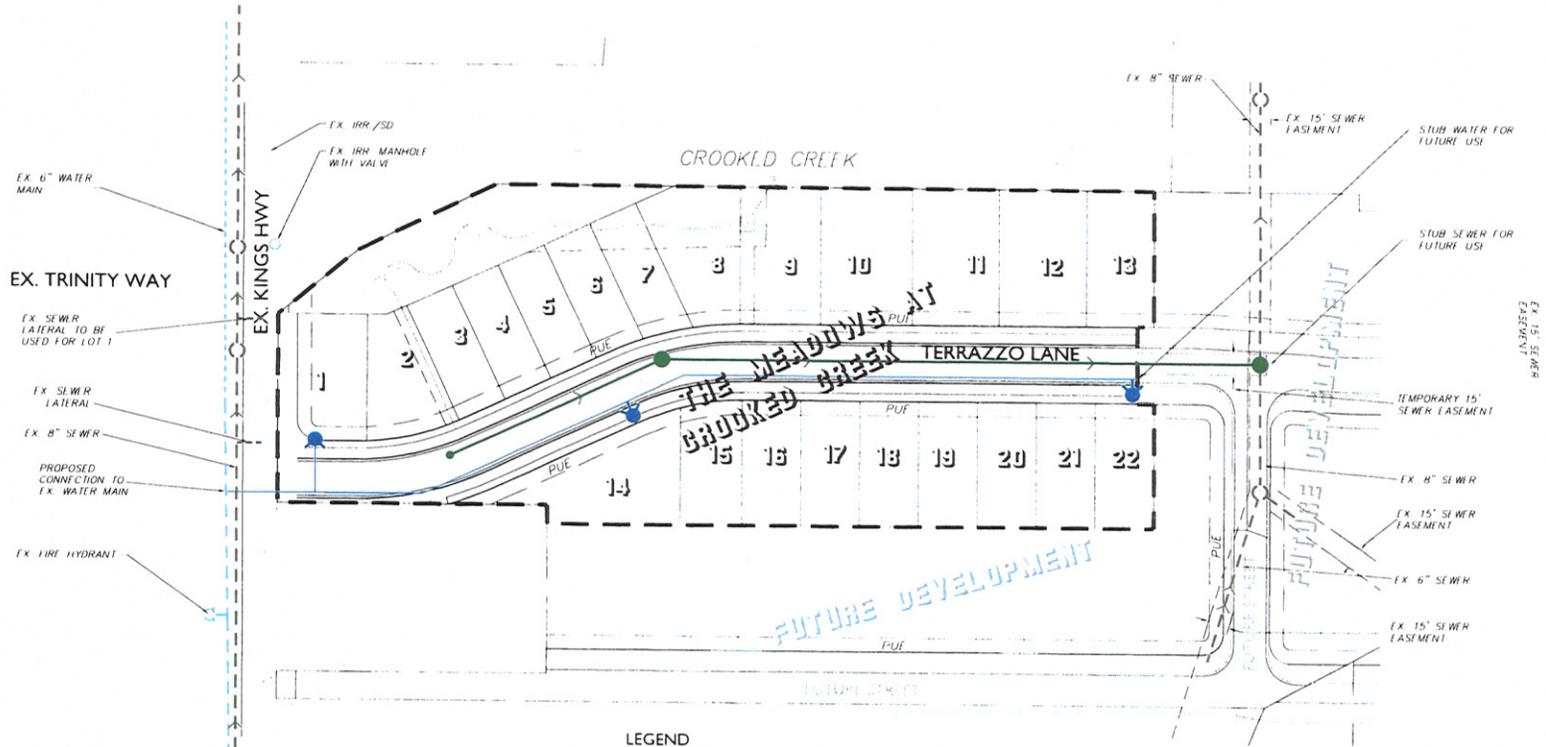


EXHIBIT C.1

CITY OF MEDFORD

THE MEADOWS AT CROOKED CREEK
 CONCEPTUAL
 GRADING & DRAINAGE PLAN

PROJECT NO. _____
 DRAWING NO. _____



- LEGEND**
- EXISTING WATER MAIN
 - EXISTING FIRE HYDRANT
 - PROPOSED WATER MAIN
 - PROPOSED FIRE HYDRANT
 - PROPOSED SEWER MANHOLE OR CLEANOUT
 - PROPOSED SANITARY SEWER MAIN
 - EXISTING SANITARY SEWER MAIN



EXHIBIT C.2

CITY OF MEDFORD
 THE MEADOWS AT CROOKED CREEK
 CONCEPTUAL GRADING & DRAINAGE PLAN



DRAWN BY: BHD	DATE: 02/19	NO. OF REVISION:	DATE:	BY:
CHECKED BY: ***	DATE: **/**			
	DATE:			
	DATE:			
	DATE:			

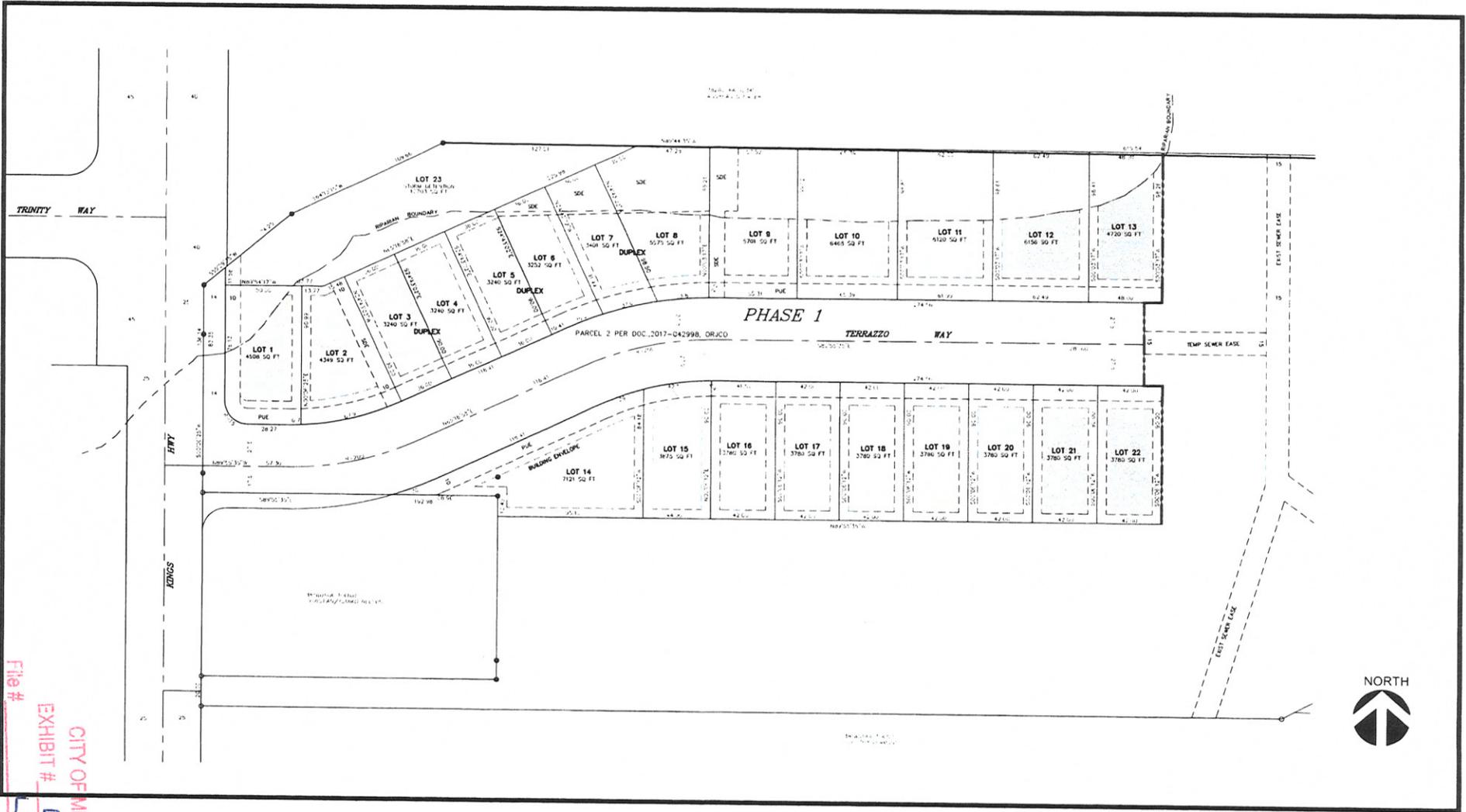


PO. BOX 1724 MEDFORD, OREGON 97501
 PH. 531.729.3268

CITY OF MEDFORD

EXHIBIT # D

File # L05-A-040
 CUP-19-041



File #
 EXHIBIT # E
 CITY OF MEDFORD
 LDS-19-046
 CUP-19-041

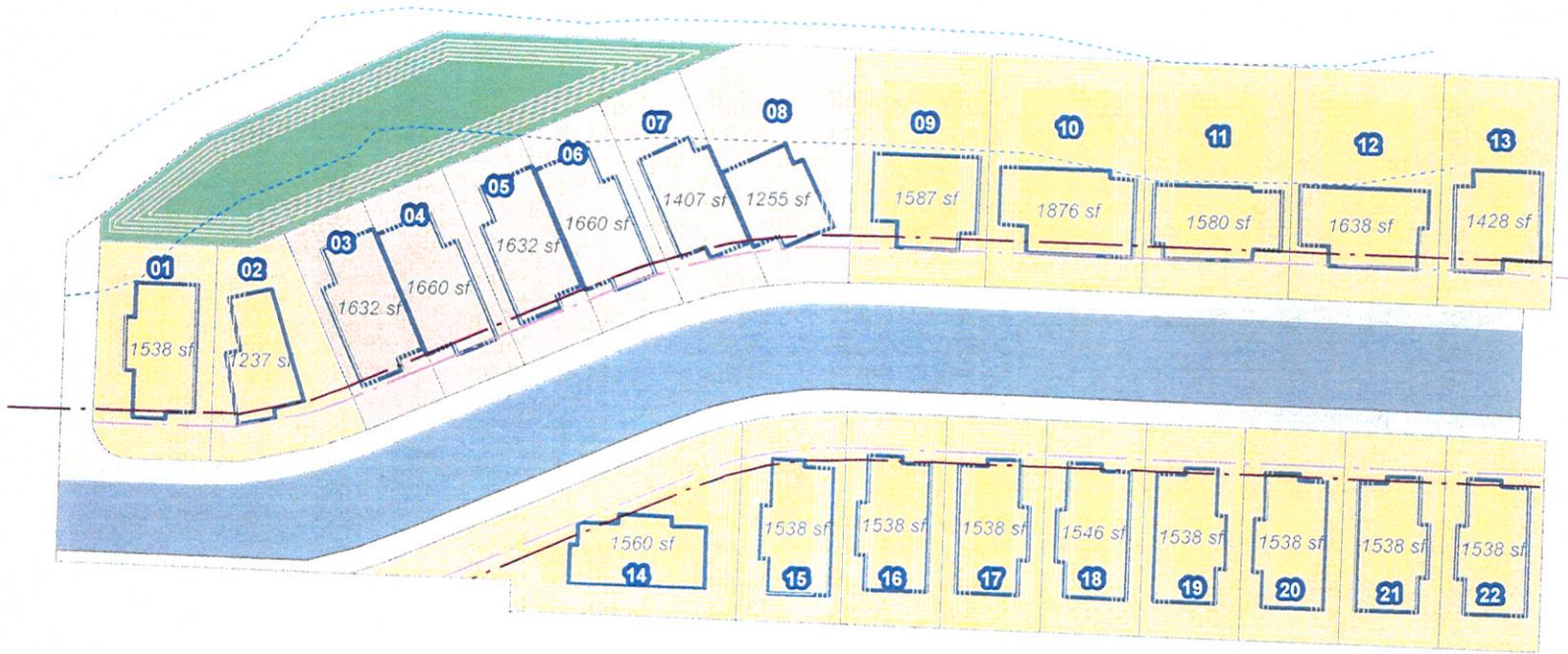
THE MEADOWS at Crooked Creek
 MEDFORD, OREGON

Phase 1 - Building Envelopes



DATE: 4/9/19

SCALE: 1:60 (11 X 17)



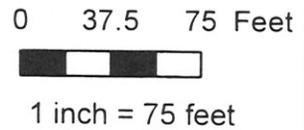
Page 241

File # 38-2W-01AA-4000
 EXHIBIT # 1
 LOTS 19-24/6
 CJP - 10-04-11

Proposed Lots By Type

- Duplex
- SFD Detached
- Storm Detention
- ROW Paved
- ROW Planter Strip & Sidewalk

- House Example
- 15ft Setback
- 20ft Setback
- Riparian 50-foot
- 4', 6', 8' 10', 12' Interior Setback



** Proposed Subdivision Layout Lines Are Approximate.
House Footprints shown are for example purposes only.

Proposed Lots By Type

Meadows at Crooked Creek 22-Lot Subdivision
Meadows at Crooked Creek, LLC

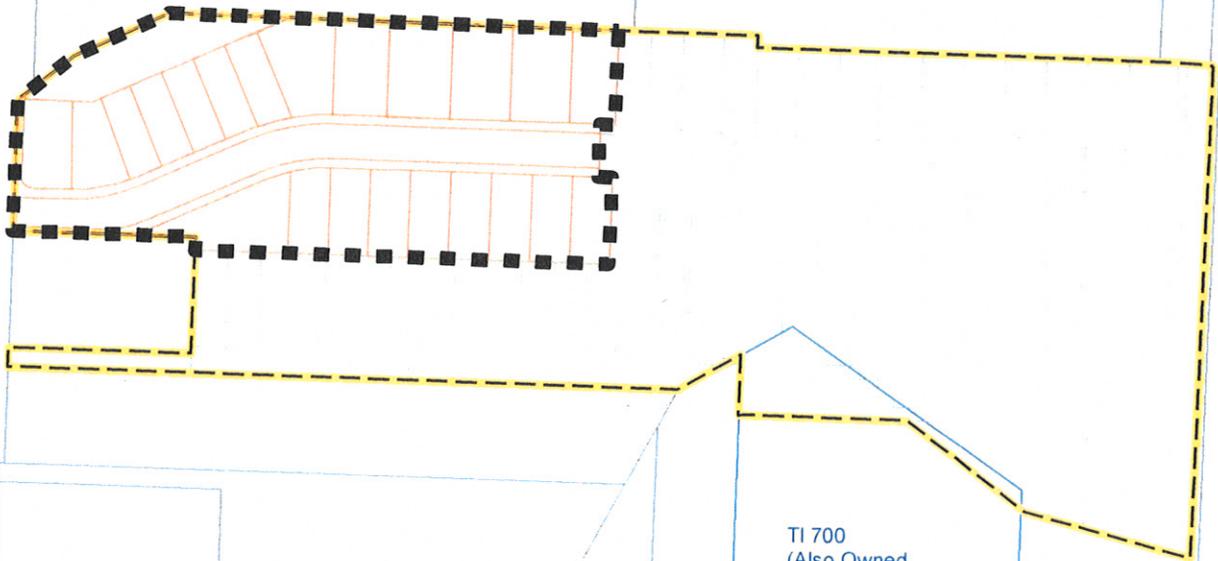
38-2W-01AA-4000 *
38-2W-01AA-3900; 38-2W-01AA-4200 & 38-1W-06B-400

* Subdivision to be on Adjusted TL4000
 Other lots listed are part of subjct tract and are included in PLA but will not be part of the subdivision.



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PLANNING DEPT.

MARSH LN



TI 700
(Also Owned
by Applicant)

KINGS HW

EXPERIMENT STATION RD



Area of Subdivision



Proposed Subdivision Layout**



Subject Tract

Future Concept Plan



Lot 700

0 50 100 Feet

** Proposed Subdivision Layout Lines
Are Approximate. See Tentative Plat
for Detailed Information

Conceptual Future Division Plan

Meadows at Crooked Creek 22-Lot Subdivision

Meadows at Crooked Creek, LLC

38-2W-01AA-4000 *

38-2W-01AA-3900; 38-2W-01AA-4200 & 38-1W-06B-400

* Subdivision to be on Adjusted TL4000

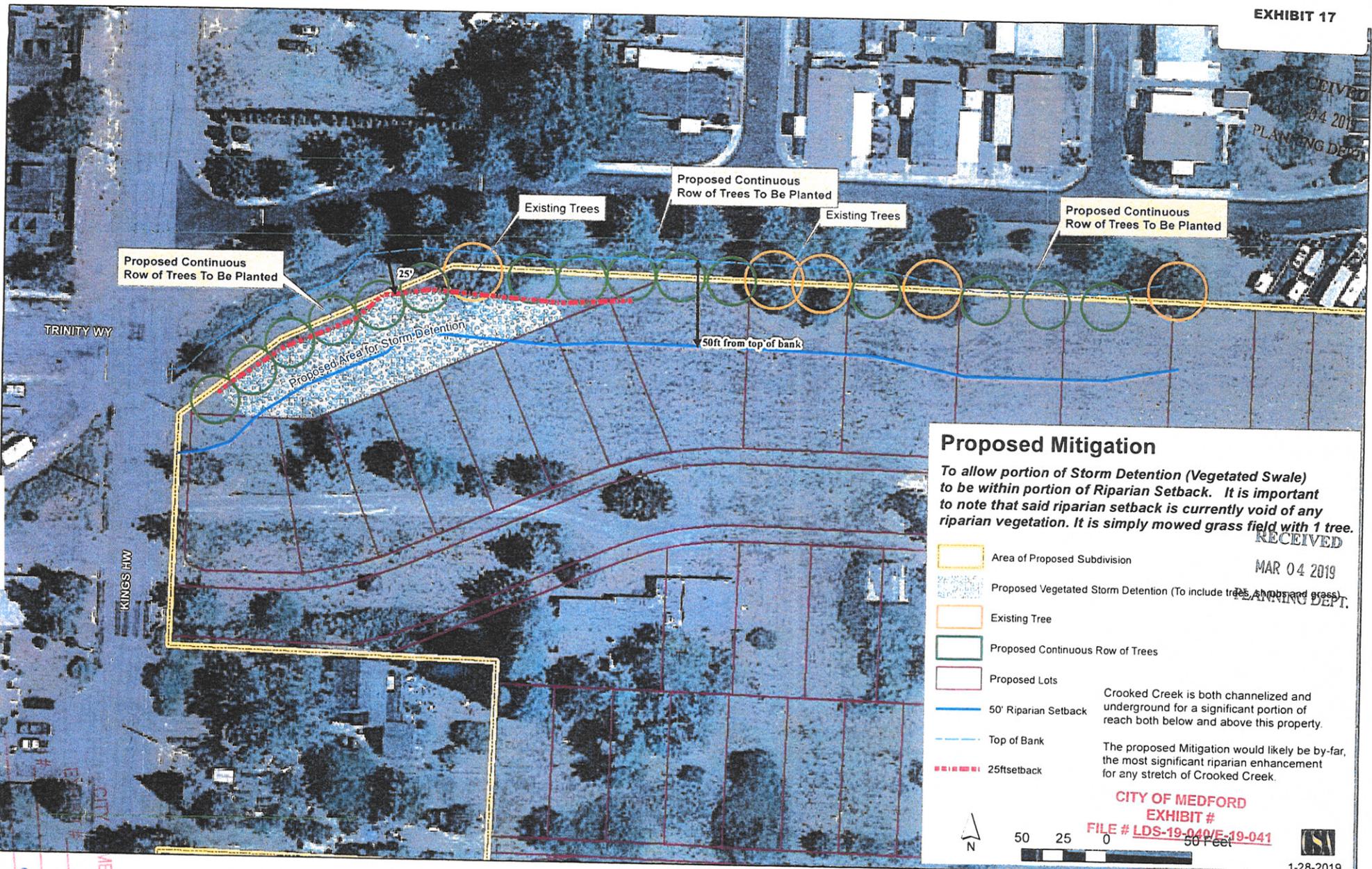
Other lots listed are part of subjct tract and are included in
PLA but will not be part of the subdivision.

CITY OF MEDFORD
EXHIBIT: G
File # LOS-19-040/cup-19-04



Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS; ESRI (ArcGIS Aerial Map Service)

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PLANNING DEPT.



Proposed Mitigation

To allow portion of Storm Detention (Vegetated Swale) to be within portion of Riparian Setback. It is important to note that said riparian setback is currently void of any riparian vegetation. It is simply mowed grass field with 1 tree.

-  Area of Proposed Subdivision
 -  Proposed Vegetated Storm Detention (To include trees, shrubs and grass)
 -  Existing Tree
 -  Proposed Continuous Row of Trees
 -  Proposed Lots
 -  50' Riparian Setback
 -  Top of Bank
 -  25ft setback
- Crooked Creek is both channelized and underground for a significant portion of reach both below and above this property.
- The proposed Mitigation would likely be by-far, the most significant riparian enhancement for any stretch of Crooked Creek.



