

# PLANNING COMMISSION AGENDA JULY 25, 2019



# MEDFORD

OREGON

## 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



**MEDFORD**  
OREGON

July 25, 2019

5:30 P.M.

Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon

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10. Roll Call

20. Consent Calendar / Written Communications (voice vote)

20.1 LDP-19-060 / ZC-19-005 Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre) (372W11DD12700). Applicant: Robert Sousa; Agent: Scott Sinner Consulting Inc.; Planner: Liz Conner.

30. Approval or Correction of the Minutes from July 11, 2019 hearing

40. Oral Requests and Communications from the Audience

COMMENTS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR 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 Requests

50.1 DCA-17-104 A code amendment to Chapters 2, 6, and 10 of the Municipal Code to permit temporary mobile food vendors to sell from the street (the public right-of-way) and add provisions for mobile food vendor pods. Applicant: City of Medford; Planner, Carla Paladino. **Staff requests this item be continued to the Thursday, August 22, 2019 Planning Commission meeting.**

50.2 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 requests this item be continued to the Thursday, August 8, 2019 Planning Commission meeting.**

50.3 ZC-18-178 Consideration of a request for a zone change of an approximately 91.5 gross acre parcel located at the terminus of Cadet Drive 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)

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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](mailto:ada@cityofmedford.org) at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

(371W15C TL 300); Applicant: Mike & Gayle Jantzer; Agent: Richard Stevens & Associates Inc.; Planner: Liz Conner. **The applicant requests this item be continued to the Thursday, August 22, 2019 Planning Commission meeting.**

**Old Business**

**50.4 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.

**New Business**

**50.5 ZC-19-009** Consideration of a request for a zone change of a 0.7 acre parcel located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) (372W36CD3400); Applicant: Rory Wold; Agent: Taylor Wold; Planner: Steffen Roennfeldt.

**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. City Attorney Remarks**

**90. Propositions and Remarks from the Commission**

**100. Adjournment**

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR \_\_\_\_\_ )  
ROBERT SOUSA [LDP-19-060] \_\_\_\_\_ ) **ORDER**

ORDER granting approval of a request for tentative plat approval of File No. LDP-19-060, described as follows:

Tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre) (372W11DD12700).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval described above, with a public hearing a matter of record of the Planning Commission on July 11, 2019; and
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare the final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Robert Sousa, stands approved per the Planning Commission Report dated July 11, 2019, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated July 11, 2019.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.202(E) Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 25th day of July, 2019.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Planning Department Representative

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-19-005 )  
APPLICATION FOR A ZONE CHANGE SUBMITTED BY ROBERT SOUSA ) **ORDER**

ORDER granting approval with conditions of a request a zone change, described as follows:

Zone change from SFR-00 (Single Family Residential - 1 dwelling unit per lot) to SFR-4 (Single Family Residential - 4 to 6 dwelling units per gross acre) and tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street.

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 July 11, 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 11DD Tax Lot 12700

is hereby changed from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street.

Accepted and approved this 25th day of July, 2019.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Planning Department Representative

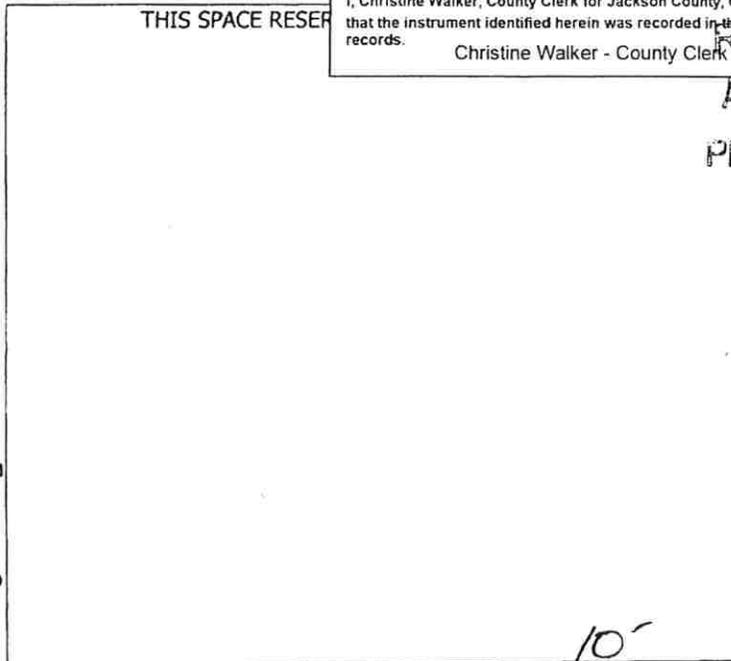


After recording return to:  
Robert F. Sousa and Rachelle M. Sousa  
665 Beall Lane  
Medford, OR 97501

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

Robert F. Sousa and Rachelle M. Sousa  
*13267 Blackwell Rd  
Central Point OR  
97502*

File No.: 7161-2627482 (PS)  
Date: April 01, 2016



Jackson County Official Records **2016-016518**  
R-WD  
Stn=12 BARROWCK **06/01/2016 11:18:27 AM**  
\$10.00 \$11.00 \$10.00 \$8.00 \$20.00 **\$59.00**  
I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.  
Christine Walker - County Clerk

**RECEIVED**  
**APR 24 2019**  
**PLANNING DEP**

*Exhibit "B"*  
**STATUTORY WARRANTY DEED**

**Bonnie D. Rawlins and Wendy Rawlins, Trustees of the Bonnie D. Rawlins Trust dated September 3, 2015, Grantor, conveys and warrants to Robert F. Sousa and Rachelle M. Sousa, as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:**

**LEGAL DESCRIPTION:** Real property in the County of Jackson, State of Oregon, described as follows:

**BEGINNING AT A POINT ON THE SOUTH LINE OF THE OLD PACIFIC HIGHWAY (KNOWN AS MERRIMAN ROAD) SAID POINT BEING 2302.50 FEET EAST AND 31.34 FEET SOUTH OF THE NORTHWEST CORNER OF DONATION LAND CLAIM #63, TOWNSHIP 37 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, SAID POINT BEING THE NORTHWEST CORNER OF TRACT DESCRIBED IN VOLUME 335, PAGE 286 OF DEED RECORDS, JACKSON, COUNTY, OREGON; THENCE SOUTH 195.06 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE EAST 111.25 FEET; THENCE NORTH 194.9 FEET TO THE SOUTH LINE OF SAID HIGHWAY AND THENCE NORTH 89° 56' WEST ALONG SAID LINE A DISTANCE OF 111.25 FEET TO THE POINT OF BEGINNING.**

**NOTE: This Legal Description was created prior to January 01, 2008.**

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.



## PLANNING COMMISSION REPORT

for a Type-III quasi-judicial decision: Zone Change & Land Division

Project Robert Sousa Zone Change & Land Division  
Applicant: Robert Sousa; Agent: Scott Sinner Consulting, Inc

File no. LDP-19-060/ZC-19-005

Date July 11, 2019

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### BACKGROUND

#### Proposal

Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential - 1 dwelling unit per lot) to SFR-4 (Single Family Residential - 4 to 6 dwelling units per gross acre) (372W11DD12700).