CITY OF MEDFORD
EXHIBIT #
FILE # LDS-19-049/E-19-041



1-28-2019

Page 243

MEDFORD
H
LDS-19-049
COP-19-041

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MAR 04 2019

PLANNING DEPT.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Area of Subdivision



Proposed Subdivision Layout**



Subject Tract

** Proposed Subdivision Layout Lines Are Approximate. See Tentative Plat for Detailed Information

0 50 100 Feet



Subdivision Layout on Aerial

Meadows at Crooked Creek 22-Lot Subdivision
Meadows at Crooked Creek, LLC

38-2W-01AA-4000 *

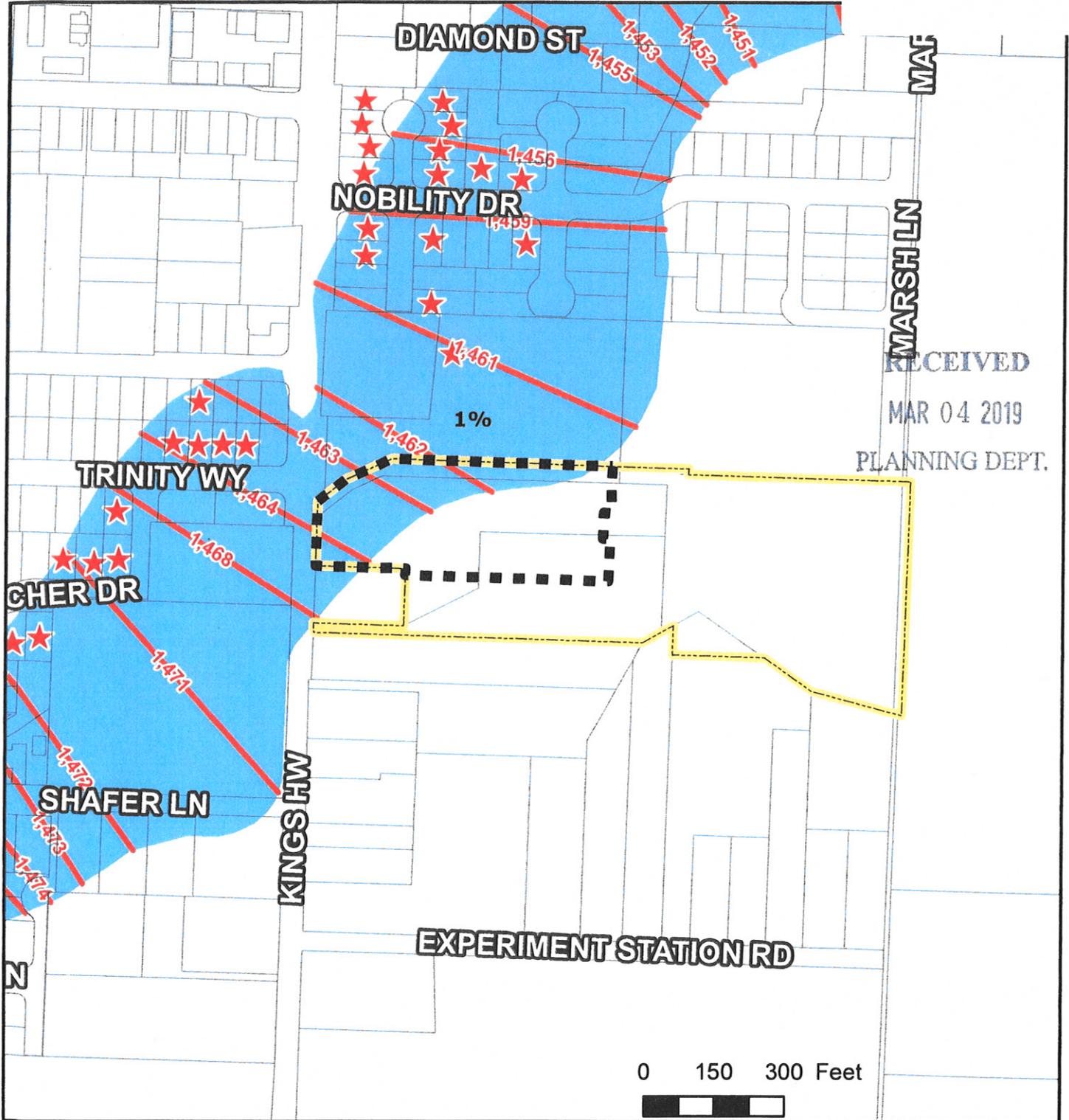
38-2W-01AA-3900; 38-2W-01AA-4200 & 38-1W-06B-400

* Subdivision to be on Adjusted TL4000Y OF MEDFORD
 Other lots listed are part of subject tract and are included in PLA but will not be part of the subdivision.



Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS; ESRI (ArcGIS Aerial Map Service)

11-



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MAR 04 2019
PLANNING DEPT.

-  Area of Subdivision
-  Subject Tract
-  FEMA Elev. Certificate
-  FEMA Base Flood Elevation
- FEMA Flood Hazard
-  1% Annual Chance Flood Hazard

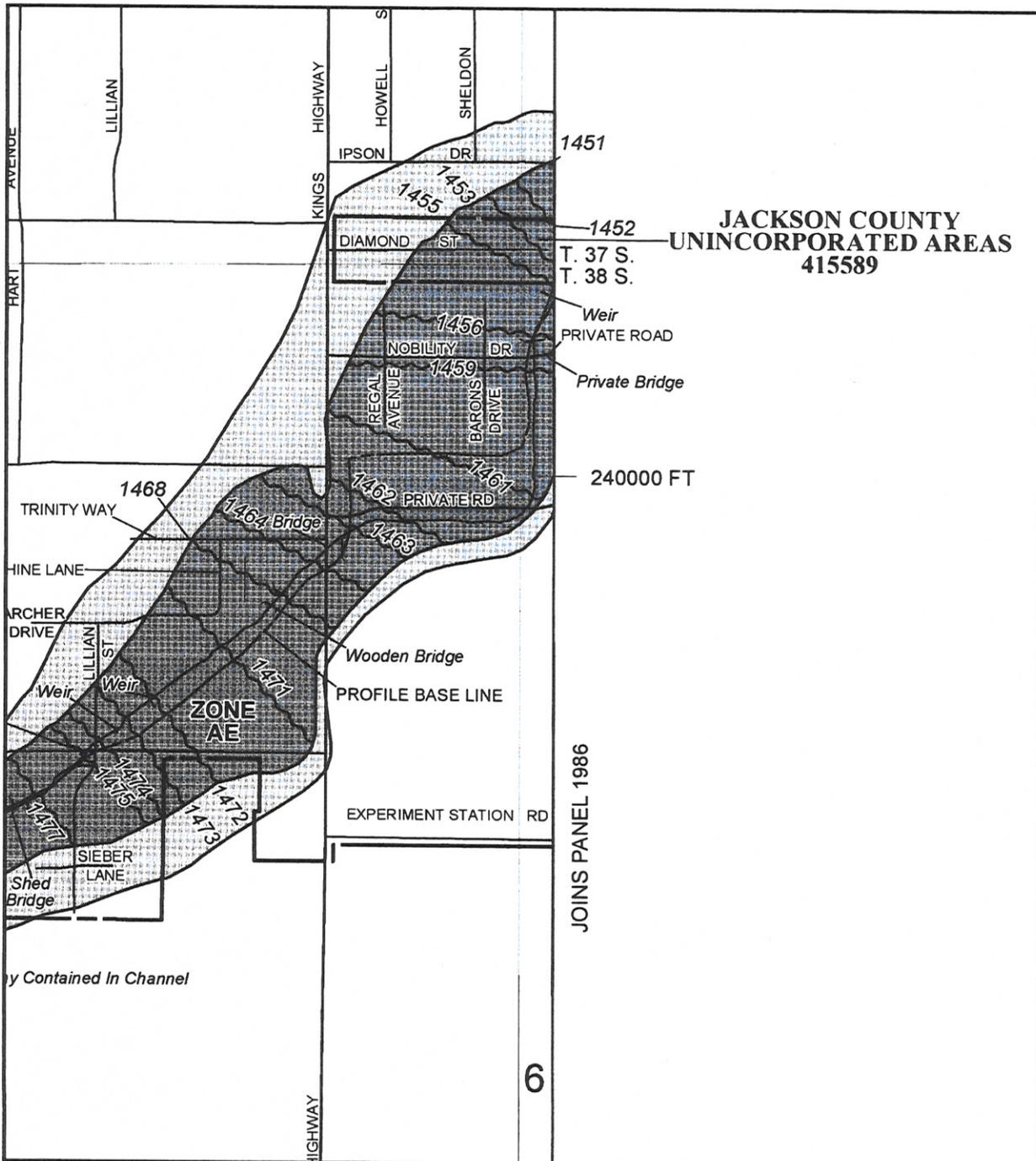
Floodplain Information Map

Meadows at Crooked Creek 22-Lot Subdivision
Meadows at Crooked Creek, LLC

38-2W-01AA-4000 * EXHIBIT # J
38-2W-01AA-3900; 38-2W-01AA-4200 & 38-1W-06B-400

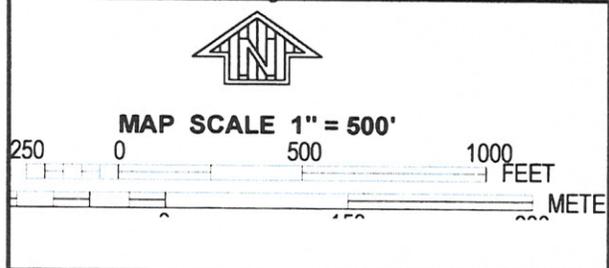
* Subdivision to be on Adjusted TL4000 LOS-A-040/Cup-
Other lots listed are part of subjct tract and are included in 19-041
PLA but will not be part of the subdivision.

Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS



JOINS PANEL 1986

6



JACKSON COUNTY UNINCORPORATED AREAS 415589

PANEL 1967F

FIRM FLOOD INSURANCE RATE MAP
JACKSON COUNTY, OREGON
AND INCORPORATED AREAS

PANEL 1967 OF 2327
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
JACKSON COUNTY	415589	1967	F
MEDFORD, CITY OF	410086	1967	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

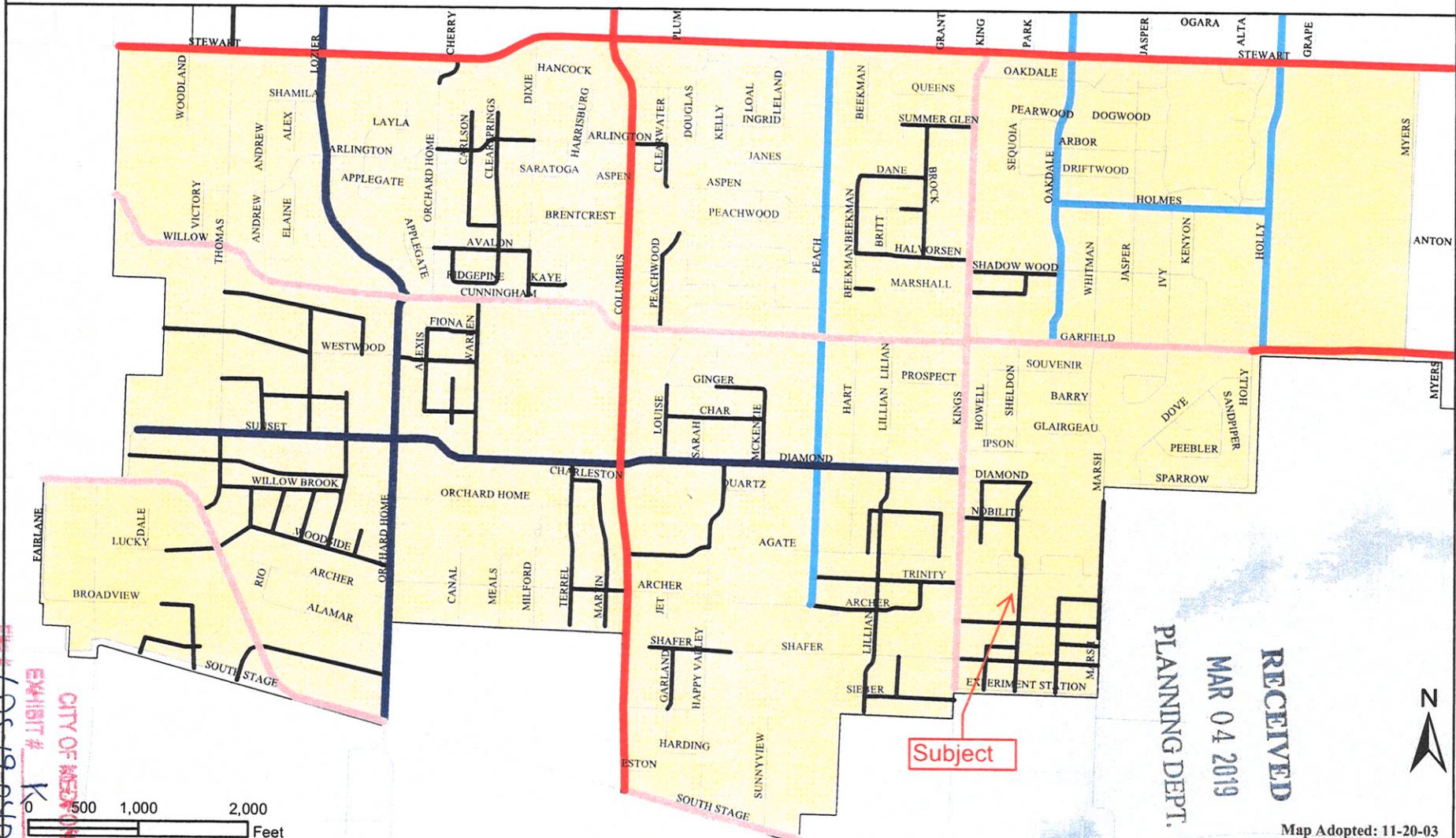
MAP NUMBER
41029C1967F

EFFECTIVE DATE
MAY 3, 2011

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Adopted Southwest Medford Circulation Plan



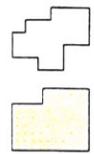
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 MAR 04 2019
 PLANNING DEPT.



Map Adopted: 11-20-03
 Ord. # 2003-299
 Map Printed: 1-29-04

Street Classifications

- Major Arterial
- Major Collector
- Residential
- Minor Arterial
- Minor Collector
- Other Streets



UGB
 Adopted Circulation Plan Area

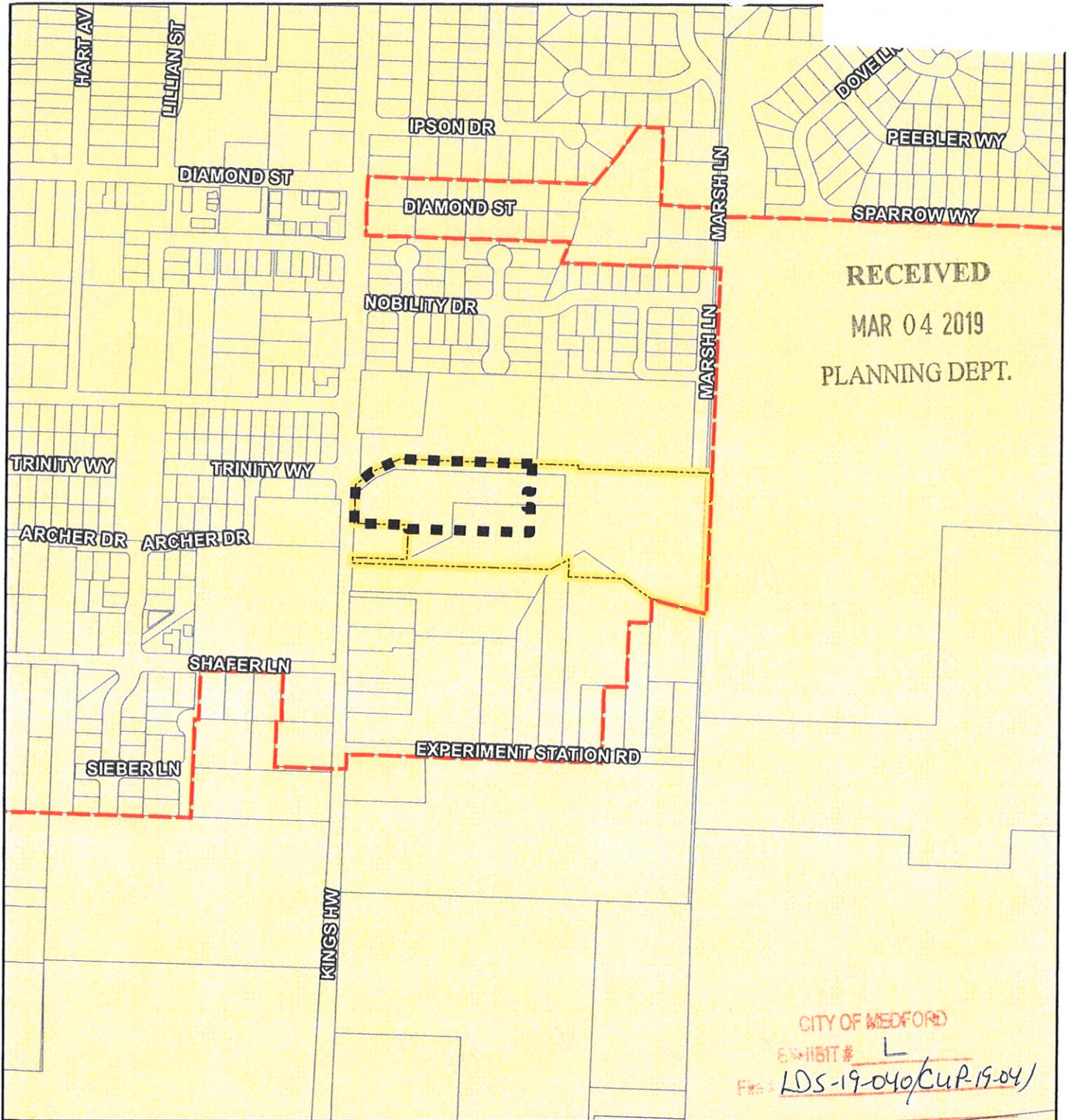


The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County. GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.
 THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. 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.

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21

File # 1-05-19-010/2019-04/1
 EXHIBIT # K
 CITY OF MEDFORD



	City Limits		Irrigation District
	Area of Subdivision		MID
	Subject Tract		
	Tax Lots		

0 250 500 Feet

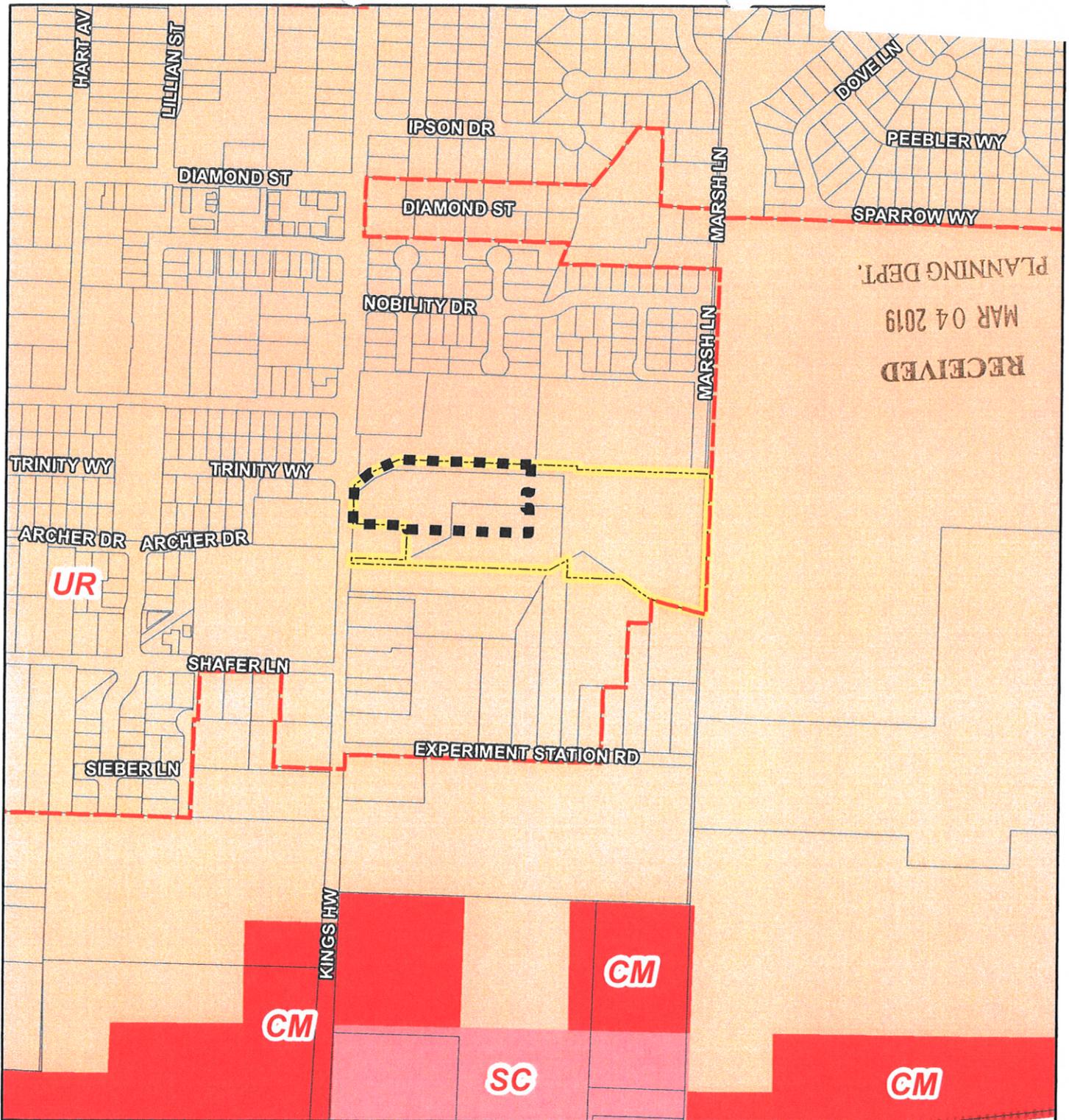
Medford Irrigation District Map

Meadows at Crooked Creek 22-Lot Subdivision
Meadows at Crooked Creek, LLC

38-2W-01AA-4000 *
38-2W-01AA-3900; 38-2W-01AA-4200 & 38-1W-06B-400

* Subdivision to be on Adjusted TL4000
 Other lots listed are part of subjct tract and are included in PLA but will not be part of the subdivision.

Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS



	City Limits	Medford GLUP
	Area of Subdivision	CM
	Subject Tract	SC
	Tax Lots	UR
	UGB	

0 250 500 Feet

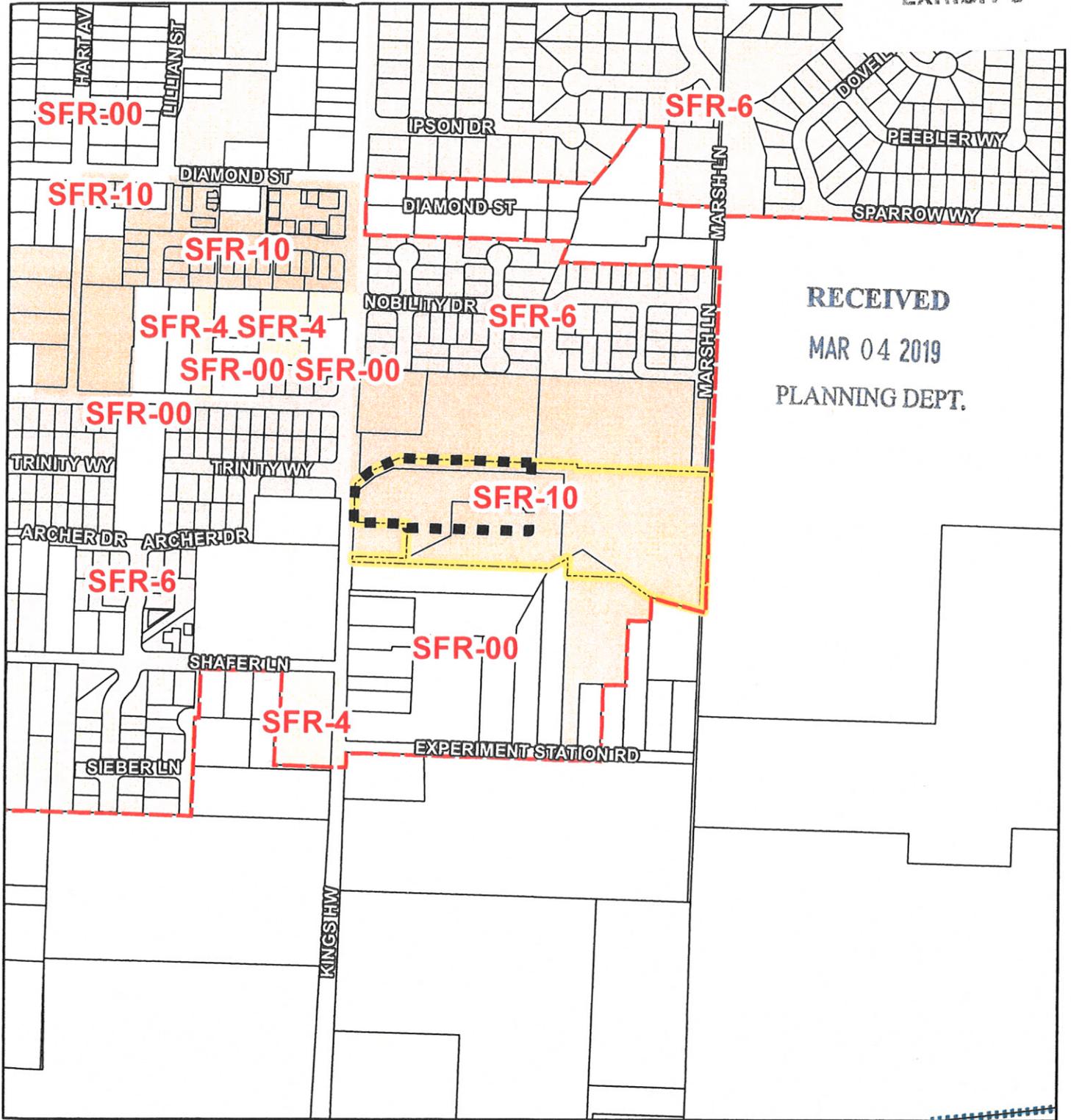
GLUP Map

Meadows at Crooked Creek 22-Lot Subdivision
Meadows at Crooked Creek, LLC

38-2W-01AA-4000 *
 38-2W-01AA-3900; 38-2W-01AA-4200 & 38-1W-06B-400

* Subdivision to be on Adjusted TL4000
 Other lots listed are part of subjct tract and are included in PLA but will not be part of the subdivision.

Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS



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	City Limits	Medford Zoning	
	Area of Subdivision		SFR-00
	Subject Tract		SFR-10
	Tax Lots		SFR-4
	UGB		SFR-6

0 250 500 Feet

Zoning Map

Meadows at Crooked Creek 22-Lot Subdivision
Meadows at Crooked Creek, LLC

38-2W-01AA-4000 *
 38-2W-01AA-3900; 38-2W-01AA-4200 & 38-1W-06B-400

* Subdivision to be on Adjusted TL4000
 Other lots listed are part of subjct tract and are included in
 PLA but will not be part of the subdivision.



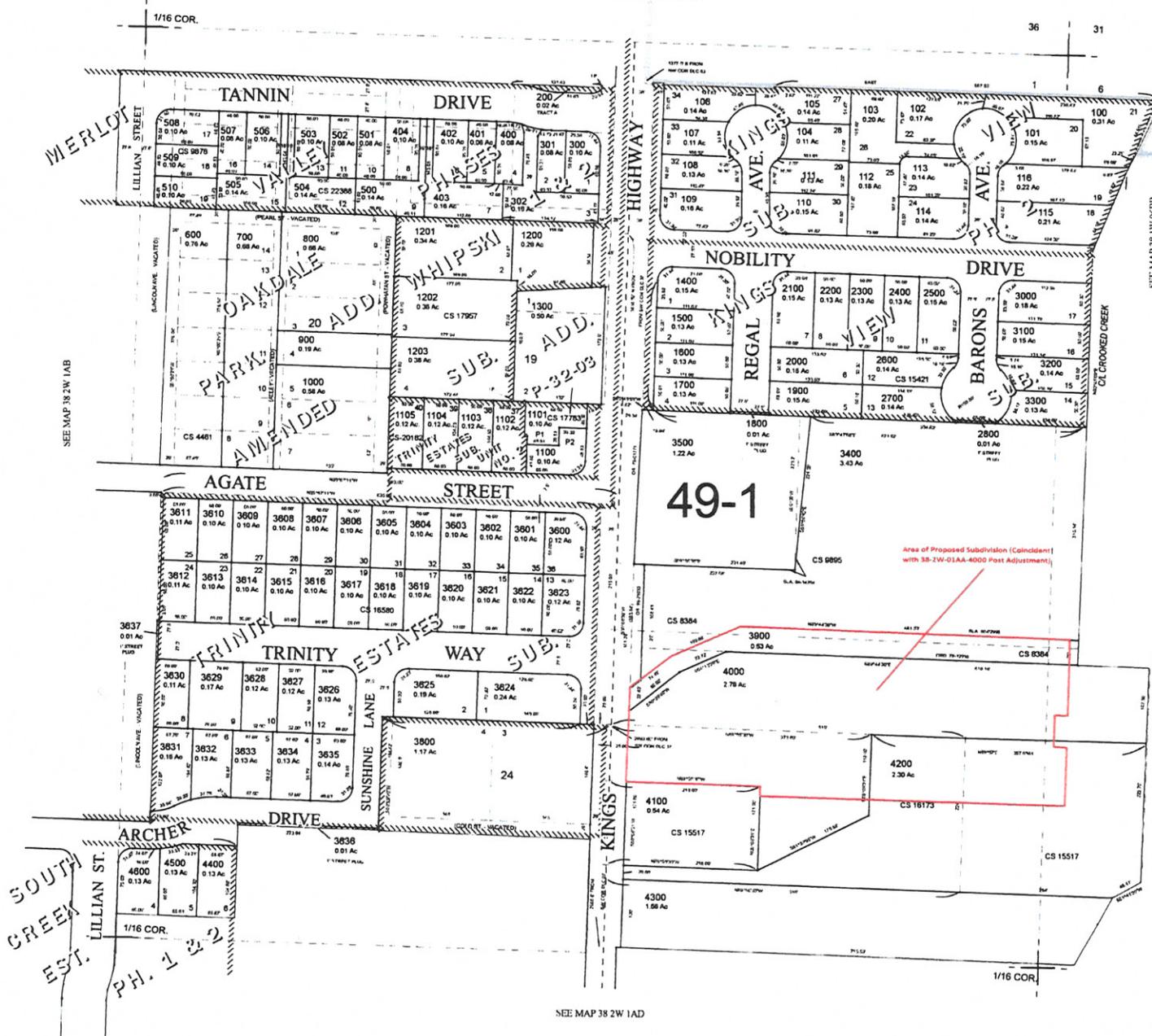
FOR ASSESSMENT AND TAXATION ONLY

N.E. 1/4 N.E. 1/4 SEC. 1 T.38S. R.2W. W.M.
JACKSON COUNTY
1" = 100'

EXHIBIT 5

382W1AA
MEDFORD

SEE MAP 37 2W 36(D)



CANCELLED TAX LOT NUMBERS
117 KILLED TO STREET
2900 KILLED TO STREET
3638
3639
3700

SEE MAP 38 1W 06(B)

880 W. REV. 4/18/18

RECEIVED
MAR 04 2019
PLANNING DEPT.

382W1AA
MEDFORD

DOR COGO April 12, 2015
REV March 30, 2018

SEE MAP 38 2W 1AD

CITY OF MEDFORD
EXHIBIT 5
ADS-19-040/CUR-19-041

NARRATIVE

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MAR 04 2019
PLANNING DEPT.

Applicant Meadows at Crooked Creek, LLC seeks approval for two contemporaneously filed applications for Subdivision and Conditional Use Permit (CUP). The proposed subdivision is an infill project that seeks to create 22 residential lots for a combination of detached single family residential and duplex units. The CUP is being sought in order to site a portion of the proposed on-site detention facilities partially within the riparian setback for Crooked Creek. In concert with the request for CUP is an ODFW-approved riparian corridor mitigation / enhancement plan.

The applications are also being combined with a request for property line adjustment in order to site the subdivision wholly within a single parcel. All lands involved in the property line adjustment are owned by the Applicant. Following the adjustment, subject property that is identified on the Jackson County Assessment Plat maps as Township 38 South, Range 2 West, Section 01AA, Tax Lot 4000 will include approximately 3.28 acres of land. The property is situated east of Kings Highway, approximately 650 feet north of Experiment Station Road and immediately south of the Spring View Estates Mobile Home Park.

Being an infill project, the site is constrained by existing development patterns. It is with significant effort that the Applicant is able to request a design and layout that will provide for needed housing in a manner that is capable of meeting the City's relevant criteria and design standards and allows for the remainder of the property and surrounding area to ultimately be built-out in a manner anticipated for the City. Applicant herewith respectfully request the City of Medford Planning Commission render a favorable decision.

CITY OF MEDFORD
EXHIBIT # P
File # 15-19-045-CUP-19-041

10

BEFORE THE PLANNING COMMISSION
 FOR THE CITY OF MEDFORD
 JACKSON COUNTY, OREGON

RECEIVED
 MAR 04 2014
 PLANNING DEPT.

IN THE MATTER OF AN APPLICATION)
 SEEKING APPROVAL FOR A TENTATIVE)
 SUBDIVISION PLAT TO CREATE 22)
 SINGLE FAMILY RESIDENTIAL LOTS)
 AND CONDITIONAL USE PERMIT FOR)
 PLACEMENT OF STORM DETENTION)
 FACILITIES PARTIALLY WITHIN A)
 RIPARIAN SETBACK; LOCATED ON A)
 3.28 ACRE TRACT OF LAND ZONED)
 SFR-10 AND LYING WITHIN THE)
 CORPORATE LIMITS OF THE CITY OF)
 MEDFORD, OREGON MORE)
 SPECIFICALLY IDENTIFIED ON THE)
 JACKSON COUNTY ASSESSOR'S PLAT)
 MAPS AS TOWNSHIP 38 SOUTH;)
 RANGE 2 WEST, SECTION 01AA; TAX)
 LOT 4000.)

FINDINGS OF FACT AND
 CONCLUSIONS OF LAW

Applicant's Exhibit 2

Applicant: Meadows at Crooked Creek, LLC:)
Owner: Meadows at Crooked Creek, LLC)
Agent: CSA Planning, Ltd.)

I

SUMMARY AND SCOPE OF APPLICATION

Applicant Meadows at Crooked Creek, LLC seeks approval for two contemporaneously filed applications for Subdivision and Conditional Use Permit (CUP). The proposed subdivision is an infill project that seeks to create 22 residential lots for a combination of detached single family residential and duplex units. The CUP is being sought in order to site a portion of the proposed on-site detention facilities partially within the riparian setback for Crooked Creek. The applications are also being combined with a request for property line adjustment in order to site the subdivision wholly within a single parcel. All lands involved in the property line adjustment are owned by the Applicant. Following the adjustment, subject property that is identified on the Jackson County Assessment Plat maps as Township 38 South, Range 2 West, Section 01AA, Tax Lot 4000 will include approximately 3.28 acres of land. The property is situated east of Kings Highway, approximately 650 feet north of Experiment Station Road and immediately south of the Spring View Estates Mobile Home Park.



Being an infill project, the site is constrained by existing development patterns. It is with significant effort that the Applicant is able to request a design and layout that will provide for needed housing in a manner that is capable of meeting the City's relevant criteria and design standards and allows for the remainder of the property and surrounding area to ultimately be built-out in a manner anticipated for the City. Applicant herewith respectfully request the City of Medford Planning Commission render a favorable decision.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence with its application for Land Division and Exception:

- Exhibit 1.** Signed and Completed Subdivision and Conditional Use Permit Application Forms with Authorization from the current property owner, Meadows at Crooked Creek, LLC.
- Exhibit 2.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the land division and CUP applications comply with the applicable substantive criteria of the MLDC.
- Exhibit 3.** Demonstration of Compliance with Applicable Standards
- Exhibit 4.** Tentative Subdivision Plat
- Exhibit 5.** Jackson County Assessor plat maps 38-2W-01AA & 38-1W-06B, which contains and depicts the subject property
- Exhibit 6.** Current City of Medford Zoning Map
- Exhibit 7.** City of Medford GLUP Map
- Exhibit 8.** Irrigation District Map
- Exhibit 9.** Floodplain Information
- Exhibit 10.** Southwest Medford Circulation Plan
- Exhibit 11.** Proposed Subdivision Layout Plan on Aerial
- Exhibit 12.** Engineer's Conceptual Grading and Storm Water Facility Plans
- Exhibit 13.** Conceptual Future Division Plan / Shadow Plat For Adjacent Lands
- Exhibit 14.** Title Report
- Exhibit 15.** Deed Records and Lot Creation History Information
- Exhibit 16.** Property Line Adjustment Map
- Exhibit 17.** Riparian Vegetation Enhancement / Mitigation Map
- Exhibit 18.** Correspondence from ODFW
- Exhibit 19.** Correspondence from RVSS



III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which the application for Land Division must be approved are in Section 10.202, of the Medford Land Development Code (MLDC). The criteria for which the application for Conditional Use Permit for placement of storm detention facilities partially within a riparian setback are in Section 10.920 of the MLDC. The approval criteria are recited verbatim below and again in Section V, where each are followed by the conclusions of law:

City of Medford Approval Criteria

A. LAND DIVISION –Subdivision Tentative Plat

10.202 Subdivision Tentative Plat

(A) Application.

The subdividing of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative plat is a Type III procedure, with the Planning Commission being the approving authority. Final plat approval is a Type I ministerial procedure which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in Section 10.162.

....

(E) Land Division Approval Criteria.

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the Planning Commission determines it is in the public interest to modify the street pattern;



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

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

B. CONDITIONAL USE PERMIT – Storm Drainage Facilities within Riparian Corridor

10.920 Riparian Corridors, Purposes

The purposes of establishing riparian corridors are:

(1) To implement the goals and policies of the "Environmental Element" and the "Greenway" General Land Use Plan (GLUP) designation of the Medford Comprehensive Plan and achieve their purposes.

(2) To protect and restore Medford's waterways and associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.

(3) To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.

(4) To protect and restore the natural beauty and distinctive character of Medford's waterways as community assets.

(5) To provide a means for coordinating the implementation of the Bear Creek Greenway and other greenways or creek restoration projects within the City of Medford.

(6) To enhance the value of properties near waterways by utilizing the riparian corridor as a visual amenity.

(7) To enhance coordination among local, state, and federal agencies regarding development activities near waterways.

10.921 Riparian Corridors, Definitions

The following definitions shall apply to Sections 10.920 through 10.928, "Riparian Corridors":

Fish-bearing stream - A stream inhabited at any time of the year by anadromous or game fish species, or fish that are listed as threatened or endangered species under the federal or state Endangered Species Act.

Riparian area - The area adjacent to a stream consisting of the area of transition from the aquatic ecosystem to a terrestrial ecosystem.

Riparian vegetation - Native ground cover, shrubs, trees, and other vegetation predominately influenced by their association with water.

Top-of-bank - The two-year recurrence interval flood elevation.

10.922 Riparian Corridors, Applicability

A. The provisions of Sections 10.920 through 10.928, "Riparian Corridors," shall be applied to:

(1) Those waterways, or portions thereof, identified by the Medford Comprehensive Plan as being fish-bearing streams, and any other waterways, or portions thereof, specified in the Medford Comprehensive Plan as having riparian areas determined to be significant.

(a) Those portions of streams designated fish-bearing in the Comprehensive Plan include: Bear, Elk, Swanson, Lone Pine, Lazy, Larson, Gore, and Crooked Creeks. Specifically:

...
viii. Crooked Creek: from Bear Creek southwest 2.08 miles.

...
(4) When a locally significant wetland is located within or adjacent to a riparian corridor, the riparian corridor setback will be applied, and shall be measured from the boundary of the wetland.

B. Applications for land use review (except Annexations), development permits, or building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or a portion thereof, shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels.

C. When reviewing land use applications or development permit applications for properties containing a riparian corridor, or portion thereof, the approving authority should consider the purpose statements in section 10.920, "Riparian Corridors, Purposes" in determining the extent of the impact on the riparian corridor.

D. The Planning Commission shall be the approving authority for applications for exceptions to the provisions herein pertaining to Riparian Corridors. In addition to the provisions of Section 10.186 such a request shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

10.923 Riparian Corridors, Location

A. The riparian corridor of 50 feet shall be measured horizontally from the top-of-bank, as defined herein, on both sides of those waterways meeting the following criteria:

- (1) Identified in Section 10.922A. "Riparian Corridors, Applicability," and in the Comprehensive Plan as being fish-bearing; and
- (2) Having an average annual stream flow of less than 1,000 cubic feet per second (cfs), and
- (3) Waterways having riparian areas determined to be significant in the Comprehensive Plan.

B. The 50-foot riparian corridor may be reduced if a request to reduce the setback has been approved according to Section 10.927, "Riparian Corridors, Reduction or Deviation."

10.924 Permitted Activities within Riparian Corridors

...
B. The following activities, and maintenance thereof, are permitted within a riparian corridor, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers. All plans for development and/or improvements within a riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

- (1) Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of road crossings, or water flow improvements.



Findings of Fact and Conclusions of Law

The Meadows at Crooked Creek Subdivision & CUP
Meadows at Crooked Creek, LLC : Applicant

- (2) Restoration and enhancement of native vegetation, including the addition of canopy trees; cutting of trees which pose a hazard due to threat of falling if the tree is left in the riparian area after felling; or removal of non-native vegetation if replaced with native plant species at the same amount of coverage or density.
- (3) Normal farm practices, other than structures, in existence at the date of adoption of the provisions herein, on land zoned for Exclusive Farm Use.
- (4) Normal flood control channel maintenance practices within a waterway, other than structures, necessary to maintain flow.
- ...
- (7) Perimeter mowing and other cutting necessary for hazard prevention.
- ...

C. New fencing may be permitted subject to consideration by the Planning Director or designee in consultation with the Director of Public Works and applicable state and federal agencies. An application for new fencing within a riparian corridor shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels, and shall indicate why the proposal is necessary and how it minimizes intrusion into the riparian corridor.

10.925 Conditional Uses within Riparian Corridors

The following activities, and maintenance thereof, are allowed within a riparian corridor if compatible with Section 10.920, "Riparian Corridors, Purposes," and if designed to minimize intrusion. Such activities shall be subject to approval of a Conditional Use Permit, which may be considered separately or in conjunction with another land use review. The approving authority must determine that the proposal complies with at least one of the Conditional Use Permit criteria. Applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers shall subsequently be obtained. All development and improvement plans shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

- (1) Water-related or water-dependent uses, such as drainage facilities and irrigation pumps.
- (2) Utilities or other public improvements.
- (3) Streets, roads, or bridges where necessary for access or crossings.
- (4) Multi-use paths, accessways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture.

10.926 Prohibited Activities within Riparian Corridors

The following activities are prohibited within a riparian corridor, except as permitted in Sections 10.924 "Permitted Activities within Riparian Corridors" and 10.925 "Conditional Uses within Riparian Corridors."

- (1) Placement of new structures or impervious surfaces.
- (2) Excavation, grading, fill, stream alteration or diversion, or removal of vegetation except for perimeter mowing for fire protection purposes.
- (3) Expansion of areas of pre-existing non-native ornamental landscaping such as lawn, gardens, etc.
- (4) Dumping, piling, or disposal of refuse, yard debris, or other material.
- (5) Wireless communication facilities.

10.927 Riparian Corridors, Reduction or Deviation

A request to reduce or deviate from the riparian corridor boundary provisions of this section may be submitted to the Planning Director or designee for consideration. A deviation request may be



approved as long as equal or better protection of the riparian area will be ensured through a plan for restoration, enhancement, or similar means. Such a plan shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy." In no case shall activities prohibited in Section 10.926 (1) through (3), "Prohibited Activities within Riparian Corridors" be located any closer than 25 feet from the top-of-bank. The Planning Commission shall be kept advised of the outcome of deviation or reduction requests. Any decision of the Planning Director may be appealed to the City Council as provided in Chapter 10 of the Code of Medford.

10.928 Conservation and Maintenance of Riparian Corridors

When approving applications for the following land use actions: Land Divisions, Planned Unit Developments, Conditional Use Permits, and Exceptions, or for development for properties containing a riparian corridor, or portion thereof, the approving authority shall assure long term conservation and maintenance of the riparian corridor through one of the following methods:

- (1) The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors," and any imposed by state or federal permits; or,
- (2) The area shall be protected in perpetuity through ownership and maintenance by a private non-profit association by conditions, covenants, and restrictions (CC&R's) prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors," and any imposed by state or federal permits; or,
- (3) The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors," and any imposed by state or federal permits; or, (4) The area shall be protected through other appropriate mechanisms acceptable to the City of Medford which ensure long-term protection and maintenance.

10.108 Land Use Review Procedure Types

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

...

(C) Conditional Use Permit Approval Criteria.

- (1) The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.
 - (a) 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.
 - (b) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the Planning Commission to produce a balance between the conflicting interests.
- (2) In authorizing a conditional use permit the Planning Commission may impose any of the following conditions:
 - (a) Limit the manner in which the use is conducted, including restricting the time an activity may occur, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
 - (b) Establish a special yard or other open space or lot area or dimension requirement.



- (c) Limit the height, size, or location of a building or other structure.
- (d) Designate the size, number, location, or nature of vehicle access points.
- (e) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- (f) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading areas.
- (g) Limit or otherwise designate the number, size, location, height, or lighting of signs.
- (h) Limit the location and intensity of outdoor lighting, or require its shielding.
- (i) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.
- (j) Designate the size, height, location, or materials for a fence.
- (k) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

(D) Conditional Use Permits, Mitigation of Impacts.

A conditional use requiring the mitigation of impacts under Subsection (C)(1)(b) above must do one of the following:

- (1) Preserve unique assets of interest to the community.
 - (2) Provide a public facility or public nonprofit service to the immediate area or community.
 - (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.
- ...

(G) Conditional Use Permit Application Form

An application for a conditional use permit shall contain the following:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the location of the proposed site.
- (2) Assessor's map with subject site identified.
- (3) Site plan drawn to scale on an eighteen inch by twenty-four inch (18" x 24") sheet. Site plan shall identify all existing and proposed buildings, parking, drives, vegetation or landscaping, adjacent development.
- (4) Property owner's (and agent's) names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.
- (5) Findings prepared by the applicant or his/her representative addressing the criteria set forth in Section 10.184 (C), Conditional Use Permit Approval Criteria.
- (6) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).
- (7) A Landscape Plan, meeting the specifications and requirements in Section 10.780, if applicable.

IV

FINDINGS OF FACT

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

- 1. Property Location:** The property is located within Southwest Medford, approximately one-half mile south of Garfield Street and one-half mile north of South Stage Road. City Arterial Kings Highway borders the property on the west. All lands immediately to the south and east are owned by the applicant. Lands beyond the Applicant's holdings to the



east were recently added to the City's UGB from Urban Reserve Area MD-6. The fully-built Spring View Estates Mobile Home Park lies adjacent to the north. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary.

2. **Property Description and Acreage:** As discussed under Section I herein above, the applications are being sought with a request for property line adjustment. Following said adjustment, the subject property is / will be identified in the records of the Jackson County Assessor as Map and Taxlot 38-2W-01AA-4000. The adjustment(s) will be to modify the common boundaries with adjacent maplots identified as 38-2W-01AA-3900 lying to the north, 38-2W-01AA-4200 lying to the south and 38-1W-06B-400 to the east. Following the adjustment(s), the subject property will be comprised of approximately 3.28 acres¹.
3. **Subject Property Ownership:** The subject property is owned by Meadows at Crooked Creek, LLC which has provided a limited power of attorney and consented in writing to these Subdivision, Conditional Use Permit (CUP) and Property Line Adjustment (PLA) applications. See, Exhibits 1, 14 and 15.
4. **Lot History:** The Applicant owns a tract of land including the following properties identified on the Jackson County Assessor's Plat Maps as Map and Taxlots (maplots) 38-2W-01AA-4000; 38-2W-01AA-3900; 38-2W-01AA-4200 and 38-1W-06B-400. Collectively, the tract of properties were annexed into the City of Medford in 1998 (File 98-118). At the time of annexation, the properties were zoned SFR-10.

The annexation and application of SFR-10 zone served to remedy any potential irregularity in lot creation history that may have occurred prior to that time. Maplots 38-2W-01AA-3900, 4000 and 4200 each meet the minimum lot size for the underlying SFR-10 zone and each has frontage on a public road. Maplot 38-1W-06B-400 meets the minimum lot size for the underlying SFR-10 zone and was provided legal access by manner of easement, under county regulations at the time it was created. It currently has frontage on public right of way Marsh Lane.

Maplot 38-2W-01AA-4200 was originally created in 1973 through execution of deed recorded at OR73-19096. The execution of that deed also created maplot 38-2W-01AA-4000 as a remnant. Prior to OR73-19096, both of those maplots were one parcel together. In the 1980s Jackson County authorized permits for the dwelling on maplot 38-2W-01AA-4000 and those permits were perfected.

Maplot 38-2W-01AA-3900 was originally created as a remnant when deeds recorded at OR77-26311 and OR77-2612 were executed.

¹ Acreages associated with the subject property are calculated from Applicant's GIS and are approximate. Please refer to Surveyor's descriptions and tentative subdivision plat for more accurate acreage calculations.



Maplot 38-1W-06B-400 was originally created in 1977 as evidenced by deed OR77-26312.

In 1999, previous owners of the property sought authorization for property line adjustments to correct deed errors- for which the County granted through File 99-16-PA.

All of the maplots above were modified through a series of deeds to result in their current configurations. As noted above, any irregularity in process that may have occurred to result in their current configuration is remedied by the fact that the city applied it's SFR-10 zone to the entire tract in 1998 (File 98-118). In the event that subject maplot 38-1W-06B-400 remains nonconforming due to lack of frontage on an improved public road – this application serves to eliminate said nonconformity because the resulting property line adjustment and subdivision will provide improved public road frontage to said maplot.

Applicant agrees to stipulate to a condition of approval that requires the execution of the proposed Property Line Adjustment in advance of filing for Final Plat. In the alternative, should the City of Medford Planning Commission ultimately conclude that the aforementioned properties do not qualify for property line adjustment – Applicant agrees to stipulate to a condition of approval that requires the entirety of the tract to be included in the Final Plat for the subdivision and all residual lands lying outside the proposed area to be subdivided into residential lots are to be created as reserve acreage lots.

5. **Comprehensive Plan Map Designation:** The property is designated Urban Residential on the Medford Comprehensive Plan Map.²
6. **Zoning Map Designation:** The property is zoned City SFR-10.
7. **Existing Land Use:** Subject tax lot contains a dwelling and garage that are intended to be removed prior to final plat. The remainder is an open grass field otherwise referred to herein below as open space.
8. **Intended Land Use:** Property is to be developed as a single-family residential subdivision to include a mixture of lots to accommodate detached single-family houses and duplexes.
9. **Topography:** The bulk of the property slopes gently from the east down to the northwest at approximately two percent slope or less. Topography was taken into consideration with the preliminary design of proposed and future potential roads, lots, storm drainage and ancillary facilities.
10. **Water Features: Streams, Canals, Wetlands, Floodplain and Riparian:**

² Medford often refers to its comprehensive plan map as the Generalized Land Use Plan or GLUP map.



- a. Streams: As evidenced by the City of Medford's Comprehensive Plan maps and their GIS data, Crooked Creek is situated to the north of the northwesterly portion of the subject property. The portion of Crooked Creek near the subject property is within approximately 2.0 miles of the stream's confluence with Bear Creek.
- b. Wetlands: According to onsite analysis by Oregon registered and certified wetlands expert Martin Schott of Martin Schott and Associates, there are no jurisdictional wetlands on the property.
- c. Floodplain: Crooked Creek includes a mapped floodplain with base flood elevations (bfe) identified by both the City of Medford and FEMA. A portion of the 100-year floodplain for Crooked Creek extends onto the subject property. See, Exhibit 09.
- d. Riparian: Crooked Creek is a small stream that extends across the southwesterly portion of the City of Medford. The majority of the creek corridor is highly channelized with little to no riparian vegetation. In fact, a significant portion of the creek is piped underground. The 620-foot portion of Crooked Creek near the subject property is also highly channelized with little to no known native riparian vegetation. The subject property lies to the south of the creek and the mobile home park lies to the north. The vegetation on the subject property side is currently comprised of seasonally mowed grass with a couple of trees.

Applicant's Surveyor has identified the top of bank for Crooked Creek and the corresponding 50-foot setback, which extends onto the subject property. The same are reflected on the proposed Tentative Subdivision Plat and proposed mitigation plans.

Applicant has designed the proposed subdivision in a manner that all dwellings are capable of being sited outside the 50-foot riparian setback. The project proposes to locate the necessary on-site storm detention facilities partially within the riparian setback. It is the Applicant's intent to significantly improve the vegetation components of the riparian corridor along the south side of Crooked Creek and has proposed a mitigation plan that calls for the planting of a continuous row of trees along the creek's south side and the planting of riparian-friendly vegetation within and throughout the storm detention facilities. It is the Applicant's position that the proposed vegetative plan is a significant improvement over the existing situation with no known native plantings, mowed grass and a couple of trees. Applicant has worked with ODFW to develop the proposed mitigation plan to which ODFW has provided preliminary approval. See, Exhibit 18.

11. Surrounding Land Uses and Characteristics: The GLUP map (Exhibit 07), Zoning Map (Exhibit 06) and Applicant's Proposed Layout on Aerial (Exhibit 11) accurately depict the pattern of land partitioning and development in the surrounding area. The land uses that surround the subject property and which are further described as follows:



- A. Surrounding Area Generally:** The subject property is located within the corporate limits of the City of Medford, with fully developed urban uses to the north and west. Applicant owns adjacent lands to the east and south that are also within the City limits. To the south, beyond the lands owned by the Applicant are a mixture of semi-rural level residential development and ancillary uses. Beyond the Applicant's ownership to the east is a large vacant tract that was recently added to the Urban Growth Boundary (UGB) from Urban Reserve land (MD-6). All lands surrounding the subject property are within the City's UGB. Most of the lands to the south are within the Medford City Limits with a SFR-00 placeholder zone. Some of the lands to the west-southwest are in the process of being redeveloped to urban intensity.
- B. East:** The lot immediately to the east of the subject property is vacant and owned by the Applicant. It is the applicant's intent extend the residential subdivision into their lands to the east as part of a future action that ties into the proposed subdivision. Applicant has provided a conceptual shadow-plat depicting the manner in which said lands could and may be divided in the near future.

Beyond Applicant's tract to the east are large vacant rural tracts that were dedicated for future urban development under Urban Reserve Area MD-6. In 2018, said lands were brought into the City's Urban Growth Boundary, intended for urban levels of development. Said lands lying immediately to the east are primarily designated UR in the City's GLUP maps and are subject to an Urbanization Plan under the City's Neighborhood Element prior to annexation and zone change to allow urban uses. In the interim, said lands remain zoned EFU by Jackson County. There are, however, no farm uses occurring nor have any occurred in recent years. According to Findings of Fact relied upon in prior land use decisions for development on the subject property – the lands to the east ceased to be farmed in significant part based on escalating costs. The lands are primarily held as passive open space with grass that is mowed seasonally to minimize fire danger. The lands currently retain irrigation rights that are required to be relinquished upon annexation pursuant to the Regional Plan Element of the City's Comprehensive Plan.

- C. South:** Applicant owns the adjacent maplot 38-2W-01AA-4200 to the south. It is the applicant's intent to extend the residential subdivision to include said adjacent lands as part of a future action that ties into the proposed subdivision. Applicant has provided a conceptual shadow-plat depicting the manner in which said lands could and may be divided in the near future.

To the southeast lies maplot 38-1W-06B-700. Said property is a 2.75-acre parcel also owned by the Applicant that is situated to the southeast of the subject property. Said lot is likely to be included in a future land division that ties into the proposed residential subdivision. Tax Lot 700 is also zoned SFR-10 and includes a single family residence along with a couple outbuildings next to the residence. Other lands lying to the south of the subject property and west of Tax Lot 700 are primarily 1.0 to 3.0 acre parcels, zoned SFR-00 that are developed with single family residences.



Undeveloped portions of said lots include a mixture of passive open space / mowed grass, a few outbuildings and a fair amount of what appears to be open outdoor storage of vehicles, equipment and unknown bulky items. The westerly portion of lot 38-2W-01AA-4300 includes a residence facing Kings Highway that based on information affixed to the side of the building appears to be used for a “Pet Launderette” and “Splinter Center Tole Printing Classes”.

D. West: Between the subject property and Kings Highway to the west is Maplot 38-2W-01AA-4100, a 0.54 acre parcel zoned SFR-10 and developed with a residence, garage and landscaping. To the west of Kings Highway are a mixture of fully developed single family residential subdivisions and other underdeveloped urban lands that appear to be in the process of being redeveloped for single family residential development at urban levels.

E. North: Land immediately north of this parcel is comprised of the Spring View Estates Mobile Home Park. The property is zoned SFR-10 and is fully developed as a mobile home park. The easterly boundary of said lands borders recently platted yet unimproved Marsh Lane right of way. The roads within the mobile home park are all private with public connections at Kings Highway, Barnos Avenue and Marsh Lane. North of the MH Park entry-road and between the mobile home park and Kings Highway is a 1.22 acre underdeveloped parcel with a single family residence, garage and open space/landscaping. Between the mobile home park entrance road and the subject property lies Crooked Creek, a highly channelized stream.

12. Essential (Category “A”) Public Facilities: The comprehensive plan defines Category “A” public facilities as: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The Planning Commission finds the following facts with respect to each of the Category “A” public facilities:

A. Sanitary Sewer Service (Collection): The property is in the area served by Rogue Valley Sewer Services. According to June 2017 correspondence from RVSS, there are 6 inch and 8 inch sewer lines available to serve the property. RVSS correspondence states in part, *“The proposed development is within Rogue Valley Sewer Services (RVSS) service area. There is an 8 inch sewer main on Kings Hwy as well as 6 inch and 8inch sewer mains within 15 foot sewer easements crossing tax lots 400, 4000 & 4200....Sewer service for the proposed development will require main line extensions from one or a combination of the existing mains above.”* Applicant’s Exhibit 12 illustrates the location of the aforementioned sewer line easement crossing the subject property. As evidenced by said exhibit, there are no dwellings proposed to be sited within the sewer easement.

B. Water Supply As evidenced by Applicant’s preliminary grading plans, there is a 6” water line in Kings Highway adjacent and to the west, and there is a water line stubbed to the Applicant’s adjacent property (38-1W-06B-400) through unimproved Marsh Lane from the north There is also a 6” water line that extends from



Experiment Station Road, which is located to the south, that terminates at a location that is approximately 80 feet south of the southeast corner of Applicant's adjacent property 38-1W-06B-400. That line extends through what is likely to be a future extension of Marsh Lane. Water service is currently provided to the existing dwelling on the subject property from a service line extending from Kings Highway. According to information from City of Medford Water Commission there is sufficient pressure to serve the subject property and meet the City's minimum pressure requirements.

C. Storm Drainage: Applicant proposes an on-site storm detention facility within the northwesterly corner of the property. Applicant's Engineer's at CEC Engineering have determined the facilities can be constructed in a manner that is adequate to serve the site, all future anticipated development on the remainder of the tract and meet all local and state storm drainage requirements. A portion of the proposed detention facilities are within the riparian setback for Crooked Creek. Applicant has worked closely with ODFW to design a storm detention facility that is acceptable to ODFW with the imposition of a mitigation plan. Applicant has agreed to stipulate to a condition of approval that requires the initiation and implementation of the mitigation plan prior to issuance of construction permits including grading permits for the subdivision. As evidenced by Exhibits 12 and 17, the storm drainage facilities will not be closer than 25 feet from the stream top of bank. If ultimately found necessary through final design, a portion of the storm drainage facilities will be site by easement across the northerly portions of proposed lots 6 – 9, otherwise the facilities will be confined a separate lot specifically created to be managed for storm detention and vegetation enhancement purposes.

D. Roads and Access: The following facts pertain to streets and traffic as proposed in this project:

- **Project Access and Street Functional Classification:** The property fronts on Kings Highway which is identified in the City's Transportation System Plan (TSP) as a minor arterial street. The surrounding area is within the Southwest Medford Circulation Plan (See, Exhibit 10)
- **New streets:** Applicant proposes to provide the following new streets as part of the subdivision:
 - Terrazzo Way, is a proposed 55-foot wide Minor Residential Street that is designed to extend east-west through the project from Kings Highway. For lots served by Terrazzo Way, either clustered / staggered driveways will be utilized with fire hydrants spaced at no greater than 250 feet or all dwellings will be equipped with NFPA 13D fire sprinkler systems. Terrazzo Way provides the primary public access into the site from Kings Highway. The proposed street connection location with Kings Highway is as far south as possible from the northerly property line, thereby achieving the maximum distance from the nearest street intersection (being Trinity Way).



As evidenced by Applicant's future conceptual shadow plat of the remainder of their tract- Terrazzo Way is designed in a way that will allow adequate circulation throughout the area.

- **Existing streets:** Kings Highway: Kings Highway is designated as an arterial roadway in the City's TSP. The street is not currently built to the full arterial standard. Applicant's proposed plat reflects a designation of 14 feet of right of way along the Kings Highway frontage to allow the street to better meet the City's arterial standards. Kings Highway crosses Crooked Creek immediately northwest of the subject property. While the designation of right of way and improvements to the frontage of the subject property to meet the City's standards is likely warranted, there is no evidence to suggest any improvements to the Crooked Creek crossing are warranted as part of the proposed development. Further, Applicant's Engineer's contend that construction of the Kings Highway improvements adjacent to the subject property without improvements (widening) to the creek crossing may result in a traffic hazard. Without widening Crooked Creek, any widening of Kings Highway may direct traffic directly into the bridge railing or off the side of the bridge. For these reasons, Applicant seeks authorization to limit the Kings Highway frontage improvements to provision of right of way.

Marsh Lane is a publicly dedicated right of way that abuts Applicant's the northeasterly corner of adjacent maplot 38-1W-06B-400. As evidenced by Applicant's conceptual shadow plat – the proposed subdivision will ultimately be able to connect with Marsh Lane. The aforementioned adjacent portion of Marsh Lane is unimproved.