#### Vicinity Map



Figure 1 - Vicinity Map

**Subject Site Characteristics**

Zoning	SFR-00	Single-family residential (1 dwelling unit per lot or parcel)
GLUP	UR	Urban Residential
Use		Single Family Residence

**Surrounding Site Characteristics**

<i>North</i>	Zone:	R-2 City of Central Point
	Use:	Residential Subdivision
<i>South</i>	Zone:	SFR-6
	Use:	Single Family Residence
<i>East</i>	Zone:	SFR-00
	Use:	Single Family Residence
<i>West</i>	Zone:	SFR-00
	Use:	Single Family Residence

**Related Projects**

A-02-217 – Annexation by ORD 2003-84

**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.

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- (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.

#### PARTITION TENTATIVE PLAT APPROVAL CRITERIA

##### FROM SECTION 10.170(D) OF THE *MEDFORD LAND DEVELOPMENT CODE*

The Planning Commission shall not approve any tentative partition plat unless they can determine that the proposed land partition, 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) 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;
- (4) 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;
- (5) Will not cause an unmitigated land use conflict between the land partition and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

## ISSUES AND ANALYSIS

### Project Summary

The subject property consists of a single 0.5 acre parcel, with an existing single family residence. The subject site was an enclave that was annexed into the City Limits of Medford in 2003 by Ordinance 2003-84. The applicant is requesting a zone change from SFR-00 to SFR-4. The applicant is additionally proposing a two lot land partition creating an 8,790 square foot lot identified as Parcel 1 and a 12,060 square foot lot identified as Parcel 2.

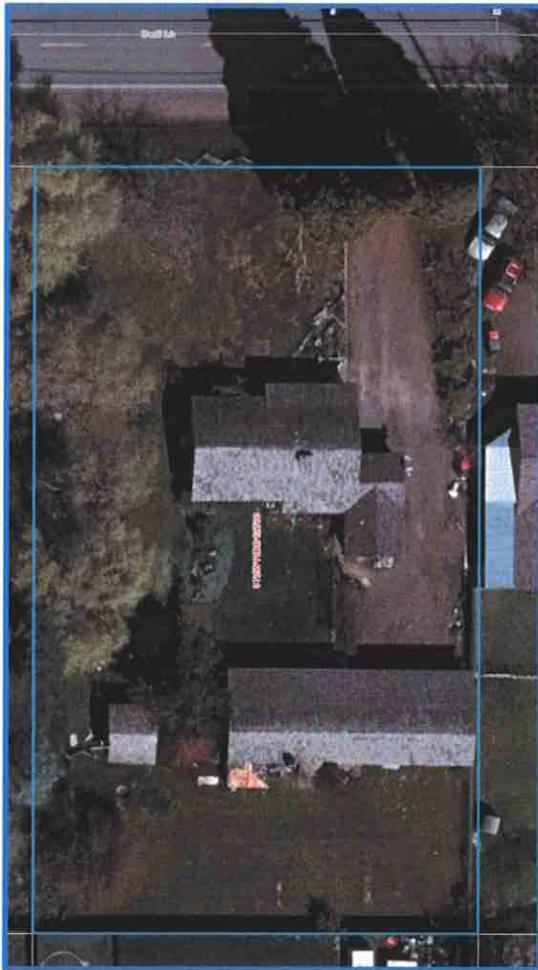


Figure 2 - Aerial View of Subject Area

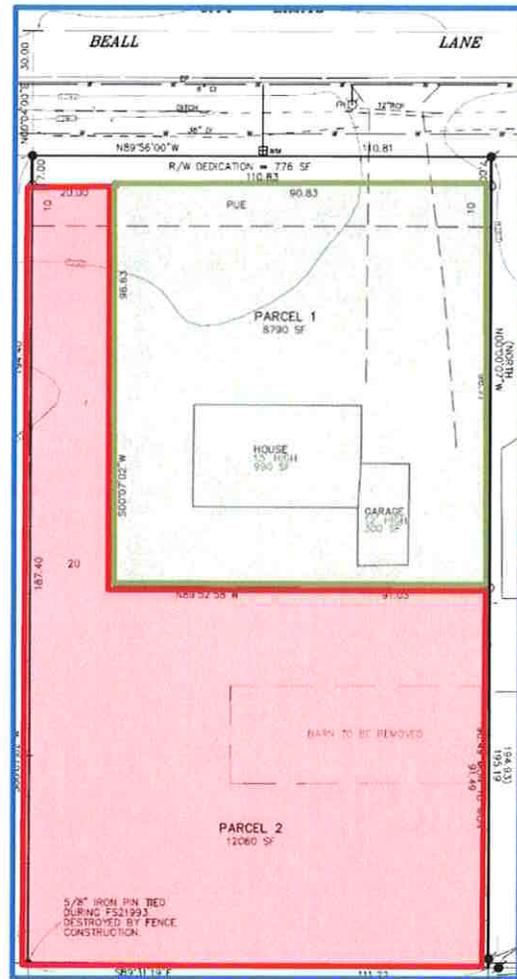


Figure 3 - Tentative Partition Plat

**Development Standards**

	Lot Area	Min. lot Width	Min. lot Depth	Min. Lot Frontage
Required SFR-4	6,500-18,750 SF	60 feet	90 feet	30 feet 20 feet flag lot
Shown Parcel 1	8,790 SF	90 feet	95 feet	90 feet
Shown Parcel 2	12,060 SF	111 feet	90 feet	20 feet

Table 1 - Development Standards

As shown in the Site Development Table above, it can be found that the two lots shown on the tentative plat meet all the dimensional standards for the SFR-4 zoning district, as found in Article V of the Medford Land Development Code.

*Access*

Access to both parcels is proposed off of Beall Lane. The Public Works staff report (Exhibit I-1), references MLDC Section 10.550 and the requirements to close the existing driveway to the existing single family residence and take access for both parcels via a shared driveway on the western property line. In addition, the applicant shall grant an access easement to tax lot 12800 for future use of the shared driveway. A condition of approval has been included to comply with the Public Works staff report.

The applicant submitted a letter (Exhibit O), in reference to the Public Works report (Exhibit I) condition to grant cross access easement to tax lot 12800. The Public Works Department then revised their report to remove the condition of cross access easement to tax lot 12800 and is now Exhibit I-1.

**Zone Change**

*General Land Use Plan Map (GLUP)*

The subject property has a GLUP designation of Urban Residential. The UR designation allows for SFR-2, SFR-4, SFR-6 and SFR-10 zones. The Housing Element of the Comprehensive Plan that was adopted December 2, 2010. The findings made for the Housing Element addressed the need for low density housing and at the time considered this area to be Urban Residential. The applicant's request for SFR-4 is consistent with the UR designation.

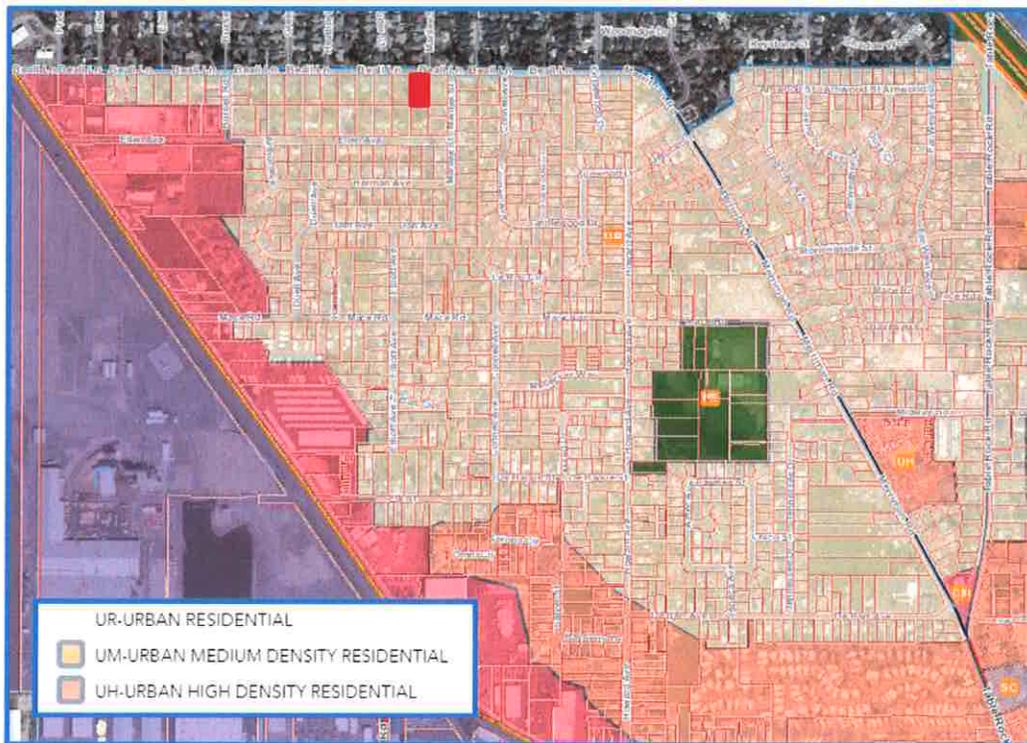


Figure 4 – General Land Use Plan of Subject Area

### *Transportation System Plan*

The subject property fronts on Beall Lane, which is classified as a Major Collector Street, and provides direct access to the property as shown in the image below.



Figure 5 – Roadway Functional Classification of Subject Area

### *Sanitary Sewer*

The subject site is within the City of Medford's sanitary sewer service area. The Public Works staff report (Exhibit H), states that the sanitary sewer facility has adequate capacity to allow this zone change.

### *Storm Drainage*

The Public Works report also states that the subject property is within the Little Elk Creek Drainage Basin, and the zone change has the potential to increase storm drainage flows in the roadside ditch within the Little Elk Creek Drainage Basin, where capacity is unknown. The Public Works Department recommends that the zone change be denied, or the applicant stipulate to the following;

The property owner stipulate to only develop so the total storm drainage flows do not exceed current zoning limitations of SFR-00, or

The developer provide an engineering study of the down gradient storm drain system to show existing capacity and make any improvements shown to be necessary per the engineering study.

The Planning Commission may grant approval of this application with the Restricted Zoning administrative mapping overlay that would restrict development of Parcel 2 until the applicant/developer shows that the drainage basin has adequate capacity

for future development of said Parcel 2. A condition of approval has been included to comply with the Public Works report.

*Medford Water Commission (Exhibit M)*

The Medford Water Commission report states that there is adequate capacity available to serve the proposed development.

**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 F and G) and recommends the Commission adopt the findings as presented.

**ACTION TAKEN**

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of ZC-19-005 and LDP-19-060 per the Planning Commission report dated July 11, 2019, including Exhibits A through O, and Exhibit I-1.

**EXHIBITS**

- A. Conditions of Approval, dated July 3, 2019
- B. Tentative Plat received April 24, 2019
- C. Conceptual Drainage Plan received April 24, 2019
- D. Assessor's Map received April 24, 2019
- E. Roadway Functional Classification adopted December 6, 2018
- F. Applicants Zone Change findings and conclusions received July 3, 2019
- G. Applicants Land Division findings and conclusions received April 24, 2019
- H. Public Works Zone Change staff report dated June 12, 2019
- I-1 **Public Works Land Division staff report dated July 10, 2019**
- J. Medford Fire Department Report dated June 12, 2019
- K. Medford Building Department memo dated June 7, 2019
- L. City of Medford Address Technician email received June 12, 2019
- M. Medford Water Commission memo dated June 12, 2019

- N. Jackson County Roads letter dated June 5, 2019
- O. Letter from Agent received July 9, 2019  
Vicinity map

**MEDFORD PLANNING COMMISSION**

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Mark McKechnie, Chair

**PLANNING COMMISSION AGENDA:**

**JULY 11, 2019**  
**JULY 25, 2019**



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 6/12/2019  
Revised Date: 7/10/2019  
File Numbers: LDP-19-060

### PUBLIC WORKS DEPARTMENT STAFF REPORT 665 Beall Lane – 2-Lot Partition (TL 12700)

- Project:** Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel.
- Location:** Located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre) (372W11DD12700).
- Applicant:** Applicant, Robert Sousa; Agent, Scott Sinner Consulting Inc.; Planner, Liz Conner.

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

- Approval of Final Plat:  
Dedications, construction and/or assurance of the public improvements (if required) 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, if required, (Items A through E)
- Issuance of Certificates of Occupancy for individual units:  
Sidewalks, if required, (Items A2)

## A. STREETS

### 1. Dedications

**Beall Lane** is classified as a Major Collector street within the Medford Land Development Code (MLDC) 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the respective 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 **Beall Lane**, 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.**

**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

**Beall Lane** – Currently has pavement with no other improvements. **No additional improvements are required with this partition.**

#### b. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage to Beall Lane.

#### c. Access and Circulation

In accordance with MLDC 10.550, the applicant shall close the existing driveway access and take access to both parcels via a shared driveway on the western property line.

### 3. Section 10.668 Analysis

To support a condition of development that an Applicant dedicates 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 dedication recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

#### **Beall Lane**

The additional right-of-way on Beall Lane will provide the needed width for a future planter strip and sidewalk. Beall Lane is a 35 mile per hour facility, which currently carries approximately 4,000 vehicles per day. The 8-foot planter strip moves pedestrians a safe distance from the edge

"I-1"

of the roadway. Beall Lane will be a primary route for pedestrians traveling to and from this development.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector Street capacity required as a result of new development. 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.