- G. Police and Fire Protection:** The property is served by the Medford Fire Department from its recently constructed Fire Station 2. Emergency fire response is estimated to be approximately 3 minutes. Police protection is from the City of Medford Police Department.

13. Lot Sizes and Dimensions. All proposed lots are designed to accommodate detached single family dwellings or duplexes. As evidenced by Applicant's Exhibit 04, all interior duplex lots are at least 30 feet in width and 90 feet deep; all interior single-family dwelling lots are at least 40 feet wide and 90 feet deep; all corner duplex lots are at least 40 feet wide and 90 feet deep; and all single-family dwelling corner lots are at least 50 feet wide and 90 feet deep. In order to be able to provide roads that meet City standards throughout the current development and the remainder of Applicant's holdings, most lots were proposed at the minimum depth of 90 feet.

14. Blocks: Applicant contends that the street layouts are consistent with the City's Southwest Medford Neighborhood Circulation Plan. As noted above, the proposal is for an in-fill project where the only improved public street is Kings Highway to the west. Lands to the north are comprised of a fully-built mobile home park with private roads; lands to the east are dedicated for future urban development but are not currently developed and lands to the south are under-developed larger lots.



The City's Circulation Plan identifies generalized locations of local street connections providing both east-west and north-south through connections across the property. As illustrated by Exhibits 04 and 13, the Applicant's proposed subdivision provides for an east-west connection across the property. A north-south connection that allows the area to be connected with future redevelopment of the lands to the south is not included in the plan, but there is adequate space for such a road to occur on the vacant lot to the east as part of future development. Applicant contends that a public street connection to the middle of the fully-built mobile-home park to the north and the private streets within said park is neither necessary or logical. The introduction of public access to a private road system to which the public has no authority to traverse is unwarranted. Further, there is little benefit to providing public access from the mobile home park for the park is already provided public road ingress and egress from three other directions.

The east-west block length provided by the development is approximately 615 feet (between Kings Highway and the end of the proposed lots). Pursuant to MLDO Table 10.426-1, the maximum block length is 660 feet. The proposal complies with the block length standards.

V

CONCLUSIONS OF LAW LAND DIVISION

Based upon the evidence in enumerated in Section II and summarized in the Section IV Findings of Fact, the Planning Commission reaches the following Conclusions of Law with respect to this matter:

A. LAND DIVISION – Tentative Subdivision Plat

MLDC 10.202

(E) Land Division Approval Criteria.

The 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, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;

Conclusions of Law; Consistency with the Comprehensive Plan: In *Bennett vs. City of Dallas* 17 Or LUBA 450, aff'd 96 Or App 645 (1989), the Oregon Court of Appeals held that quasi-judicial land use criteria that require compliance with a comprehensive plan do not



automatically transform all plan Goals, Policies and Implementation Strategies into decisional criteria; only the Goals, Policies and Implementation Strategies that contain language that, read in context, were intended to function as decisional criteria are in fact criteria. Based upon its review of the Comprehensive Plan, the Planning Commission holds that the Comprehensive Plan contains no goals or policies that by their language and context were intended to function as approval standards for the subject land division application.

Conclusions of Law; Applicable Specific Plans: The subject property is covered by a Neighborhood Circulation Plan — the adopted and acknowledged *Southwest Medford Circulation Plan* contemplates local street circulation through the middle of the subject property and beyond the easterly boundary of the subject property. A copy of the Adopted Southwest Medford Circulation Plan is shown at Exhibit 10. As evidenced by Exhibit 11 and 17, there are physical barriers on adjacent lands to the north that make future extension of a local street through the subject property to the north, unlikely. Applicant's plans contemplate and provide for the local street connections as shown on the aforementioned plan taking into consideration the physical barriers to the north.

Conclusion of Law; Consistency with MLDC Articles IV and V: MLDC Article IV governs public improvements by establishing standards for their construction. See Exhibit 12 for demonstration of the project's compliance with these standards.

MLDC Article V establishes standards for site development, including standards for lot size and density. MLDC 10.702 prescribes the Lot Area and Dimension Requirements, as follows:

10.702 Lot Area and Dimensions

Each lot shall have an area, width, frontage, and depth consistent with that prescribed in this Article for the housing type, or commercial or industrial district in which the development, or the portion thereof, is situated, except in the following situations:

- (1) Within a planned unit development, a condominium project, as defined by ORS 100.005, or a pad lot development, as defined herein, the approving authority (Planning Commission) may permit tax lots and common areas to be of an area, width, frontage, or depth different from such prescribed minimum or maximum lot area or dimensions.
- (2) For a condominium project, as defined by ORS 100.005, the minimum lot area and dimensions shall apply to the parent parcel only.
- (3) A new residential lot may exceed the maximum lot area only under the following circumstances:
 - (a) When an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area; or,
 - (b) When a portion of the lot is unbuildable for a reason beyond the control of the developer (i.e., due to creeks, oversized easements, etc.), the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area.

In MLDC 10.710 the minimum and maximum density factor for single family dwellings in an SFR-10 zone is 6 to 10 units per acre. With 22 lots proposed on 3.28 acres the proposed subdivision has a density of 6.7 units per acre. Based upon the proposed lot dimensions shown in Exhibit 04 and the Findings of Fact in Section IV, the Planning Commission



concludes the application contemplates the creation of lots that are sufficiently sized and consistent with the underlying SFR-10 zoning district and thus Land Division Criterion 1.

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;

Conclusions of Law: Based upon Exhibit 13 and the Findings of Fact in Section IV, the Planning Commission concludes the Applicant does own adjacent land immediately abutting the property to the east and south. Applicant's Exhibit 13 includes a conceptual shadow plat illustrating the manner in which the adjacent lands could feasibly be developed. This land division will not prevent the development of any adjoining land or of access thereto as this land division includes the creation of a new street which will be terminated with reserve strips to support future development of the undeveloped properties to the south and east. As such, this application is therefore consistent with the requirements of Land Division Criterion 2.

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;

Conclusions of Law: The Planning Commission concludes that this tentative plat is proposed to bear the name of The Meadows at Crooked Creek which will be submitted to the Jackson County Surveyor for approval. Ultimately this can and will be met through the imposition of conditions of approval. Therefore, this application is deemed to be consistent with Land Division Criterion 3.

Land Division Criterion 4

4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the Planning Commission determines it is in the public interest to modify the street pattern;

Conclusions of Law: The Planning Commission concludes that this land division includes the creation of one public street. The property to the north is a fully developed mobile home park served by private roads with no public street stubs to the subject property. The easterly



boundary of the mobile-home park property to the north abuts an unimproved portion of local street Marsh Lane. Applicant's proposed plans make possible a future extension of the proposed local street to ultimately connect with an extension of Marsh Lane. The properties to the south are larger properties with a variety of developments with no public street connections to the subject property. The lands to the east are largely undeveloped lands recently added to the Urban Growth Boundary and are therefore dedicated for urbanization under the City's Comprehensive Plan, once the property is adequately served with infrastructure and annexed into the City. Applicant's proposed street connection does not preclude additional public access to the lands to the east in a manner consistent with the Southwest Medford Circulation Plan. No unbuilt plats have been approved adjoining this parcel. Therefore, this application is consistent with Land Division Criterion 4.

Land Division Criterion 5

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

Conclusions of Law: This application does not involve the extension or creation of any private street. Therefore, the Planning Commission concludes that this criterion is met by reason of inapplicability.

Land Division Criterion 6

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

Conclusions of Law: The evidence shows that all adjacent lands are within the Medford corporate boundary and are not zoned EFU. Therefore, the Planning Commission concludes that this criterion is met by reason of inapplicability.

B. CONDITIONAL USE PERMIT – Storm Drainage Facilities within Riparian Corridor

CUP Criteria 1

10.924 Permitted Activities within Riparian Corridors

B. The following activities, and maintenance thereof, are permitted within a riparian corridor, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands and the U.S.



Army Corps of Engineers. All plans for development and/or improvements within a riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

- (1) Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of road crossings, or water flow improvements.
- (2) Restoration and enhancement of native vegetation, including the addition of canopy trees; cutting of trees which pose a hazard due to threat of falling if the tree is left in the riparian area after felling; or removal of non-native vegetation if replaced with native plant species at the same amount of coverage or density.

Conclusions of Law: As evidenced by Exhibits 17 and 12 and as described and found under Section IV - Applicant's proposed storm drainage facilities contain restoration and enhancement of native vegetation, including the addition of canopy trees. While Applicant has filed a precautionary Conditional Use Permit (CUP) to allow the storm drainage facilities to be sited partially within the riparian corridor, the use may, in the first alternative be allowed as permitted activities. The Planning Commission concludes, in the first alternative, that Applicant's proposed storm drainage facilities do in-fact constitute restoration and enhancement of native vegetation, including the addition of canopy trees consistent with this MLDO Section 10.924 (2) and are therefore permitted. Applicant has demonstrated evidence of appropriate correspondence with ODFW for confirmation of habitat mitigation recommendations consistent with this provision. This Planning Commission therefore concludes, in the first alternative, that the proposal is consistent with 10.924 and that a Conditional Use Permit is not required. Thus, the Planning Commission also concludes this Criterion 1 is met. Should the Courts ultimately agree, then the remaining following CUP Criteria are not applicable.

CUP Criteria 2

10.925 Conditional Uses within Riparian Corridors

The following activities, and maintenance thereof, are allowed within a riparian corridor if compatible with Section 10.920, "Riparian Corridors, Purposes," and if designed to minimize intrusion. Such activities shall be subject to approval of a Conditional Use Permit, which may be considered separately or in conjunction with another land use review. The approving authority must determine that the proposal complies with at least one of the Conditional Use Permit criteria. Applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers shall subsequently be obtained. All development and improvement plans shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

- (1) Water-related or water-dependent uses, such as drainage facilities and irrigation pumps.
- (2) Utilities or other public improvements.
- (3) Streets, roads, or bridges where necessary for access or crossings.
- (4) Multi-use paths, accessways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture.



Conclusions of Law: In the event the Courts ultimately hold that the proposed storm detention facilities are not permitted uses allowed outright under MLDO 10.924, Applicant has, in the second alternative, sought authorization for the uses as a conditional use permit.

As illustrated on attached maps and discussed in Applicant's Section IV herein above, a portion of the subject property lies within 50-feet of Crooked Creek and pursuant to MLDO 10.922(A)(1) and the City of Medford Comprehensive Plan, said portion of Crooked Creek is subject to the riparian protections of MLDO Chapter 10.9 (See CUP Criterion 3 herein below). Applicant has requested the necessary on-site storm detention facilities be partially located within the riparian corridor for Crooked Creek. Applicant contends and the City accepts that said proposed facilities constitute water-related drainage facilities as prescribed under this subsection (1) and the same are therefore allowed by manner of conditional use permit.

As evidenced by this document and Section II Attached Exhibits, applicant has properly sought a conditional use permit for the use. Applicant's Exhibit 18 includes correspondence from ODFW tentatively approving the proposed use subject to the agreed-upon mitigation plan. Applicant contends and the City accepts that the Applicant has submitted the development/improvement plans to ODFW for a habitat mitigation recommendation consistent with this provision. Applicant contends that since the proposed use is located at least 25-feet from the Crooked Creek top of bank, the use is likely exempt from DSL and U.S. Corps of Engineers permitting. Applicant however agrees to stipulate to a condition of approval that requires confirmation from said agencies prior to grading permits for the use.

Compliance with this provision is reliant on compliance with the general Conditional Use Permit (CUP) provisions of MLDO 10.108 and conformance with the remaining riparian protection provisions of MLDO 10.9. All of the relevant criteria and standards within each of those sections are addressed in-full under CUP Criteria 2 – xxxx herein below. Each of the criteria therein are found to comply and therefore this Criterion 2 is found to comply. The Conclusions made therein are herein incorporated and adopted along with the Section IV Findings of Fact and Section II attached evidence relied upon in support of said compliance.

The Planning Commission concludes that the proposed use is eligible for a conditional use permit and that the Applicant has met the requirements under this MLDO 10.925. Therefore, the Planning Commission also concludes that this criterion can and will be met through the imposition of conditions.

CUP Criteria 3

10.922 Riparian Corridors, Applicability

A. The provisions of Sections 10.920 through 10.928, "Riparian Corridors," shall be applied to:



Findings of Fact and Conclusions of Law

The Meadows at Crooked Creek Subdivision & CUP
Meadows at Crooked Creek, LLC : Applicant

(1) Those waterways, or portions thereof, identified by the Medford Comprehensive Plan as being fish-bearing streams, and any other waterways, or portions thereof, specified in the Medford Comprehensive Plan as having riparian areas determined to be significant.

(a) Those portions of streams designated fish-bearing in the Comprehensive Plan include: Bear, Elk, Swanson, Lone Pine, Lazy, Larson, Gore, and Crooked Creeks. Specifically:

...
viii. Crooked Creek: from Bear Creek southwest 2.08 miles.

(4) When a locally significant wetland is located within or adjacent to a riparian corridor, the riparian corridor setback will be applied, and shall be measured from the boundary of the wetland.

B. Applications for land use review (except Annexations), development permits, or building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or a portion thereof, shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels.

...

10.923 Riparian Corridors, Location

A. The riparian corridor of 50 feet shall be measured horizontally from the top-of-bank, as defined herein, on both sides of those waterways meeting the following criteria:

- (1) Identified in Section 10.922A. "Riparian Corridors, Applicability," and in the Comprehensive Plan as being fish-bearing; and
- (2) Having an average annual stream flow of less than 1,000 cubic feet per second (cfs), and
- (3) Waterways having riparian areas determined to be significant in the Comprehensive Plan.

B. The 50-foot riparian corridor may be reduced if a request to reduce the setback has been approved according to Section 10.927, "Riparian Corridors, Reduction or Deviation."

Conclusions of Law: As illustrated on attached maps and discussed in Applicant's Section IV herein above, a portion of the subject property lies within 50-feet of Crooked Creek and pursuant to MLDO 10.922(A)(1) and the City of Medford Comprehensive Plan, said portion of Crooked Creek is subject to the riparian protections of MLDO Chapter 10.

As evidenced by Exhibit 4, Applicant's surveyor has identified the top of bank on the proposed Tentative Subdivision Plat. That Exhibit and other to-scale drawings are Exhibits that identify said top of bank and the subsequent 50-foot setback boundary consistent with this 10.923(A) and 10.922(B). While the proposal may, in the alternative, be considered and processed as a reduction to the 50-foot setback, the use has been proposed as a conditional use within the riparian corridor, instead. Thus, this subsection 10.923(B) is not applicable.

Based on the foregoing, the Planning Commission concludes this CUP Criteria 3 is met.



CUP Criteria 4

10.927 Riparian Corridors, Reduction or Deviation

A request to reduce or deviate from the riparian corridor boundary provisions of this section may be submitted to the Planning Director or designee for consideration. A deviation request may be approved as long as equal or better protection of the riparian area will be ensured through a plan for restoration, enhancement, or similar means. Such a plan shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy." In no case shall activities prohibited in Section 10.926 (1) through (3), "Prohibited Activities within Riparian Corridors" be located any closer than 25 feet from the top-of-bank. The Planning Commission shall be kept advised of the outcome of deviation or reduction requests. Any decision of the Planning Director may be appealed to the City Council as provided in Chapter 10 of the Code of Medford.

Conclusions of Law: Applicant's request for Conditional Use Permit to site storm detention facilities partially within a riparian corridor may be considered a reduction of or deviation from the riparian corridor boundary provisions. The request has properly been submitted to the Medford Planning Department to be processed and reviewed by the Planning Commission pursuant to this provision along with MLDO 10.108 and 10.922.

Applicant contends that the proposed uses and subsequent mitigation will result in equal or better protection of the riparian area that will be ensured through a restoration / enhancement plan properly vetted through ODFW as an approved mitigation plan. Based on attached Evidence and Section IV Findings of Fact, the Planning Commission concurs with Applicant's contention and agrees that the proposal will result in an overall enhancement to the Crooked Creek Riparian corridor and the same will be assured through the imposition of conditions, to which the Applicant has agreed to stipulate.

There is no evidence to indicate that any use prohibited by MLDO 10.926 will occur. With exception of vegetative enhancements, Applicant has agreed to site all storm detention facilities (primarily consisting of an earthen bioswale) outside the 25-foot setback boundary from Crooked Creek consistent with the attached plans. The same can and will be enforced through the imposition of conditions.

The Planning Commission concludes that this Criterion 4 is met.

CUP Criteria 5

10.926 Prohibited Activities within Riparian Corridors



Findings of Fact and Conclusions of Law

The Meadows at Crooked Creek Subdivision & CUP
Meadows at Crooked Creek, LLC : Applicant

The following activities are prohibited within a riparian corridor, except as permitted in Sections 10.924 "Permitted Activities within Riparian Corridors" and 10.925 "Conditional Uses within Riparian Corridors."

- (1) Placement of new structures or impervious surfaces.
- (2) Excavation, grading, fill, stream alteration or diversion, or removal of vegetation except for perimeter mowing for fire protection purposes.
- (3) Expansion of areas of pre-existing non-native ornamental landscaping such as lawn, gardens, etc.
- (4) Dumping, piling, or disposal of refuse, yard debris, or other material.
- (5) Wireless communication facilities.

Conclusions of Law: Section IV Findings of Fact identify the proposed storm detention facilities as a vegetative bioswale. While there will be some grading and possible structural reinforcements, the grading and excavation necessary to construct the facilities are those allowed as either a permitted activity or as a conditional use under 10.925 and therefore are allowed. The proposed facilities and mitigation will modify what is now primarily mowed grass fields and convert to vegetation with trees, shrubs and grasses that are of varieties acceptable to the City and ODFW. Based on the foregoing, the Planning Commission concludes this Criterion 5 is met.

CUP Criteria 6

10.922 Riparian Corridors, Applicability

...
C. When reviewing land use applications or development permit applications for properties containing a riparian corridor, or portion thereof, the approving authority should consider the purpose statements in section 10.920, "Riparian Corridors, Purposes" in determining the extent of the impact on the riparian corridor.

D. The Planning Commission shall be the approving authority for applications for exceptions to the provisions herein pertaining to Riparian Corridors. In addition to the provisions of Section 10.186 such a request shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

10.920 Riparian Corridors, Purposes

The purposes of establishing riparian corridors are:

- (1) To implement the goals and policies of the "Environmental Element" and the "Greenway" General Land Use Plan (GLUP) designation of the Medford Comprehensive Plan and achieve their purposes.
- (2) To protect and restore Medford's waterways and associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.
- (3) To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.
- (4) To protect and restore the natural beauty and distinctive character of Medford's waterways as community assets.



Findings of Fact and Conclusions of Law

The Meadows at Crooked Creek Land Division & CUP
Meadows at Crooked Creek, LLC : Applicant

- (5) To provide a means for coordinating the implementation of the Bear Creek Greenway and other greenways or creek restoration projects within the City of Medford.
- (6) To enhance the value of properties near waterways by utilizing the riparian corridor as a visual amenity.
- (7) To enhance coordination among local, state, and federal agencies regarding development activities near waterways.

Conclusions of Law: Applicant's proposal takes into consideration the elements identified in the Purpose section of 10.920 and the Planning Commission as the approving authority has reviewed the request and herewith concludes the same to be within the intent and purpose outline in MLDO 10.920. The Planning Commission, with the recommendations from ODFW conclude the proposed designs will provide a net benefit to the riparian corridor for Crooked Creek. Therefore, the Planning Commission concludes this Criterion 6 to be met.

CUP Criteria 7

10.928 Conservation and Maintenance of Riparian Corridors

When approving applications for the following land use actions: Land Divisions, Planned Unit Developments, Conditional Use Permits, and Exceptions, or for development for properties containing a riparian corridor, or portion thereof, the approving authority shall assure long term conservation and maintenance of the riparian corridor through one of the following methods:

- (1) The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors," and any imposed by state or federal permits; or,
- (2) The area shall be protected in perpetuity through ownership and maintenance by a private non-profit association by conditions, covenants, and restrictions (CC&R's) prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors," and any imposed by state or federal permits; or,
- (3) The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors," and any imposed by state or federal permits; or, (4) The area shall be protected through other appropriate mechanisms acceptable to the City of Medford which ensure long-term protection and maintenance.

Conclusions of Law: The Planning Commission concludes this set of provisions can and will be met through the imposition of conditions and therefore also concludes this Criterion 7 to be met.

CUP Criteria 8



10.108 Land Use Review Procedure Types

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

(C) Conditional Use Permit Approval Criteria.

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

(a) 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.

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

Conclusions of Law: The riparian protection provisions of 10.9 (addressed under CUP Criteria 1- 8 herein above) constitute the City's regulations related to potential impacts specific to uses within a riparian corridor. The Planning Commission herewith concludes that any and all elements of 10.108 found to pertain to riparian impacts, has been addressed under CUP Criteria 1-8 above. Based on the discussion, facts and evidence therein relied upon, the Planning Commission concluded the proposal complies with said criteria and therefore also concludes the proposal to comply with this provision for potential impacts related to or potentially derived from the proposed uses within the riparian corridor. The discussion, facts and evidence aforementioned are herewith incorporated and adopted.

While the reason for the CUP is to site a vegetated bioswale storm detention facility partially within a riparian corridor, and as noted herein above, the City's provisions related to riparian protection can and will be met – the provisions herein must also be addressed as relevant criteria.

The development proposal for which the CUP is triggered is the placement of the storm detention facility partially within the riparian corridor. The proposed residential development and subdivision constitute needed housing and are proposed in a manner that fully complies with all relevant land division and development standards. The Planning Commission concludes that 'development proposal' herein is restricted to the riparian encroachment and not the residential development and subdivision lying outside the riparian corridor.

As evidenced by Applicant's proposed storm detention plans and proposed mitigation measures that have been accepted by ODFW, the ultimate result will be a net benefit to the riparian corridor for Crooked Creek. The manner in which the project is laid-out, the storm detention facilities will not have any foreseeable negative consequence on any adjacent or



nearby lands. The vegetative enhancements will make for an aesthetic buffer between the adjacent mobile home park to the north and the adjacent residential development. The facilities will not provide any additional barrier to potential development of any adjacent or nearby lands. There is no evidence to suggest that any negative value to any adjacent or surrounding lands will result from the proposed bioswale and mitigation. There is no evidence to suggest that the storm detention facilities will in any way have any negative impact on adjacent or nearby lands.

Based on Section IV Findings of Fact and Section II Attached Evidence, the existing status of the riparian corridor along the subject property's northerly border is less than desirable for there is minimal native vegetation and ongoing human disturbance (seasonal grass mowing) occurs close to the channelized creek. The vegetation consists of mowed grass field with a couple of trees. Through the proposal and ODFW approved mitigation plan, the vegetation within said corridor will be significantly improved. Pursuant to the City of Medford Comprehensive Plan, improvements of riparian corridors has a potential net public benefit in the form of potential enhanced water quality and fisheries improvements.

The Planning Commission concludes that, based on substantial evidence in the record, the proposal is in conformance with subsection (a) and (b) herein above and this CUP Criterion 8 is met.

CUP Criteria 9

(D) Conditional Use Permits, Mitigation of Impacts.

A conditional use requiring the mitigation of impacts under Subsection (C)(1)(b) above must do one of the following:

- (1) Preserve unique assets of interest to the community.
- (2) Provide a public facility or public nonprofit service to the immediate area or community.
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

...

Conclusions of Law: The Planning Commission concludes that the proposed mitigation plan, approved by ODFW is acceptable mitigation under this (D)(3) to meet any potential impacts under (C)(1)(b) above as it . The Planning Commission concludes that this CUP Criterion 9 can and will be met through the imposition of conditions.

CUP Criteria 10

(G) Conditional Use Permit Application Form

An application for a conditional use permit shall contain the following:



Findings of Fact and Conclusions of Law

The Meadows at Crooked Creek Subdivision & CUP
Meadows at Crooked Creek, LLC : Applicant

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the location of the proposed site.
- (2) Assessor's map with subject site identified.
- (3) Site plan drawn to scale on an eighteen inch by twenty-four inch (18" x 24") sheet. Site plan shall identify all existing and proposed buildings, parking, drives, vegetation or landscaping, adjacent development.
- (4) Property owner's (and agent's) names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.
- (5) Findings prepared by the applicant or his/her representative addressing the criteria set forth in Section 10.184 (C), Conditional Use Permit Approval Criteria.
- (6) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).
- (7) A Landscape Plan, meeting the specifications and requirements in Section 10.780, if applicable.

Conclusions of Law: This set of provisions relates to submittal standards and does not constitute criteria. As evidenced by Applicant's Section II, Attached Exhibits – the Planning Commission concludes the proposal includes the requisite submittal forms and evidence and therefore also concludes this CUP Criterion 10 is met.

VI

STIPULATIONS OFFERED BY APPLICANT

If made a condition attached to the approval of these land use applications, Applicant herewith agrees to stipulate:

1. Prior to any grading or construction permits, Applicant shall submit final grading and engineering plans to be reviewed by City of Medford Public Works.
2. All public and private improvements shall be installed in a manner consistent with Section IV Findings of Fact and as illustrated on the Tentative Subdivision Plat.
3. Prior to final plat, Applicant shall execute a property line adjustment to reconfigure maplot 38-2W-01AA-4000 in a manner to coincide with the extent of the subdivision boundary.
4. Prior to issuance of grading / construction permits related to development of the site, Applicant shall provide City Planning evidence that ODFW has approved the final riparian planting plan and said plan shall be substantially consistent with the proposed plan submitted with the Application.



VII

ULTIMATE CONCLUSIONS

Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that the case for Land Division, Conditional Use Permit and Property Line Adjustment is consistent with all of the relevant criteria in the Medford Land Development Code (MLDC) 10.2, 10.9, 10.1 and 10.8 as hereinabove enumerated and addressed.

Respectfully submitted on behalf of Applicant Meadows at Crooked Creek, LLC:

CSA PLANNING, LTD.



Mike Savage
Consulting Planner

Dated March 1, 2019



RECEIVED

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PLANNING DEPT.

APPLICANT'S EXHIBIT 3

DEMONSTRATION OF COMPLIANCE WITH APPLICABLE LAND DIVISION STANDARDS

Medford Land Development Code ("MLDC"). The relevant approval standards are recited verbatim below:

10.310 (-1) SFR-6 and SFR-10, Single-Family Residential - 6 or 10 dwelling units per gross acre

These two urban residential districts provide for standard and higher density single-family detached dwellings, duplexes, and mobile home parks.

...

In SFR-10, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:

Minimum and Maximum Density Factor (df) 6.0 to 10.0 DU/gross acre

Compliance with Standards: The proposed single-family home subdivision consisting of attached and detached single family units is a permitted use in the SFR-10 zone. Twenty-two (22) SFR-10 residential lots are proposed on 3.28 acres, and as such the project has a density of 6.7 dwelling units per acre. The project complies with the standard.

* * * * *

10.426 Street Circulation Design and Connectivity

- A. The approving authority shall approve or disapprove street arrangement. In determining the suitability of the proposed street arrangement, the approving authority shall take into consideration:
 - 1. Adopted neighborhood circulation plans where provided; and
 - 2. Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and
 - 3. Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and
 - 4. Compatibility with existing natural features such as topography and trees; and
 - 5. City or state access management standards applicable to the site.
- B. Street Connectivity and Formation of Blocks Required.
 - 1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.
 - 2. Proposed streets, alleys and access ways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.
 - 3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.
 - 4. Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.
- C. Maximum Block Length and Block Perimeter Length.
 - 1. Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.



APPLICANT'S EXHIBIT :

Demonstration of Compliance with Applicable Development Standards

Subdivision- Conditional Use Permit

Applicant: Meadows at Crooked Creek, LLC

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH Table 10.426-1		
Zone or District	Block Length	Block Perimeter Length
a. Residential Zones	660'	2,100'

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:
 - j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.
3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,
4. When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

Compliance with Standards: The Southwest Medford Neighborhood Circulation Plan (the plan) illustrates general local street connectivity within the area of the subject property. The plan reflects an east-west local street connection within the vicinity of the subject property that provides a local connection between Kings Highway to the west and future extension of Marsh Lane to the east. While the subject property is generally north of said local connection, the proposed east-west Terrazzo Lane is consistent with the plan because it allows for an ultimate east-west connection in the area between Kings Highway and future extension of Marsh Lane. The plan also includes a north south local street approximately half-way between Kings Highway and Marsh Lane. The proposed subdivision is situated within approximately 600 feet of Kings Highway and does not quite reach the approximate half-way measurement between Kings Highway and future Marsh Lane and therefore does not impede any future north-south local connection. Applicant's Exhibit 2, Section IV Findings of Fact document the manner in which the subject property lies south of a fully-built Springview Estates mobile home park. Said park is served by a private road system with multiple connections to the public street system. Applicant provides at Exhibit 13, a conceptual shadow plat for the remainder of their adjacent lands. Said Exhibit is non-binding, but reflects a reasonable manner in which local circulation as required under this set of standards can ultimately be achieved.

The new block being formed by this project meets the block length standards of this section and provides clear connections with existing and future streets surrounding the site. The project complies with the standards.

D. Minimum Distance Between Intersections.

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

Compliance with Standards: Terrazzo Way is to be located as far as possible from the northerly property line, thereby achieving the maximum distance from the nearest street intersection of Trinity Way and Kings Highway. A greater distance cannot be practically created given the property's layout. The project complies with the standard.



* * * * *

10.427 Street Classification System

.....

All existing and proposed streets within the City shall be identified by classification as follows below. The classification of higher-order streets shall be determined by the City of Medford Street Functional Classification Plan Map, as amended. The classification of lower-order streets shall be consistent with any adopted Neighborhood Circulation Plan or other special area plan, and based upon adjacent zoning, and, in the case of residential streets, the number of dwelling units utilizing the street for vehicular access.

Street Classification

Highway

County, or state facility

Higher-Order Street System

Arterial, Major or Minor

Collector, Major, Major Alternative, or Minor

Lower-Order Street System - Residential

Standard Residential

Minor Residential

Residential Lane

Non-Street Alternatives

Minimum Access Easement

Alley

10.430 Lower-Order - Residential Street Classification System

Residential streets conduct local traffic to collector and arterial streets at relatively low traffic volumes and speeds and provide important direct land access to individual parcels. There are three (3) categories of residential streets as follows:

....

(2) Minor Residential Streets. A street which provides direct access to immediately adjacent residentially zoned land and neighborhood street connectivity, and which serves up to one hundred (100) dwelling units. On-street parking is provided on both sides of the street. Design requirements for a minor residential street include two (2) travel lanes with sidewalks and planter strips on both sides. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options:

- a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.



APPLICANT'S EXHIBIT :

Demonstration of Compliance with Applicable Development Standards

Subdivision- Conditional Use Permit

Applicant: Meadows at Crooked Creek, LLC

- b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

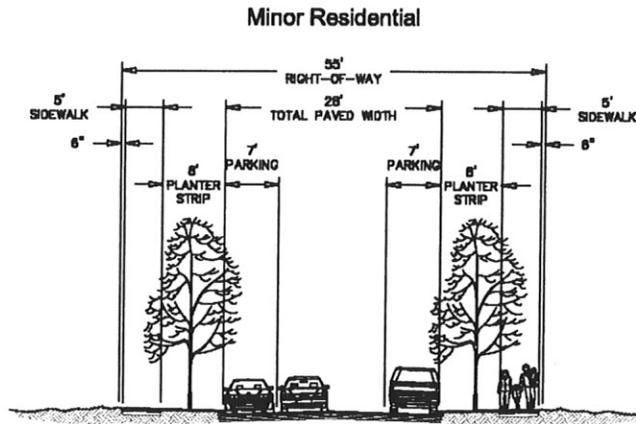
10.430 Lower-Order - Residential Street Classification System

Table IV-1 sets forth general standards for all types of City streets. The application of these standards is set forth above.

Table IV-1

Medford Street Cross-Sections Dimensions

FEATURES/DIMENSIONS (EACH DIRECTION)								
FUNCTIONAL CLASSIFICATION	Travel Lane	Bike Lane	On-Street Parking	Sidewalk	Planter Strip	Left Turn Lane/Median	Total Paved Width	Total Right-of-Way Width
Minor Residential	11'	None	7'	5'	8'	None	28'+***	55'
*** Street Width numbers are not additive. When vehicles are parked on both sides of the street lane width is effectively reduced to accommodate only a single vehicle at any one time.								



10.431 Street Improvement

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section 10.186. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.

Street Improvements and Dedications for City-Owned Parkland.

1. Street improvements and right-of-way dedications shall be found by the Planning Commission to be reasonably associated with impacts caused by the park necessary for service to the park.
2. The requirements for street utility improvements, associated with a land division for Cityowned parkland, may be deferred to the time of a Park Development Review application. A final plat of the land division may proceed in advance of such required improvements. Any lots created that are not intended for park purposes shall comply with the dedication and improvement provisions.



10.432 Street Improvement, Deferred

(1) Criteria for Deferral.

.....

10.443 Half Streets

Upon written request by the developer at the time of development permit application, half streets plus eight (8) feet may be approved where essential to the reasonable development of a parcel when in conformity with the other requirements of these regulations, and subject to the approving agency's findings that it will be practical to require dedication of the other half when the adjoining property is developed; the other half of the street shall be platted within the adjacent tract.

Compliance with Standards: The Applicant will provide a Minor Residential Street as part of the proposed subdivision. At 22 total dwelling units, the number of homes proposed to be served complies with the standard. For the majority of the its length, the street shall comply with the above standards with a total of 55 feet of Right of Way. Applicant's Tentative Subdivision plat demonstrates it is feasible to meet all fire apparatus access standards. As allowed per MLDC 10.443, a portion of the street, approximately 125 feet in length, that abuts the neighboring property to the south (38-1W-01AA-4100) and beginning at Kings Highway can and will be built to a half street standard. As evidenced by Applicant's proposed tentative subdivision plat, the first 125 feet of Terrazzo Way is proposed to include half plus more than the minimum of 12 in order to accommodate the potential need for grading. The project can and will comply with the relevant street standards.

* * * * *

10.451 Additional Right-of-Way and Street Improvements

Whenever an improved arterial or collector street are abutting or within a development and do not meet current City Standards, only additional right-of-way, as per Table IV-1 in Section 10.430B, shall be required as a condition to the issuance of a development permit, unless otherwise occupied by structures in which case only a partial dedication will be required.

Compliance with Standards: Applicant stipulates to dedicating 14 feet of right of way so that the portion of Kings Highway abutting the proposed subdivision may be improved by the City to its standards in the future.

* * * * *

10.471 Public Utility Easements

At the time of development review, public utility easements ten feet in width shall be provided adjoining all lot lines abutting a street, or as otherwise required by the City of Medford.

Compliance with Standards: The proposal can and will comply with this standard. *See*, Exhibit 4.

* * * * *

10.485 Storm Drainage Requirements.



APPLICANT'S EXHIBIT :
Demonstration of Compliance with Applicable Development Standards
Subdivision- Conditional Use Permit
Applicant: Meadows at Crooked Creek, LLC

- A. Subterranean storm drains shall be designed and installed by the developer to adequately and safely drain all storm waters of a development and all surface waters reaching, or reasonably calculated to reach, said development from areas outside of its boundaries, and to ultimately drain the same to an approved watercourse.
- B. Drainage to a watercourse shall be either by the direct discharge into the same or by connection with adjacent existing storm drains already discharging into a water course and of a capacity sufficient, in the opinion of the City Engineer, to adequately and safely carry all of such additional drainage.
- C. When a proposed development may adversely impact a storm drainage system, the City Engineer may recommend to the approving authority that the developer have prepared by a registered engineer, a Storm Drainage Plan for review and approval prior to final action on the plan authorization. (Effective Dec. 1, 2013.)
- D. The storm drain system shall consist of mains of not less than twelve (12) inches in diameter, together with such manholes, catch basins, laterals, water quality and flow control facilities, and other structures, and at such grades as required by the City Engineer to conform to good drainage requirements for the area and for the topography of the development to prevent standing waters or flooding within and outside of its boundaries.

Compliance with Standards: Applicant's conceptual storm drainage plan demonstrates it is feasible to meet these requirements. Ultimately, Applicant will provide a final storm drain plan in a manner that complies with these standards, prior to on-site construction (grading) permits.

* * * * *

10.490 Sanitary Sewers

The developer shall connect said development and each of the lots thereof to the existing sanitary sewer facilities in the area by the installation of such additional mains and laterals as are necessary to adequately serve the same by sanitary sewers. Development using sewage disposal systems other than sanitary sewers will not be permitted.

10.492 Sanitary Sewer Design

All sanitary sewer facilities shall be of a total gravity systems design installed in public or private street right-of-way or public easement to grades, standards, location, lengths and sizes, as approved by the Department of Environmental Quality and the City Engineer.

Compliance with Standards: Proposed subdivision will connect to the adjacent sanitary service lines determined to be adequate by Rogue Valley Sewer Services (RVSS). Proposal will comply with these standards. See, Exhibits 12 and 19.

* * * * *

10.495 Street Lighting and Pedestrian-Scale Street Lighting.

Street lighting shall be required of new development having frontage on a public or private street, and shall be furnished and installed by the developer in accordance with the standards in either Subsections (A) or (B). The street lighting and pedestrian scale street lighting requirements of the Southeast Overlay District shall be as specified in 10.380. Except as otherwise provided in this Section, the City shall assume ownership and payment of on-going electrical energy costs for new street lights and pedestrian scale street lights within public street rights-of-way upon acceptance of the lights by the City.

A. Standard Street Lighting Requirements.

1. Quantity and Spacing

Street lights shall be installed at least every 220 feet except in the following situations:

- a. Cul-de-sacs shall have at least one (1) street light regardless of length.
- b. Industrial streets as defined herein shall have at least one (1) street light at each street intersection.
- c. Developments having 200 or more feet of frontage on an existing street shall have at least one (1) street light for the first 200 feet plus one (1) street light per each 220 feet of additional frontage.



- d. Developments having less than 200 feet of frontage on an existing street shall enter into a Deferred Improvement Agreement for future street light installation.
2. ILLUMINANCE
 Street lighting shall meet the following illuminance standards. The illuminance values, expressed in footcandles as defined herein, represent roadway average maintained values.

ILLUMINANCE STANDARDS MEASURED IN FOOTCANDLES		
STREET CLASSIFICATION	Commercially Zoned Areas	All Other Areas
ARTERIAL	2	1.4
COLLECTOR	1.2	0.9
ALL OTHER	0.9	0.6

3. Shielding
 Street lights and pedestrian-scale street lights shall be designed or shielded so as to prevent light from being emitted above the fixture.
4. Street Trees
 The location of street lights and pedestrian-scale street lights shall be coordinated with street tree planting plans where required or utilized.

Compliance with Standards A lighting plan will be submitted prior to final plat that complies with these standards.

10.500 Sidewalks

Sidewalks shall be required of all developments including single-family residences along both sides of all streets except minimum access easements which do not require sidewalks and residential lanes where sidewalks are required on one side of the street.

10.501 Sidewalk Specifications

Sidewalks shall be constructed in accordance with the following specifications:

- (1) Concrete. Sidewalks shall be
-
- 4) Width. Sidewalks shall be five (5) feet in width

Compliance with Standards: Sidewalks will be constructed to the specifications of MLDC 10.501. Sidewalks will be constructed along both sides of Terrazzo Way, complying with standards. See, Exhibits 04 and 12.

10.555 Underground Utilities

All public utility systems and service facilities, including without limitation all electrical and telephone distribution or transmission facilities, and also all cable television distribution or transmission facilities installed in and for the purpose of providing service to the development shall be located in a public utility easement with a junction box for each lot of the development designed to carry the service drops underground to each serviced building or structure. The developer shall pay any necessary cost or make other arrangements with each of the public utility companies involved for the installation of the underground facilities and for the relocation of existing overhead facilities on the property, and in conformance with the respective operating company's rules and regulations then on file with and approved by the public utilities commission.



APPLICANT'S EXHIBIT :

Demonstration of Compliance with Applicable Development Standards

Subdivision- Conditional Use Permit

Applicant: Meadows at Crooked Creek, LLC

Compliance with Standards: All required utilities will be provided in a public utility easement and will comply with this standard.

* * * * *

(3) Driveway Spacing and Locational Standards

b. Local Streets

A minimum distance of three (3) feet shall be maintained between the closest portions of adjacent driveway flares as measured along the curb on local streets, except where existing conditions dictate otherwise. Cul-de-sacs are exempt from these standards.

The closest edge of a driveway shall be a minimum of 35 feet from any intersecting local streets measured along the curb to the nearest right-of-way line of the intersecting street. If the parcel does not have sufficient width to meet this requirement, the driveway shall be located adjacent to the property line farthest from the intersecting street, and no authorization for larger driveway width shall be granted.

Compliance with Standards: Driveways of all proposed lots can and will comply with the standards.

* * * * *

10.710 Detached Single-Family Dwellings

The following standards apply to the development of detached single-family dwellings within the various residential districts.

DETACHED SINGLE-FAMILY DWELLINGS		
Standard	SFR-10	Compliance
MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	6.0 to 10.0 dwelling units per gross acre	Proposed density complies. Proposal has 6.7 dwelling units per gross acre
MINIMUM LOT AREA (SQ. FEET)	3,600 to 8,125 SF	All lots comply
MAXIMUM COVERAGE FACTOR	50%	All lots can and will comply
MINIMUM INTERIOR LOT WIDTH	40 feet	All lots comply
MINIMUM CORNER LOT WIDTH	50 feet	All lots comply. Some lots are of varying width, but average at least 60 feet in width.
MINIMUM LOT DEPTH	90 feet Can count only half of an adjoin alley toward the lot depth	All lots comply
MINIMUM LOT FRONTAGE	30 feet, EXCEPT Flag Lots which shall be 20 feet	All lots comply
MINIMUM FRONT YARD BUILDING SETBACK	15 feet, EXCEPT the garage shall be a minimum of 20 feet. If the garage door is perpendicular to the street then the minimum setback to the side wall of the garage is 15 feet.	All lots comply
MINIMUM STREET SIDE YARD	10 feet	All lots can and will comply



APPLICANT'S EXHIBIT 3

Demonstration of Compliance with Applicable Development Standards

Subdivision- Conditional Use Permit

Applicant: Meadows at Crooked Creek, LLC

BUILDING SETBACK	EXCEPT 20 feet for vehicular entrances to garages or carports	
MINIMUM SIDE BUILDING SET BACK	4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27– 30 feet building height 12 feet for 31 feet or taller building height	All lots can and will comply
MINIMUM REAR YARD BUILDING SET BACK	The rear yard is equal to the greater of the side yard setbacks calculated in §10.705(C), and not less than 4 feet. EXCEPTION: If the rear property line abuts a collector or arterial street, or the parcel is a through lot, then the setback is a minimum of 10 feet.	All lots can and will comply
MAXIMUM BUILDING HEIGHT	35 feet	All lots can and will comply
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit	All lots can and will comply

Compliance with Standards: All lots can and will comply with all standards.