Dedication of the Public Utility Easements (PUEs) 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. The Developer shall provide one service lateral to each buildable lot prior to approval of the Final Plat.

## **C. STORM DRAINAGE**

### **1. Drainage Plan**

Future development shall provide 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.

With future development, 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.

A Site/Utility Plan shall be submitted with the building permit application to show the location of the existing or proposed stormdrain lateral/s for the site.

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

### **2. Grading**

Future development shall provide a comprehensive grading plan showing the relationship between adjacent property and the proposed development will be submitted with the

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"I-1"

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**

With future development, all roof drains and foundation drains shall be connected directly to a storm drain system.

### **4. Erosion Prevention and Sediment 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 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.

Final plat will refer to document(s)/land division(s) that created Beall Lane. Any road dedication required per this application that adjoins Beall Lane or any other public road will do so based on a properly surveyed and resolved survey of said road.

## **E. GENERAL CONDITIONS**

### **1. Phasing**

The proposed plans do not show any phasing.

### **2. 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.

### **3. Permits**

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded.

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

"I-1"

separate permit from the Building Department and may also require certification by a professional engineer.

#### **4. 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.

#### **5. 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.

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

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## SUMMARY CONDITIONS OF APPROVAL

665 Beall Lane – 2-Lot Partition (TL 12700)

LDP-19-060

### A. Streets

#### 1. Street Dedications to the Public:

- **Beall Lane** – Dedicate additional right-of-way.
- Dedicate 10-foot public utility easements (PUE).

#### 2. Improvements:

##### a. Public Streets

- **Beall Lane** – No additional improvements are required with this partition.

##### b. Lighting and Signing

- No additional street lights are required.

##### c. Access and Circulation

- The applicant shall close the existing driveway access and take access to both parcels via a shared driveway on the western property line.

##### d. Other

- There is no pavement cutting moratorium currently in effect along this frontage.

### B. Sanitary Sewer:

- Provide a private lateral to each lot.
- Provide easements as necessary.

### C. Storm Drainage:

- Provide an investigative drainage report, with future development.
- Provide a comprehensive grading plan, with future development.
- Provide storm drain laterals to each tax lot, with future development.

### D. Survey Monumentation

- Provide all survey monumentation.
- Final plat will refer to document(s)/land division(s) that created Beall Lane. Any road dedication required per this application that adjoins Beall Lane or any other public road will do so based on a properly surveyed and resolved survey of said road.

### E. General Conditions

- Building permits will not be issued until after final plat approval.

- = 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.

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# Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

July 9, 2019

Liz Conner  
City of Medford Planning Department  
200 S Ivy  
Medford, OR 97501

Re: LDP-19-060

Liz,

On behalf of Robert Sousa, applicant for the referenced application, I request the removal of the portion of Public Works condition 2c. for the land division to require the granting of a cross access easement to TL 12800 west of the subject property. The Code citation for the condition is MLDC 10.550.

Beall Lane is classified as a major collector in the Transportation System Plan (TSP). As a major collector, the access management strategies of the TSP and the MLDC are relevant.

That being said, the condition to require cross access easements in residential areas fronting on collectors is not appropriate nor would the requirement result in an aesthetically desirable street frontage in residential areas.

The effect of full development of cross access easements in residential zones is a frontage street parallel to the public right of way. MLDC 10.438 discusses frontage streets and how they may be required for commercial and industrial developments. The section does not mention residential developments.

The TSP discusses access consolidation through management strategies and provides examples of access management strategies. All of the attached access management examples illustrate commercial or industrial developments and there are no examples for residential developments.

The applicant is more than willing to develop the new access to be shared by Parcel 1 and Parcel 2. This shared access does not add any new driveways Beall Lane, it will provide a turn around to allow all vehicles leaving the property in a forward direction and the driveway will improve the distance between the shared driveway and the intersection of Beall and Marilee



4401 San Juan Drive, Suite G  
Medford, Oregon 97504

Phone and Fax 541-772-1494  
Cell 541-601-0917

Email [scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)

**CITY OF MEDFORD**  
**EXHIBIT #** 

**FILE # LDP-19-060 / ZC-19-005**



## **Scott Sinner Consulting, Inc.**

***Land Use Planning, Conservation Consulting***

Street. All three of these measures are improvements and compliant with the intent of the MLDC and the TSP.

The adjoining property, TL 12800 has an existing driveway clustered with the property in its west. There are 12 existing single family dwellings on this segment of Beall Lane between Marilee and Bursell Road. All of these existing properties are currently developed with clustered driveways, as is the standard in the current MLDC, and the development of cross access easements to create a frontage road would be a blight to the neighborhood.

On behalf of the applicant I request the removal of the condition for the cross access easement for this two lot partition.

Regards,

Scott Sinner, President  
Scott Sinner Consulting, Inc.



4401 San Juan Drive, Suite G  
Medford, Oregon 97504

Phone and Fax 541-772-1494  
Cell 541-601-0917  
Email [scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)

101

### *City Standards*

The City of Medford's access spacing standards are in the Medford Municipal Code Section 10.550.

### *Driveway Access Spacing Adjustments*

Driveway access spacing adjustments may be provided to parcels whose highway/street frontage, topography, natural resources or physical barriers would otherwise preclude access that meets access spacing standards. Approval of an adjustment could impose conditions that: 1) the access may be closed at such time that reasonable access becomes available to a local public street and 2) the establishment of joint/cross access easements. The review authority may also require a given land owner to work in cooperation with adjacent land owners to provide either joint access points, front and rear cross-over easements, or a rear access upon future redevelopment.

The requirements for obtaining an adjustment from ODOT's minimum spacing standards are documented in OAR 734-051-3050. The requirements for obtaining an adjustment from the City's spacing standards are documented in Medford Municipal Code Section 10.550.

### *Access Consolidation through Management*

From an operational perspective, access management measures limit the number of redundant access points along roadways. This enhances roadway capacity, improves safety, and benefits circulation. The City should complement access spacing enforcement with provision of alternative access points. Under state law each parcel must have access to public right-of-way, but such access may be via an easement on adjoining property. Parcels are not entitled to "direct" access to the public right-of-way.

As part of every land use action, the City should evaluate the potential need for conditioning a given development proposal with the following items in order to maintain and/or improve traffic operations and safety along the arterial and collector roadways.