* * * * *

10.713 Duplex Dwellings

The following standards apply to the development of duplex dwellings within the various residential districts.

DUPLEX DWELLINGS		
Standard	SFR-10	Compliance
SPECIAL STANDARDS	A duplex need not be divided by a lot-line. A duplex is permitted on a lot if it meets the density calculations	All lots comply
MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	6.0 to 10.0 dwelling units per gross acre	Proposed density complies. Proposal has 6.7 dwelling units per gross acre
LOT AREA RANGE (SQUARE FEET)	6,000* to 12,500*	All lots comply
MAXIMUM COVERAGE FACTOR	50%	All lots can and will comply
MINIMUM INTERIOR LOT WIDTH	50 feet*	All lots comply
MINIMUM CORNER LOT WIDTH	60 feet*	All lots comply. Some lots are of varying width, but average at least 60 feet in width.
MINIMUM LOT DEPTH	90 feet	All lots comply
MINIMUM LOT FRONTAGE	30 feet*	All lots comply



APPLICANT'S EXHIBIT :
Demonstration of Compliance with Applicable Development Standards
 Subdivision- Conditional Use Permit
 Applicant: Meadows at Crooked Creek, LLC

MINIMUM FRONT YARD BUILDING SETBACK	15 feet, EXCEPT the garage shall be a minimum of 20 feet. If the garage door is perpendicular to the street then the minimum setback to the side wall of the garage is 15 feet.	All lots comply
MINIMUM STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports	All lots can and will comply
MINIMUM SIDE BUILDING SET BACK	4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27– 30 feet building height 12 feet for 31 feet or taller building height	All lots can and will comply
MINIMUM REAR YARD BUILDING SET BACK	The rear yard is equal to the greater of the side yard setbacks calculated in §10.705(C), and not less than 4 feet. EXCEPTION: If the rear property line abuts a collector or arterial street, or the parcel is a through lot, then the setback is a minimum of 10 feet.	All lots can and will comply
MAXIMUM BUILDING HEIGHT	35 feet	All lots can and will comply
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit	All lots can and will comply
<p>Where the DUPLEX is required to be divided by a lot-line (SFR-4 and SFR-6), THEN the standards pertain to each half separately. For the other zoning districts, the * indicates standards that are divided in half IF the duplex is to be divided by a lot-line. Where the duplex is permitted without being divided by a lot-line, THEN two DETACHED dwelling units are permitted in lieu of the duplex.</p>		

Compliance with Standards: All lots can and will comply with all standards.

* * * * *

10.735 Clear View of Intersecting Streets

- (1) In order to provide a clear view of intersecting streets, there shall be a triangular area of clear vision formed where a street intersects with another street, driveway, or alley.
- (2) The size of the triangular area is a function of traffic control, volume and speed. See Table 10.735-1 below for posted speeds and site distances.
- (3) On any portion of a lot that lies within the triangular area described and illustrated in Figures 10.735-1 & 2, below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the height of the top of the curb. Where there is no curb, the height shall be measured from the street center lines.



- (4) The triangular area of clear vision shall be determined based upon the type of stop control used at the subject intersection.
 - (a) The clear vision triangular area for an intersection of a street without stop control is shown in Figure 10.735-1. See Table 10.735-2 below for determining all other curb line distances

Compliance with Standards: As evidenced by Applicant's proposed Tentative Subdivision Plat, the intersection of Kings Highway and proposed Terrazzo Way can and will meet the clear-view standards.

* * * * *

10.743 Off-Street Parking Standards

- (1) Vehicle Parking – Minimum and Maximum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10.743-1.

Where a use is not specifically listed in table 10.743-1, parking requirements shall be determined by the Planning Director or designee finding that the use is similar to one of those listed in terms of parking needs.

Parking spaces that count toward the minimum requirement are parking spaces meeting minimum dimensional and access standards in garages, carports, parking lots, bays along driveways, and shared parking areas.
- (2) Number of Required Parking Spaces. Off-street vehicle parking spaces shall be provided as follows:
 - (a) Parking Space Calculation. Parking space ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.
 - (b) Parking Categories.
 - (i) Table 10.743-1 contains parking ratios for minimum required number of parking spaces and maximum permitted number of parking spaces for each land use.
 - A. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.
 - B. Maximum Number of Permitted Parking Spaces. The number of parking spaces provided shall not exceed the maximum number of parking spaces allowed for each listed land use.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards		
<u>Land Use Category</u>	Minimum Number of Required Parking Spaces	Maximum Permitted Parking Spaces
Residential, Single Family	2 spaces per dwelling unit	n/a

Compliance with Standards: All dwelling units are planned to have a minimum of a two-car garage, plus the driveway that will provide space for 2 cars to park between the garage and the sidewalk. All lots can and will comply with the standard.





Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 5/8/2019

Revised Date: 5/15/19

File Numbers: LDS-19-040/CUP-19-041

PUBLIC WORKS DEPARTMENT STAFF REPORT The Meadows at Crooked Creek Subdivision (TL 4000)

Project: Consideration of tentative plat approval for The Meadows at Crooked Creek – Phase 1, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on a 3.28-acre parcel.

Location: Located at 2145 Kings Highway in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000).

Applicant: Applicant, Meadows at Crooked Creek, LLC.; Agent, CSA Planning Ltd.; Planner, Dustin Severs.

The following items shall be completed and accepted prior to the respective events under which they are listed:

- Approval of Final Plat:
 - Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
 - Construction of public improvements (Items A through E)
- Issuance of Certificates of Occupancy for individual units:
 - Sidewalks (Items A2)

CITY OF MEDFORD
EXHIBIT 5
FILE # LDS-19-040
CUP-19-041

A. STREETS

1. Dedications

Kings Highway is classified as a Minor Arterial street within the MLDC, Section 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to comply with the half width of right-of-way, which is 39-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **Kings Highway**, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Terrazzo Way is proposed as a Minor Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 55-feet. However, the Developer may dedicate for public right-of-way, sufficient width of land along Tax Lot 4100 to comply with the width needed to construct the full improvements except the planter strip and sidewalk.

Corner radii shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the Development shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee simple, as a non-access reserve strip to the City of Medford. Upon approved dedication of the extension of said streets, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford (MLDC 10.439).

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Kings Highway shall be improved to Minor Arterial street standards, along the frontage of this development, in accordance with MLDC 10.428. The Developer shall improve the east half plus 12-feet west of the centerline, or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.

As an option, the Developer may elect to provide evidence of the existing structural section to Public Works for consideration in order to determine if the extent of construction may be reduced. Depending on the results, the Developer still may be responsible for the improvements noted above or at minimum improve the remainder of street from a point 1-foot inside the existing edge of pavement.

The developer shall receive Street System Development Charge credits for the public improvements on Kings Highway per the value established by the Medford Municipal Code, Section 3.815.

Terrazzo Way shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430. However, the developer shall improve the north half plus the south 14-feet including the curb and gutter along Tax Lot 4100. This shall provide the full paved section curb to curb and the north planter and sidewalk.

b. Street Lights and Signing

The Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. Kings Highway:
 - a. 1 – Type A-400 (LED)
 - b. 1 – BMC*
- B. Terrazzo Way:
 - a. 4 – Type R-100 (LED)

Traffic Signs and Devices – City Installed, paid by the Developer:

- A. Terrazzo Way:
 - a. 1 – Stop Sign
 - b. 1 – Street Name Sign
 - c. 1 – No Outlet Sign
 - d. 1 – Barricade (Type 3)

* NOTE – This is only for phase 1 of the total project. General reference is off of PA-17-065.

Numbers are subject to change if changes are made to the plans. All street lights shall be installed per City standards and be shown on the public improvement plans. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final "walk through" inspection by the Public Works Department.

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs, school signs, dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer's contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

The Applicant shall consult with Jackson County regarding any moratorium(s) currently in effect along this frontage to Kings Highway.

The Developer shall be responsible for notifying by certified letter all utility companies, as well as all current 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 at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

d. Soils Report

The Developer's engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development. The soils report shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

e. Access and Circulation

The applicant has provided findings indicating that the north-south street connection shown in the Southwest Medford Circulation Plan is not needed in this development. Public Works agrees that this connection can be provided further east by future development, but does not

agree with the applicant's assertion that the future connection to the north is unnecessary. This disagreement does not impact this application and Public Works takes no objection to the proposed street layout.

There shall be no driveway access to King's Highway for any lot in the proposed subdivision.

f. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes or other structures which are not constructed within the street section, in these locations the paved access shall be located within a 15-foot easement.

Easements shall be shown on the final plat and the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an Applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-

way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining “rough proportionality” have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Kings Highway is classified as a Minor Arterial street per the adopted Circulation Plan. Kings Highway is the primary connector from Garfield Street to South Stage Road from the development. As a Minor Arterial, Kings Highway will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order streets, they are eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

Terrazzo Way

In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square footage of right-of-way per dwelling unit for dedications. The proposed development has 22 dwelling units and will improve approximately 615 lineal feet of roadway which equates to 28 lineal feet per dwelling unit. Also the development will dedicate approximately 32,575 square feet of right-of-way, which equates to approximately 1,480 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Silky Oaks Subdivision Phase 1 & 2 just east of this development on the north side of Maple Park Drive and consisted of 19 dwelling units. The previous development improved approximately 351 lineal feet of roadway and dedicated approximately 19,690 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 18 lineal feet of road per dwelling unit and approximately 1,036 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 22 new Lots

within the City of Medford and increase vehicular traffic by approximately 207 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.

- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous developments in the vicinity to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sanitary Sewer (RVSS) service area. Contact RVSS for availability and connection. A separate individual sanitary sewer lateral shall be constructed to each lot prior to approval of the Final Plat.

C. STORM DRAINAGE

1. 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.

For Crooked Creek, a hydrology study must be prepared by a licensed Civil Engineer. The study

must establish the 100-year flood plain boundary and 100-year base flood elevations. Water surface elevations for the 10 and 25 year events shall also be provided on the plans or separate report.

2. Storm Drainage Conditions

Developer shall provide a creek easement on their property for the portion of Crooked Creek that lies within 25 feet of the creek centerline.

Developer shall provide riparian plantings meeting Oregon Department of Fish and Wildlife (ODFW) standards within the creek easement.

3. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481. For developments over five acres, Section 10.486 requires that the development set a minimum of 2% of the gross area as open space to be developed as open ponds for stormwater detention and treatment.

Upon completion of the project, the Developer's design engineer shall provide written certification to the Engineering Division that the construction of the controlled storm water release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the developer or a Home Owners Association (HOA). The developers engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

4. 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. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

5. Mains and Laterals

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

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 than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

6. Erosion Control

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

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

Final plat will refer to document(s)/land division(s) that created Kings Highway. Any road dedication required per this application that adjoins Kings Highway or any other public road will do so based on a properly surveyed and resolved survey of said road.

Property line adjustment(s) to be finalized, including Map of Survey filed prior to final plat, if applicable.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

Please Note: If Project includes one or more Minor Residential streets, an additional Site Plan shall be submitted, noting and illustrating, one of the following design options to ensure fire apparatus access per MLDC 10.430(2):

- Clustered driveways,
- Building to have sprinklers, or
- 33-foot paved width.

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

3. Phasing

The proposed plans do not show any phasing.

4. Draft of Final Plat

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

5. Easements

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

6. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a “walk through” inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

7. System Development Charges (SDCs)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24-inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat.

8. 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 public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, 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.

Prepared by: Jodi Cope

Reviewed by: Doug Burroughs

Revised By: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

The Meadows at Crooked Creek Subdivision (TL 4000)

LDS-19-040/CUP-19-041

A. Streets

1. Street Dedications to the Public:

- Dedicate additional right-of-way on **Kings Highway**.
- Dedicate right-of-way for **Terrazzo Way**, as required.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- Improve **Kings Highway** to Minor Arterial street standards.
- Construct **Terrazzo Way** to Minor Residential street standards, unless otherwise noted.

Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

Other

- The Applicant shall consult with Jackson County regarding any moratorium(s) currently in effect along this frontage to Kings Highway.
- Provide pavement moratorium letters.
- Provide soils report.

Access and Circulation

- There shall be no driveway access to King's Highway for any lot in the proposed subdivision.

B. Sanitary Sewer

- The site is situated within the RVSS area. Provide private laterals to each lot.

C. Storm Drainage

- Provide an investigative drainage report.
- Comply with Storm Drainage Conditions.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.
- Comply with Survey Conditions.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Additional Site Plan to ensure fire apparatus access per MLDC 10.430(2) if project includes Minor Residential streets.
 - = City Code Requirement
 - = Discretionary recommendations/comments

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: LDS-19-040 & CUP-19-051

PARCEL ID: 382W01AA TL 4000

PROJECT: Consideration of tentative plat approval for The Meadows at Crooked Creek – Phase 1, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on a 3.28-acre parcel located at 2145 Kings Highway in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000); Applicant, Meadows at Crooked Creek, LLC.; Agent, CSA Planning Ltd.; Planner, Dustin Severs

DATE: May 8, 2019

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of an 8-inch water line is required to be installed in proposed Terrazzo Way from the 6-inch water line on the west side of Kings Highway to the east boundary of Phase 1.
4. The existing water meter located at 2145 Kings Highway is required to be abandoned.
5. The existing well located on this parcel is required to be abandoned per State of Oregon Water Resources Department Regulations per Oregon Water Resources Department Chapter 690 Division 220.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Condition 4 above)
3. Static water pressure is approximately 55 psi.

Continued to Next Page

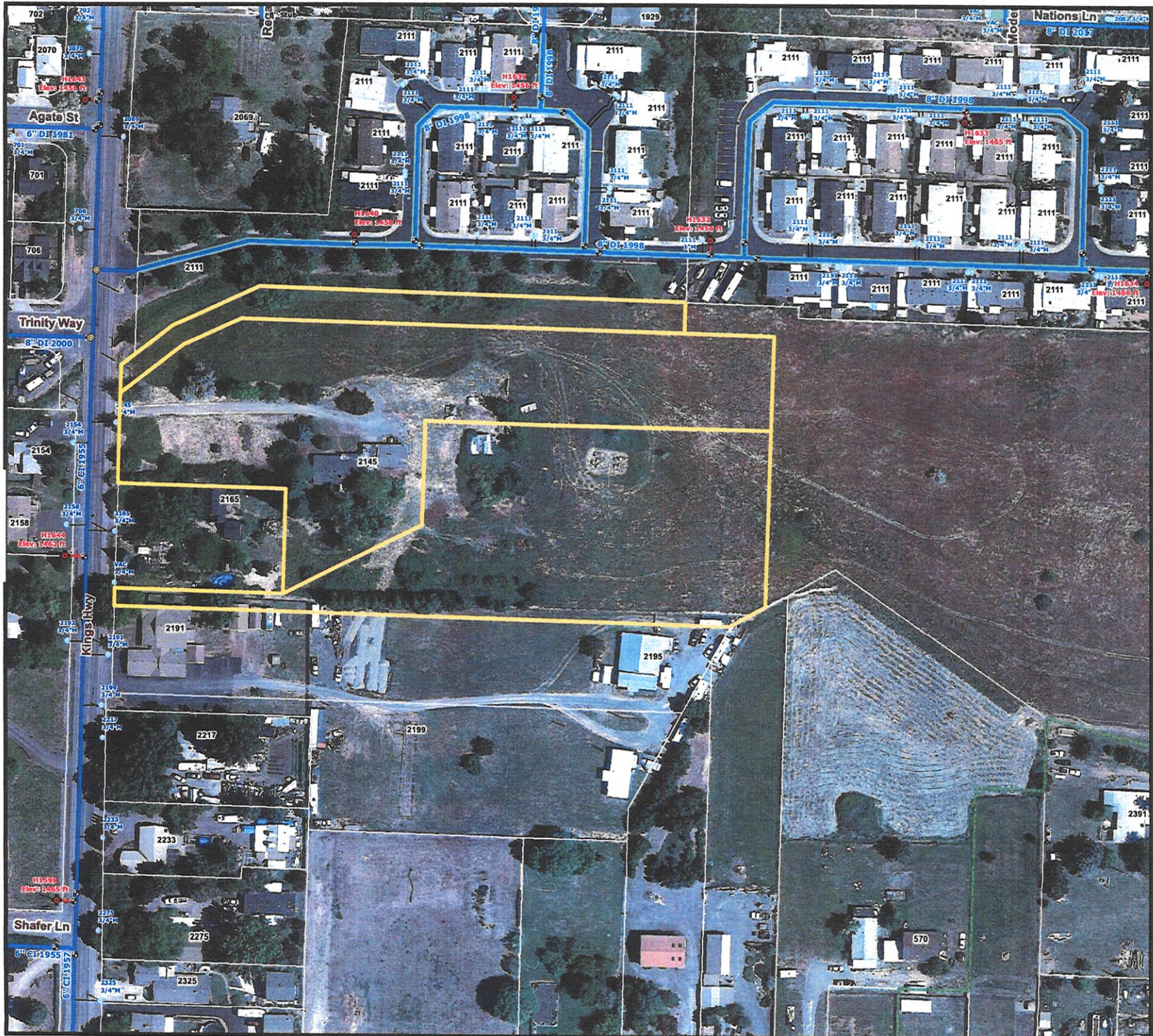
CITY OF MEDFORD
DIVISION T
LDS-19-040
CUP-19-051



Continued from Previous Page

4. MWC-metered water service does exist to this property. There is one (1) existing $\frac{3}{4}$ " water meter located along the Kings Hwy frontage that served the existing home at 2145 Kings Highway. (See Condition 3 above)

5. Access to MWC water lines is available. There is an existing 6-inch water line located on the west side of Kings Highway.



0 37.5 75 150 Feet
 Scale: 1" = 150'

**Water Facility Map
 for
 LDS-19-040 & CUP-19-041**

May 8, 2019

Legend

- ⊙ Air Valve
- ⊙ Sample Station
- ⊙ Fire Service
- ⊙ Hydrant
- △ Reducer
- Blow Off
- + Plugs-Caps

Water Meters:

- ⊙ Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- ⊙ Butterfly Valve
- ⊙ Gate Valve
- ⊙ Tapping Valve

Water Mains:

- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots

MWC Facilities:

- C** Control Station
- P** Pump Station
- R** Reservoir



This map is based on a digital elevation model by Medford Water Commission from a variety of sources. Medford Water Commission does not warrant the accuracy, completeness, or timeliness of the data. There are no warranties, expressed or implied.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 5/3/2019
Meeting Date: 5/8/2019

LD File #: LDS19040 **Associated File #1:** CUP19041

Planner: Dustin Severs

Applicant: Meadows at Crooked Creek, LLC; Agent: CSA Planning

Site Name: Meadows at Crooked Creek

Project Location: 2145 Kings Highway in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000)

Project Description: Consideration of tentative plat approval for The Meadows at Crooked Creek, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on a 3.28-acre parcel

Specific Development Requirements for Access & Water Supply

Reference	Comments	Conditions Description
OFC 508.5	Four (4) fire hydrants will be required for this project: One near the corner of Kings Hwy/Terrazzo Way in front of lot #1; One on Terrazzo Way in front of lot #5; One on Terrazzo Way in front of lot #10; One on Terrazzo Way in front of lot #13.	<p>Fire hydrants with reflectors will be required for this project.</p> <p>The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.</p> <p>Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).</p>

U

LDS-19-040
CUP-19-041

MMC
10.430

The developer shall choose one of the three options for the 28' wide road.

In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus on 28 feet wide minor residential streets, the developer shall choose from one of the following design options outlined in Medford Code section 10.430:

(a) Clustered, offset (staggered) driveways, and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

The developer shall choose one of the three options prior to the final plat. If the clustered-offset driveway option is chosen, submitted civil plans are required to show driveway locations which will be reviewed by the Fire Department and Engineering Department prior to development. If the fire sprinkler option is chosen, the developer shall notify the Fire Department prior to final plat.

The Fire Department reserves the right to require parking restrictions with no parking signs in areas where the clustered-offset driveway option breaks down for short distances. Parking restrictions shall not be deemed as a separate option to the overall layout of the subdivision. If the developer by preference does not design the clustered/offset driveways into the overall design of the minor residential street, option (b) or (c) must be chosen.