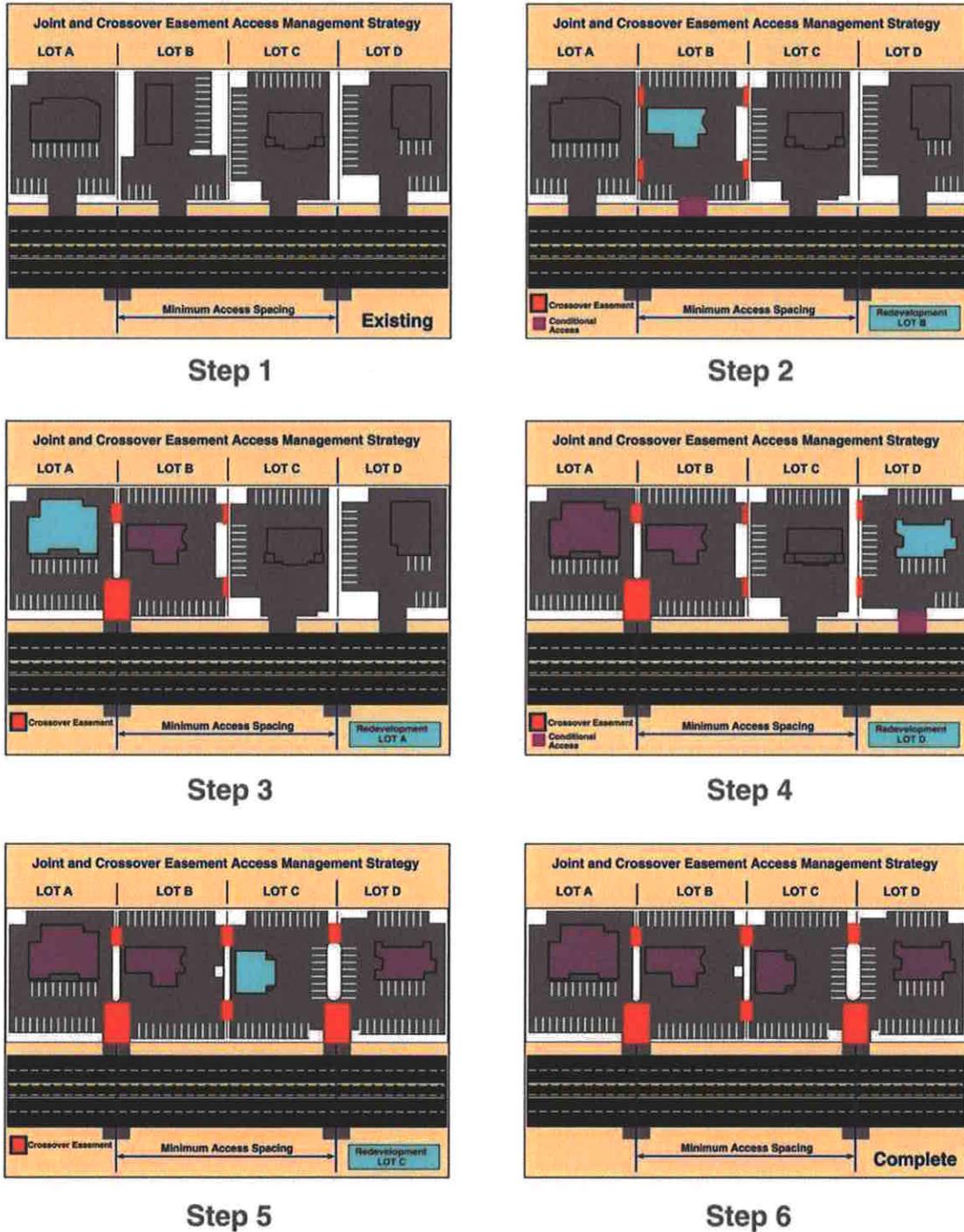
- Developments with frontage on two roadways should locate their driveways on the lower functional classified roadway.
- Access driveways should align with opposing driveways.
- The City may permit multiple driveways so long as they meet the driveway access spacing standards.
- If spacing standards cannot be met, the City should try to consolidate access points with neighboring properties.
- Where standards cannot be met and joint access is not feasible, the City should grant temporary conditional access by providing cross access easements on compatible parcels (considering topography, access, and land use) to facilitate future access between adjoining parcels.

Exhibit 18 illustrates the potential application of cross access easements and access consolidation over time to achieve access management objectives. As illustrated in the exhibit, by using these guidelines, all

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driveways can eventually move in the overall direction of meeting driveway access spacing standards as development and redevelopment occur along a given street.

**Exhibit 18 Application of an Example of Potential Driveway Consolidation**



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# PLANNING COMMISSION MINUTES



**MEDFORD**  
OREGON

July 11, 2019

5:30 P.M.

Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon

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The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8<sup>th</sup> Street, Medford, Oregon 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  
Jared Pulver

### **Staff Present**

Kelly Evans, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Terri Richards, Recording Secretary  
Dustin Severs, Planner III  
Liz Conner, Planner II

### **Commissioners Absent**

E.J. McManus, Excused Absence  
Patrick Miranda, Excused Absence  
Jeff Thomas, Excused Absence

## 10. **Roll Call**

## 20. **Consent Calendar / Written Communications (voice vote)**

20.1 **LDS-19-029** Final Order 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.

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 6-0-0.

## 30. **Approval or Correction of the Minutes from June 27, 2019 hearing**

30.1 The minutes for June 27, 2019, were approved as submitted.

## 40. **Oral Requests and Communications from the Audience**

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COMMENTS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR 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.

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

**Continuance Requests**

**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, July 25, 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 July 25th 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 July 25th. 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 the Thursday, July 25, 2019, Planning Commission meeting.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 6-0-0.

**50.2 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. **The applicant has requested to continue this item to the Thursday, July 25, 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 July 25th 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 July 25th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued LDS-19-040 and CUP-19-041, per the applicant's request, to the Thursday, July 25, 2019, Planning Commission meeting.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 6-0-0.

### New Business

**50.3 GLUP-19-001** Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800). Applicant: Rogue Valley Transportation District; Agent: CSA Planning, Ltd; Planner: Dustin Severs.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Mansfield stated that he has two conflicts. He is a partner with South Medford Investment Group that owns the property adjacent to the west. They have no objections. He is also a member of the Board of Directors for Rogue Valley Transportation District. He is going to recuse himself.

Commissioner Culbertson reported that Council member Tim D'Alessandro contacted him before Rogue Valley Transportation District's purchase of the property and he gave him a real estate evaluation. It will not affect his decision.

Commissioner Pulver stated that he has conflicts but it would not affect his ability to be impartial on this matter.

Chair McKechnie's business has a proposal in to Rogue Valley Transportation District on an unrelated project. It will not affect his evaluation of this project.

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

Dustin Severs, Planner III reported that the General Land Use Plan (GLUP) amendment approval criteria can be found in the Medford Land Development Code Section 10.222. 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. Mr. Severs gave a staff report.

The public hearing was opened.

a. Raul Woerner, CSA Planning, Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Woerner reported the staff report sums up the project well and has nothing more to add.

Mr. Woerner reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all the approval criteria are met or not applicable, forwards a favorable recommendation to the City Council for approval of GLUP-19-001, per the staff report dated July 3, 2019, including Exhibits A through K.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 5-0-1, with Commissioner Mansfield recusing himself.

**50.4 LDP-19-060 / ZC-19-005** Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential - 1 dwelling unit per lot) to SFR-4 (Single Family Residential - 4 to 6 dwelling units per gross acre)(372W11DD12700). Applicant: Robert Sousa; Agent: Scott Sinner Consulting Inc.; Planner: Liz Conner.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Chair McKechnie disclosed that Scott Sinner is his next door neighbor but it will not affect his decision on this application.

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

Liz Conner, Planner II reported that staff received additional information from the agent regarding the cross access easement requirements that was in the Public Works Department report. It will be submitted into the record as Exhibit O. Addressing the comments submitted by the agent Public Works revised their staff report and will be submitted into the record as Exhibit I-1. Both exhibits were emailed to the Planning Commission. The Partition Tentative Plat approval criteria can be found in the Medford Land Development Code Section 10.170(D). The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204(B). 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. Conner gave a staff report.

Commissioner McFadden asked, does the City have plans to widen Beall Lane? Ms. Conner deferred the question to Public Works.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504. Mr. Sinner reported the applicant is going to stipulate to the storm drainage by providing the study Public Works is looking for to demonstrate there is capacity for the one new lot possibility. On approval there will be a restricted zone until demonstrating the storm sewer is adequate. Staff will then remove the restrictive zone.

Chair McKechnie asked, has the driveway access been resolved with staff? Mr. Sinner replied yes. The new Public Works report removed that condition. Parcels one and two will be sharing driveway access and relocating that driveway to the west side that improves the intersection spacing.

Mr. Sinner 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 Orders for approval of LDP-19-060 and ZC-19-005 per the staff report dated July 3, 2019, including Exhibits A through N, adding Exhibit O and replacing Exhibit I with Exhibit I-1.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 6-0-0.

## **60. Reports**

### 60.1 Site Plan and Architectural Commission

Commissioner Culbertson reported that the Site Plan and Architectural Commission meeting scheduled for Friday, July 5, 2019 was cancelled.

### 60.2 Transportation Commission

Commission Pulver reported that the Transportation Commission has not met since their last meeting.

### 60.3 Planning Department

Kelly Evans, Assistant Planning Director reported that there is no business scheduled for the Planning Commission Study Session on Monday, July 22, 2019.

There is business scheduled for Thursday July 25, 2019, Thursday, August 8, 2010 and Thursday, August 22, 2019.

City Council did not have any business last week.

Next week the City Council will hear the appeal on the Circle K project on Springbrook and McAndrews. They will also hear an annexation for the right-of-way on Lozier Lane from Main Street to Stewart Avenue.

Commissioner Pulver asked, when is Food Trucks and Food Pods scheduled to come before the Planning Commission? Ms. Evans reported on Thursday, July 25, 2019.

70. Messages and Papers from the Chair. None.

80. City Attorney Remarks. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

101. The meeting was adjourned at approximately 6:02 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Richards  
Recording Secretary

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Mark McKechnie  
Planning Commission Vice-Chair

Approved: July 25, 2018



## MEMORANDUM

**To:** Planning Commission *for July 25, 2019 hearing*  
**From:** Carla Angeli Paladino, Principal Planner  
**Date:** July 18, 2019  
**Subject:** Staff Continuance Request for Project DCA-17-104

### Temporary Mobile Food Vendors (Food Trucks) in the right-of-way and Food Pods

Planning staff is working on a legislative code amendment to establish regulations that would permit temporary mobile food vendors to vend in the public right-of-way at night as well as regulations to allow for food pods.

*Staff is requesting a continuance of the project until August 22, 2019, to provide additional time to refine the proposal.*

COMMISSION AGENDA: July 25, 2019



## 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 July 25, 2019 hearing*

From Dustin Severs, Planner III

Reviewer Kelly Evans, Assistant Director

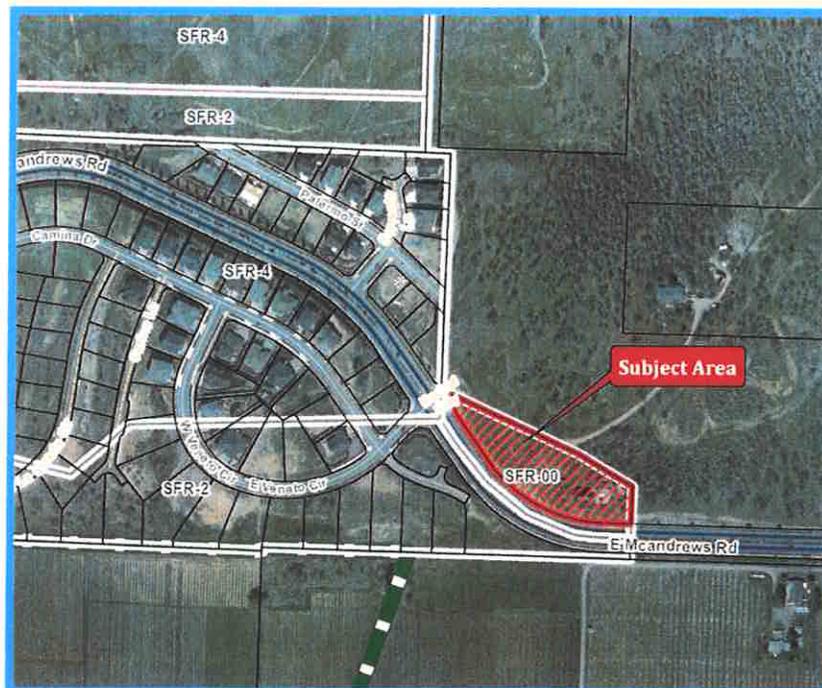
Date July 18, 2019

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### 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 August 8, 2019, in order to provide additional time to complete a sewer study to support the zone change request. The applicant submitted the sewer study for staff's review on July 10, 2019; however, Public Works found that there is some additional information needed in the report.

**EXHIBITS**

Continuance request, received via email on July 16, 2019.

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  
June 13, 2019  
June 20, 2019  
July 11, 2019  
July 25, 2019

## Dustin J. Severs

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**From:** Copper Griffin <jhagle01@gmail.com>  
**Sent:** Tuesday, July 16, 2019 7:26 PM  
**To:** Dustin J. Severs  
**Subject:** City's Extension Request

<EXTERNAL EMAIL>

Hi Dustin,

I got your voicemail from earlier today and understand that Public Works wants to speak with CEC regarding the sewer study they did for me, so they want to extend my appearance to a later Planning Commission meeting than 7/25/19. Please put me down for August 8, 2019.

Thanks for all you do.