The Oregon Fire Code requires; "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" (OFC 503.2.1). "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 in Section 503.2.1, shall be maintained at all times." (OFC 503.4).

OFC
503.2.5

A temporary fire department turn-around shall be constructed at the end of this street. Parking shall be posted as prohibited in this turn-around area.

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

The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's.

OFC 503.5 Parking shall be posted as prohibited on the South side of Terrazzo Way from the corner of Kings Hwy to the center of lot #14.

Where parking is prohibited on public roads for fire department vehicle access purposes, NO PARKING signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around areas. The signs shall have red letters on a white background stating "NO PARKING".

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).

This restriction shall be recorded on the property deed as a requirement for future construction.

Contact Public Works Transportation Manager Karl MacNair 541-774-2115 for further information.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

May 9, 2019

City of Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: LDS-19-040 / CUP-19-041 (Map 382W01AA, TL4000)

ATTN: Dustin,

There are existing 8 inch sewer mains to the west along Kings Highway and to the east across the subject property as shown on the submitted plan. There is an existing sewer lateral to the property from the main along Kings Highway. This service must be abandoned at the right-of-way per RVSS standards. Sewer service for the proposed development can be had by sewer main extension along proposed Terrazzo Way. An overall phasing plan must be submitted to RVSS for review in order to establish a reasonable proposed and future sewer layout.

Sewer connection permits will be issued by the city of Medford. However, sewer system development charges will be owed to RVSS.

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

1. The existing sewer service to the property must be abandoned per RVSS standards. A no cost sewer abandonment permit must be obtained from RVSS to perform this work.
2. All sewer design and construction must be performed in accordance with RVSS standards.
3. The applicant must submit an overall subdivision phasing plan for RVSS review.
4. The sewer system must be accepted by RVSS prior to platting the subdivision and the issuance of plumbing permits.
5. The applicant must pay sewer system development charges to Rogue Valley Sewer Service prior to construction.

Feel free to call with any questions.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer



Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject The Meadows at Crooked Creek
 File no. LDS-19-040 CUP-19-041
 To Dustin Severs, Planner III
 From Liz Conner, Certified Floodplain Manager *LC*
 Date May 14, 2019

SITE CHARACTERISTICS

- SFR-10 zoning district
- 10.2 acre subject area
- Crooked Creek transects the subject property
- Zone AE (1% Special Flood Hazard Area)
- Base Flood Elevations established; Floodway contained in channel
- FIRM panel 41029C 1967F& 1986F effective May 3, 2011
- Riparian Corridor
- Annexed in 1999 by ORD 68

PROJECT DESCRIPTION

Consideration of tentative plat approval for The Meadows at Crooked Creek – Phase 1, a proposed 22-lot residential subdivision with reserve acreage, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on approximately 10.2 acres located at 2145 Kings Highway in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000).

FLOODPLAIN PERMIT REQUIREMENTS

Floodplain Regulations

The property is located within the AE Special Flood Hazard Area with established Base Flood Elevations (BFE), per the Medford Municipal Code Section 9.706 and the National

CITY OF MEDFORD

EXHIBIT *W*

FILE# LDS-19-040
CUP-19-04

Flood Insurance Program Regulations, the following shall apply to any new structure and site development, Section 60.3: Floodplain Management Criteria. Specifically 60.3 (a),(b),(c)and(d).

Floodplain Manager Comments

A floodplain development permit is required for all development within the 1% SFHA. The tentative plat that was submitted with the land division application shows Lot 1 through Lot 13 are in the SFHA. Development is broadly defined and includes, but is not limited to, grading, filling, paving, and construction.

Construction plans shall identify the special flood hazard areas and the Base Flood Elevation shall be established for the property from a licensed professional engineer. Structures shall be constructed a minimum of one-foot of free-board above the BFE.

Existing and proposed grades shall be provided and the effect of this earth movement on the floodplain shall be described in a narrative.

The proposed subdivision grading, utilities, stormwater facility and required Riparian Corridor plantings within the 1% SFHA shall be included within the floodplain development permit.

Property owners of Lots 1 through 13 may be required and are encouraged to purchase flood insurance to protect their investment if a flood event occurs on the property.

Floodplain Permit

Submit a floodplain development application and fee along with submittal requirements identified in Section 9.705 (C).

Submit copies of all necessary permits from other governmental agencies from which approval is required prior to start of construction.

Construction shall be in compliance with applicable building and fire codes and floodplain regulations.

Expiration of Floodplain Permit

A floodplain Development Permit shall become invalid unless work is started within 180 days after its issuance. Extensions for periods of not more than 180 days each shall be requested in writing.



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
dejanvca@jacksoncounty.org

www.jacksoncounty.org

April 30, 2019

Attention: Dustin Severs
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Tentative plat approval for proposed 22-lot subdivision on
Kings Highway - a County maintained road at this location
Planning File: LDS-19-040/CUP-19-041

Dear Dustin:

Thank you for the opportunity to comment on this consideration of a tentative plat approval for The Meadows at Crooked Creek – Phase 1, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on a 3.28-acre parcel located at 2145 Kings Highway in the Single Family Residential, ten dwelling units per gross acre (SFR-10) zoning district (38-2W-01AA tax lot 4000). Jackson County Roads has the following comments:

1. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Kings Highway. Jackson County Roads recommends that the city request jurisdiction of this road.
2. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
3. Kings Highway is a County Minor Arterial and is maintained by the County. The Average Daily Traffic count was 2,679 on July 24, 2018, 150' north of South Stage Road. As a comparison of capacity for Kings Highway, the capacity of a two lane rural road with ten foot lanes and no shoulders is 5,888 ADT.

4. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
5. We would like to be notified of future development proposals, as county permits may be required.
6. If frontage improvements are required off Kings Highway, they shall be permitted and inspected by the City of Medford.
7. Any new or improved road approaches off Kings Highway shall be permitted and inspected by the City of Medford.
8. Roads recommend the removal of any existing driveways not being used on Kings Highway and replacing them with new curb, gutter and sidewalk
9. Please note that there are drainage problems in this area and the City of Medford now maintains the storm water system.
10. Storm water should meet City of Medford requirements that also include water quality.
11. Roads and Parks concur with any right-of-way dedication required by the City of Medford.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,



Chuck DeJanvier, PE
Construction Engineer

Dustin J. Severs

From: Laura E Street <Laura.E.Street@state.or.us>
Sent: Monday, April 29, 2019 10:45 AM
To: Dustin J. Severs
Subject: comments for Meadows at Crooked Creek

Dustin,

I would like to supply the following comments from ODFW for File number LDS-19-040/CUP-19-041 the Meadows at Crooked Creek:

The current development and proposed mitigation within the Crooked Creek riparian corridor has been reviewed by Oregon Department of Fish and Wildlife and was recommended for approval as it exceeds the riparian corridor reduction outlined by the City of Medford (10.927). Oregon Department of Fish and Wildlife would like to continue to work closely with this applicant to ensure the mitigation is beneficial for the riparian corridor on Crooked Creek and that best management practices are used during development.

Cheers,

Laura Street
Assistant District Fisheries Biologist
Rogue Watershed District
1495 E Gregory Road
Central Point, OR 97502
541-826-8774 x 224

SEARCHED
SERIALIZED
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MAY 1 2019
FBI - MEDFORD
LDS-19-040
CUP-19-041



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Rogue Watershed District Office

1495 East Gregory Road

Central Point, OR 97502

(541) 826-8774

Fax (541) 826-8776

RECEIVED

MAR 04 2019

PLANNING DEPT.

January 29, 2019

ATTN: Liz Conner
City of Medford Planning Department

RE: Proposed Storm Detention within Riparian Setback for Crooked Creek
Location: 38-2W-01AA-3900 and 4000

Oregon Department of Fish and Wildlife was contacted by Mike Savage of CSA Planning Ltd to review a proposal of a housing development located off Kings Highway in Medford in the vicinity of Crooked Creek. The proposed housing construction will be outside of the 50 foot riparian buffer, however portions of a storm detention facility would be placed 25 feet from Crooked Creek, therefore he requested a riparian reduction with proposed mitigation.

Crooked Creek is a fish bearing stream with limited riparian habitat remaining within the city of Medford. As a tributary to Bear Creek, this waterway is important habitat to winter and summer steelhead as well as fall chinook. ODFW worked closely with the applicant to insure that this proposal will not only protect, but will enhance to the riparian habitat and water quality in Crooked Creek.

The addition of the storm detention facility will provide insurance that silt and water pollution will be filtered before entering Crooked Creek in the event of high water. Riparian vegetation accompanying the storm water detention facility will aid with water filtration and act as a natural area adjacent to Crooked Creek. The outlet of this storm water detention facility will be placed above the ordinary water line so as not to entrap juvenile fish. In addition, Mr. Savage proposed the addition of native trees and shrubs along the South side of Crooked Creek which will provide bank stabilization and shade. A maintenance plan is in place to ensure this riparian vegetation will become established.

ODFW believes the proposed reduction of the riparian area will not negatively affect Crooked Creek and recommends it for approval. The storm water treatment will be beneficial to Crooked Creek and the addition of riparian vegetation will aid in cooling the creek as well as providing needed habitat. Mr. Savage, on behalf of the owners/applicants, has agreed to continue to work with ODFW as plans develop to determine the exact number, species and location of riparian vegetation to be planted.

Sincerely,

Laura Street
Assistant District Fish Biologist
Oregon Department of Fish and Wildlife
1495 East Gregory Road
Central Point OR 97502
541-826-8774 x 224

CITY OF MEDFORD
EXHIBIT # 2
File # LDS-19-040 / cur-19-041

MEDFORD IRRIGATION DISTRICT

PO Box 70,
Jacksonville OR 97530
Office (541)899-9913
Fax (541)899-9968

City of Medford Planning Dept.

April 30, 2019

ATTN: Dustin Severs

File No.: LDS-19-040 CUP-19-041

The Meadows at Crooked Creek

Re: 381W06B TL 700

After reviewing the documents attached to the above project, the Medford Irrigation District would request the developer contact the district about the water rights within the proposed development to be transferred off prior to subdividing. If there are any questions regarding these conditions of approval, please contact our office.

Sincerely,



Jack Friend, District Manager

Medid@medfordid.org

Office: 541-899-9913

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AA
LDS-19-040
CUP-19-041



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Mike@CSAplanning.net

May 14, 2019

Dustin Severs, Planner III
City of Medford - Planning Department
Lausmann Annex, 200 S. Ivy Street
Medford, OR 97501

RE: Meadows at Crooked Creek (LDS-19-040 / CUP-19-041); Summary of revisions.

Dear Mr. Severs:

As stated in the Applicant's original Exhibit 1 Proposed Findings of Fact and Conclusions of Law, the application for subdivision under LDS-19-040 was requested with the flexibility to either: 1) execute a property line adjustment as a condition of approval wherein the adjustment would modify one of the three underlying parcels (being Tax Lot 4000) to a configuration that will coincide with the extent of the subdivision; or 2) include all three underlying parcels in the subdivision and create reserve acreage lots or tracts for the portions not being divided into residential lots.

After further consideration and in an effort to simplify and hopefully bring a higher level of clarity to the application, we herewith request the application be limited to the aforementioned option 2 and also request to withdrawal of option 1.

A revised Tentative Subdivision Plat reflecting the change is attached as Revised Exhibit 04 with yesterday's date of 05-13-2019, being the same as was provided earlier today through email correspondence.

In summary, we herewith request the subdivision to include the entirety of maplots 38-2W-01AA-3900, 4000, 4200 & 38-1W-06B-400, as the subject property. All lots proposed for residential development remain the same as originally proposed. The remainder of the subject property is requested to be created as three reserve acreage tracts. Each reserve acreage lot or tract will have frontage on a public road and allows for and does not impede future residential development, consistent with the underlying Zone. See Applicant's Exhibit 13 Conceptual Future Division Plan as an example of how said proposed reserve acreage tracts may potentially be further divided in the future.

It is important to note that the Applicant has taken the potential residential development of the entire subject property into consideration when designing infrastructure, including roads, sanitation, water, power and storm drainage. According to Applicant's Engineer's at CEC Engineering, the proposed storm drainage lot or tract and commensurate facilities can and will be designed to meet the demands of the proposed subdivision as well as future needs of future development within the remainder of the subject property.

Please discard all references to the Application seeking the subdivision be limited to Adjusted Tax Lot 4000.

Please do not hesitate to contact me should you have any questions, comments or recommend Applicant provide any additional clarification.

Very truly yours,

CSA Planning, Ltd.

Mike Savage
Senior Associate

cc. File; Applicants

CITY OF MEDFORD

EXHIBIT BB

LDS-19-040

CUP-19-041

Dustin J. Severs

From: Christian Nelson <c_nelson2004@yahoo.com>
Sent: Wednesday, May 15, 2019 1:15 PM
To: Dustin J. Severs
Subject: Fw: Meadows at Crooked Creek
Attachments: Lot Line Survey.pdf; Survey Map 15517.pdf

Dustin,

Here is my last correspondence.

Christian Nelson
541-601-2679

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----- Forwarded Message -----

From: Christian Nelson <c_nelson2004@yahoo.com>
To: Terry Cook <tcook@cookdevelopment.com>
Cc: ljfriarandassociates@charter.net <ljfriarandassociates@charter.net>; Eric Jenkins <ericfjenkins@yahoo.com>
<ericfjenkins@yahoo.com>; Vic Nicolescu <vic@thealbagroup.com>
Sent: Friday, May 10, 2019, 4:03:15 PM PDT
Subject: Re: Meadows at Crooked Creek

Mr. Cook,

Thank you for the thoughtful response. I wanted to provide you a few items that bring some clarification to the issue.

First is a copy of an agreement between the previous owner of our property and the previous owner of your property. To my knowledge the reason why it wasn't recorded had to do with the fact that your property was in the city but at the time of our purchase our property was still in the county.

It appears that a Herb Farber was hired to make the necessary adjustments. At about the same time in the history he submitted the second attached document to the county. This can also be found at: <https://apps.jacksoncounty.org/gis/surveys/15517.pdf> as a public record. If you read the survey narrative on this document I believe it does a pretty good job explaining the issue/error that has occurred with the legal descriptions of the lot lines vs lines of occupation.

I don't believe there was ever an intent to sell/purchase land as the issue exists on both sides of the property as well and a basic exchange is all that is necessary.

Our intent and communication with the West Main Church of Christ was that we would make the lot line adjustment when the development occurred. We would like to go ahead and get the necessary lot line adjustment recorded at this time. Also we will need the lines in your proposed development moved to accommodate the proposed adjustment in the first attached document.

Also if it would be helpful I have a fairly good relationship with the neighbor and would be willing to work to help facilitate the lot line adjustment to lines of occupation at the same time.

Sincerely,

Christian Nelson

CITY OF MEDFORD
EXHIBIT CC
FILE LOS-19-040
CUP-19-040

541-601-2679

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Downtown Medford Association

Downtown Medford Association is the official voice of Downtown Medford Association (DMA) and represents the interests of the community.

On Thursday, May 9, 2019, 10:37:30 AM PDT, Terry Cook <tcook@cookdevelopment.com> wrote:

Good morning Mr. Nelson,

Thanks for your email below. I wanted to do some investigation before I responded, hence my delay in getting back to you.

As you know, Jim at LJ Friar and Associates was the surveyor who did the boundary and topo survey work on our parcel. He confirmed that he used the most current recorded information on lot line and surrounding property boundaries to complete his work. As a condition to closing on the property purchase, we required clear title with no unknown encumbrances or clouds. A clear title was subsequently issued based on all recorded property information available. If there were hidden or latent defects in property boundaries that were unknown to us, the title insurance company or the surveyor, they were undiscoverable through the legal, public process which all followed.

If you have evidence of a contract for purchase of property from the church that changed your north boundary prior to our involvement that was bargained and paid for, please send me a copy for my review. Along with that, please send me evidence of a Property Line Adjustment (PLA) application and approval from the city memorializing the transaction as well.

I look forward to addressing your concerns. It is our hope that this development will not only provide valuable new housing for citizens of Medford but be an improvement that raises all surrounding property values as well.

Best regards,

Terry Cook

Cook Development Corp

503-349-3222 (cell)

web: www.cookdevelopment.com

email: tcook@cookdevelopment.com

Check out Studio P2717 on Instagram

From: Christian Nelson <c_nelson2004@yahoo.com>

Sent: Monday, May 06, 2019 10:49 AM

To: Terry Cook <tcook@cookdevelopment.com>

Cc: ljfriarandassociates@charter.net

Subject: Meadows at Crooked Creek

Mr Cook,

My name is Christian Nelson and live at 2165 Kings Hwy. We are immediately adjacent on the south-side of this development property that you own. We recently received notice from the city with a tentative plat for Phase I. I reached out to your surveyor to get your contact information. It appears that while drawing up the plan the corrected lot lines were not being used. While never officially recorded the lines you are using may be the legal definition of the lot it is not the actual lot line.

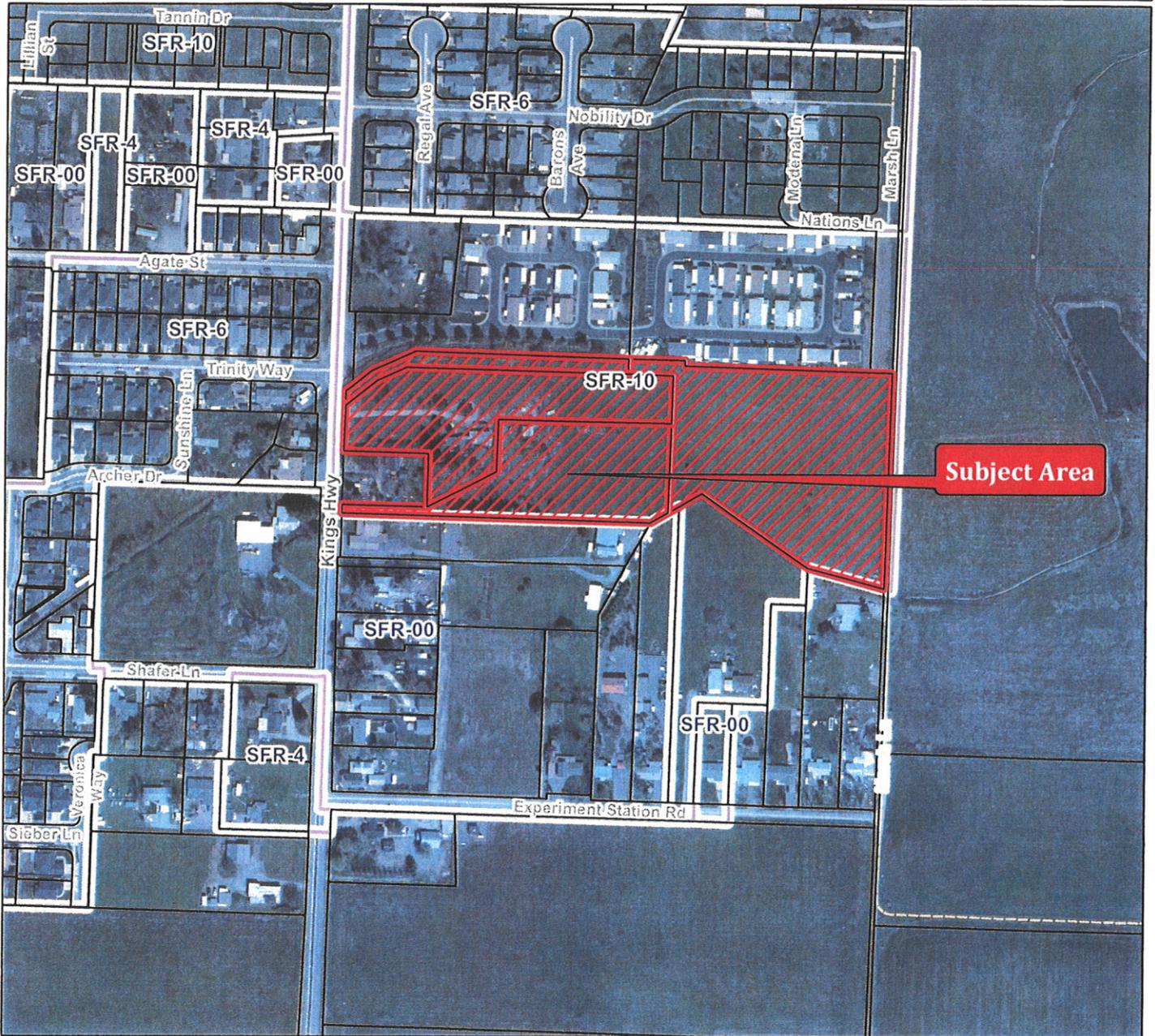
It is somewhat unfortunate that you have put this much work and time into a project without discussing with us or taking into account the corrected lot lines as I imagine it will impact your plans. I can be reached at the number below or we can meet up next time you are in the area.

Christian Nelson

541-601-2679

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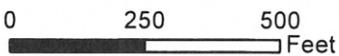


Project Name:

**The Meadows at
 Crooked Creek**

Map/Taxlot:

382W01AA 3900, 4000, 4200
381W06B TL 400



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

03/12/2019