Jane Hagle



Project Name:

**Griffin-Hagle  
 Zone Change**

Map/Taxlot:

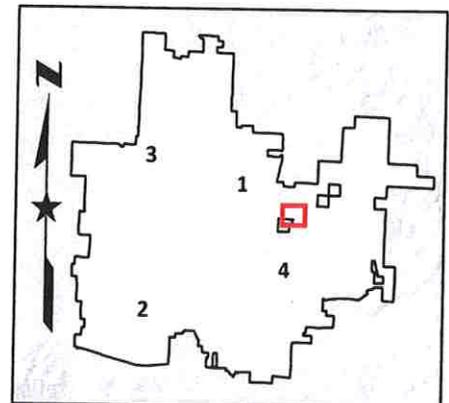
**371W22 TL 400**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

12/19/18





## **STAFF REPORT – CONTINUANCE REQUEST**

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

**Project** Jantzer Zone Change  
Applicant: Mike & Gayle Jantzer; Agent: Richard Stevens & Associates

**File no.** ZC-18-178

**To** Planning Commission *for July 25, 2019 hearing*

**From** Liz Conner, Planner II

**Reviewer** Kelly Evans, Assistant Planning Director *h.*

**Date** July 18, 2019

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### **BACKGROUND**

#### **Proposal**

Consideration of a request for a zone change of an approximately 91.5 gross acre parcel located at the terminus of Cadet Drive 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) (371W15C TL 300).

#### **Request**

The applicant has requested that the item be continued to August 22, 2019, in order to address the traffic analysis concerns.

### **EXHIBITS**

- A Continuanance request received July 18, 2019  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JULY 25, 2019**

# Continuance Request

To:  Landmarks and Historic Preservation Commission  
 Planning Commission  
 Site Plan and Architectural Commission

RE: Project Name: Mike Jantzer Zone Change  
File No(s): ZC-18-178

I am the  applicant  authorized agent for the above referenced project. Please continue the public hearing for the above referenced file to the following date:

August 22, 2019

Reason for request: Address TIA comments

This request is made pursuant to ORS 222.178(5):

*The 120-day period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.*

I understand that this request extends the 120-day period equal to the number of calendar days between hearings (i.e., April 10 to May 8 = 28 days).

Clark Stevens 7/18/19  
Signature Date  
Clark Stevens  
Print Name



Project Name:

**Zone Change  
SFR-00 to SFR-4**

Map/Taxlot:

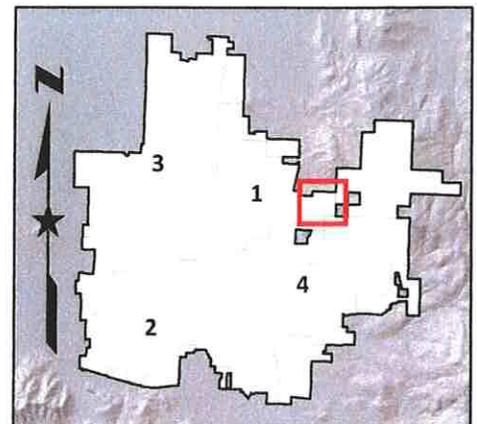
**371W15C TL 300**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

07/02/2019





## REVISED 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 July 25, 2019 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director *ke*

DATE July 18, 2019

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### 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.*

#### **MLDC §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.*

**MLDC §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.*

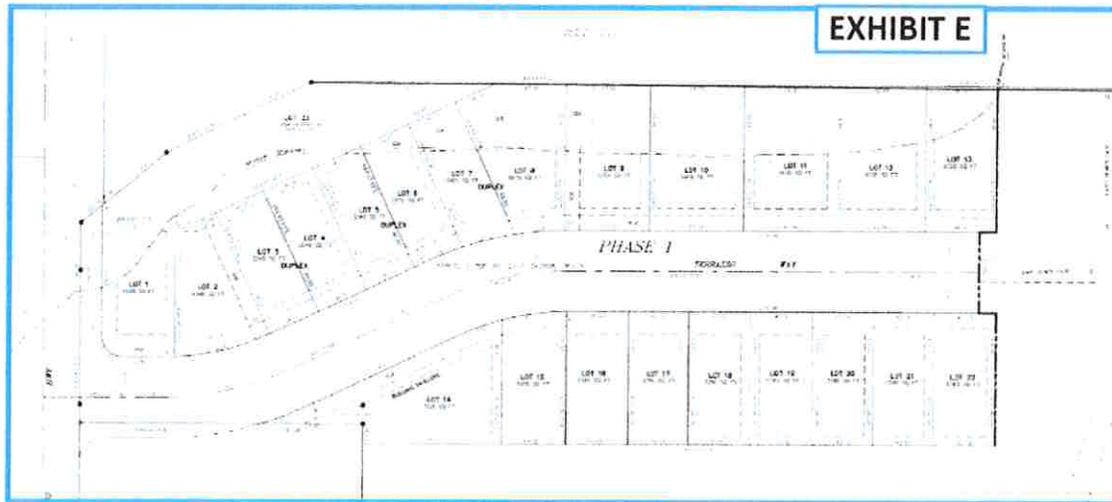
**ISSUES AND ANALYSIS**

**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 Table 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 (SFHA). 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 criteria 5 and 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.

## REVISIONS

At the public hearing held on May 23, 2019, Christian Nelson – Neighbor at 2165 Kings HWY – requested that the Planning Commission keep the record open so as to provide him with additional time to consult with a lawyer concerning the property line dispute with the applicant, and to possibly submit additional information into the record. The Planning Commission consented, and the hearing was closed/record kept open, for the following meeting scheduled for June 13, 2019. During this interim period, staff received emails from neighbor, Andy Nager (Exhibit HH), and a letter from Christian Nelson (Exhibit II), along with a survey by Mr. Nelson (Exhibit JJ). Staff also received a request from the applicant that the record be reopened, and, if so required by the Commission, that the item be continued to the July 11, 2019, meeting, so that a revised tentative plat could be submitted into the record for review.

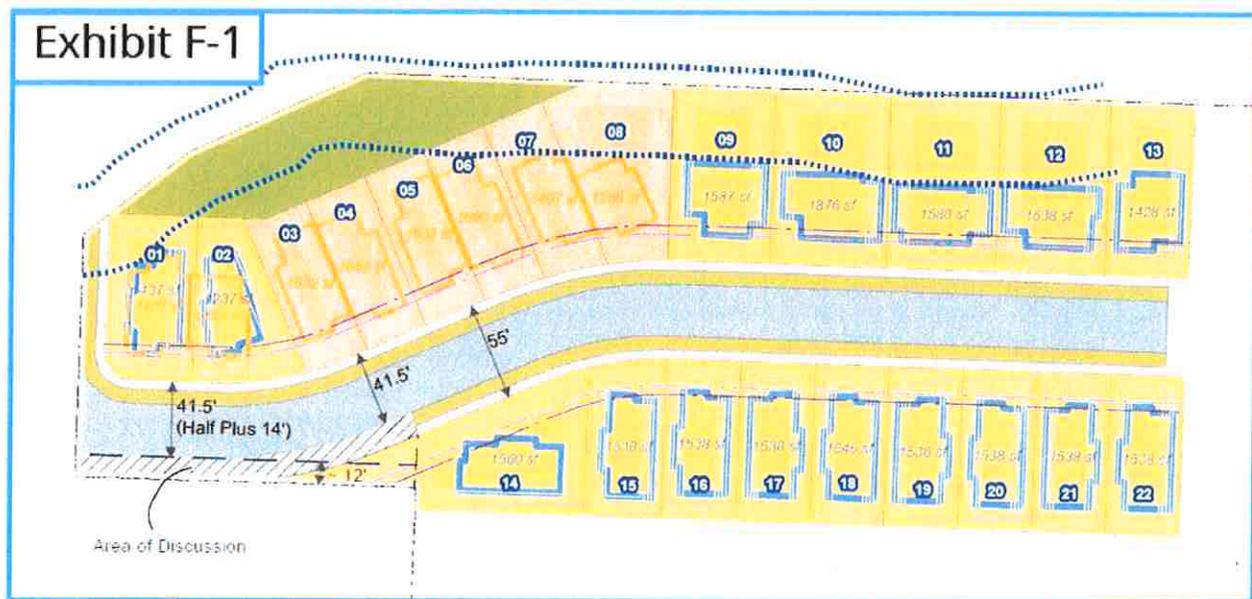
Pursuant to ORS 197.763(6), when a request is made for the public hearing to be closed and the record to remain open for additional written evidence, arguments or testimony, new evidence may only be submitted within the seven-day period following the initial hearing, while the following seven days is reserved exclusively as a rebuttal period in order to allow the applicant, or other effected parties, to respond to the new evidence submitted during the initial seven-day period. Accordingly, in order to re-open the hearing, as was requested by the applicant at the June 13, 2019 hearing, the Planning Commission voted to continue the application to July 11, 2019, in order to provide an opportunity for the property owners who submitted written testimony during the initial seven-day period, to respond to the new evidence submitted by the applicant, and for notices to be re-mailed to all the affected property owners, consistent with the due process requirements outlined in MLDC 10.124.

The July 11, 2019, hearing was also continued – at the request of the applicant – to the July 25, 2019, hearing in order to provide the applicant with additional time to prepare a revised tentative plat.

With this revised staff report, staff has also included three new submittals from the applicant: a map of the riparian area (Exhibit KK), an updated request letter (LL), and a revised tentative plat (MM).

The revised tentative plat (Exhibit LL) is being proposed in light of the concerns raised by Mr. Nelson concerning the ongoing property line dispute. The submitted revised tentative plat shows the center line of Terrazzo Way shifted approximately ten feet to the north (the storm detention area – Tract A – reduced in size in order to accommodate the relocation of Terrazzo Way), and shows the entire 55-foot right-of-way within the subject site. Along the first 192 feet (frontage along lot 4100), the applicant proposes to construct the full paved street, curb-to-curb (27.5 + 14 = 41.5 feet), while requesting that the sidewalk and planter strip along the frontage of the adjacent lot 4100 not be constructed as part of this subdivision.

Shifting the centerline of the Terrazzo Way an additional ten feet to the north will move the proposed street even closer to the nearest intersecting streets on Kings Hwy, which already did not meet the minimum distance between intersections – pursuant to MLDC 10.426(D) – with the plat originally submitted by the applicant (Exhibit B). Staff had been supportive of the reduced distance proposed by the applicant with the original plat submitted, as the reduced offset was necessary to economically develop the property, and the centerline of the proposed street was proposed to be located as far from the closest intersecting street as practicably possible. The applicant's submitted a transportation analysis conducted by SOTE at the May 23, 2019, hearing (Exhibit GG), which found that the proposed street connection can be approved without any adverse impacts to the surrounding transportation system, including the reduced offset.



In the updated request letter submittal (Exhibit MM), the applicant has made three additional requests: 1.) Flexibility to either plat proposed Lots 1 and 2 as shown on the tentative plat or consolidate the two lots into a single duplex lot. (The same number of housing units would be accommodated); 2.) Flexibility to site the storm drainage pipe easement (currently reflected on the easterly boundary of proposed Lot 2) to be located as shown or shifted to the Kings Highway right-of-way or to be shifted to the westerly portion of Lot 1, outside the PUE; and 3.) Relief from constructing improvements along the 114 feet of frontage contained in the triangular portion of lot 14, lying north of tax lot 4100. The applicant further requests – in the event that the Commission finds it necessary for improvements to be constructed within said area – that the construction of said improvements be delayed until the time that the reserve acreage tracts identified on the tentative plat are developed in the future.

In the revised staff report received by Public Works (Exhibit S-1), Public Works is supportive of the applicant's request to shift the centerline of Terrazzo Way ten feet to the north, and to site the storm drain easement as requested. Public Works is also supportive of the

applicant's request to construct the full paved street, curb-to-curb, while not requiring sidewalk and planter strip along the frontage of the adjacent lot 4100 (Nelson's property); however, Public Works is unsupportive of the applicant's request not to construct improvements (sidewalk and planter strip) along the 114 feet of frontage contained in the triangular portion of Lot 14.

With this revised staff report, staff has also added two conditions of approval: 1.) A condition - condition #9 - requiring that the applicant submit an arterial street frontage landscape plan showing a vertical separation feature that is a minimum of eight feet and height, and including a fence or wall, consistent with the requirements outlined MLDC 10.797(A)(1); and 2.) a condition - condition # 10 - requiring that the applicant submit a revised tentative plat showing the right-of-way of Terrazzo Way extended to the easterly limit of lots 13 and 22.

### 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 revised staff report dated July 18, 2019, including:

- Exhibits A-1 through MM.
- Adoption of the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit Q).
- Approval of the applicant's request for a reduced offset (less than 200 feet) between the proposed Terrazzo Way and the nearest intersecting street along Kings Highway, pursuant to 10.426(D).
- Approval to either plat proposed lots 1 and 2 as shown on the tentative plat or consolidate the two lots into a single duplex lot.
- Approval to site the storm drainage pipe easement (currently reflected on the easterly boundary of proposed Lot 2) to be located as shown or shifted to the Kings Highway right-of-way or to be shifted to the westerly portion of Lot 1, outside the PUE.
- Approval granting relief from constructing street improvements along the 114 feet of frontage contained in the triangular portion of lot 14, lying north of tax lot 4100; and, if applicable, that the construction of said improvements be delayed until the time that the reserve acreage tracts identified on the tentative plat are developed in the future.

### EXHIBITS

A-1 Conditions of Approval (Revised), dated July 18, 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-1 **Proposed Lots by Type Plan (Revised)**, received July 11, 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-1 **Public Works report (Revised)**, received July 18, 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.
- DD Email received from applicant addressing lot line dispute, submitted into the record at May 23, 2019, public hearing.
- EE Email received from neighbor (Christian Nelson, 2165 Kings HWY) addressing the lot line dispute, submitted into the record at the May 23, 2019, public hearing.
- FF Email received by applicant responding to Nelson's comments, submitted into the record at the May 23, 2019, public hearing.
- GG Traffic study prepared by Southern Oregon Transportation Engineering on behalf of the applicant, submitted into the record at the May 23, 2019, public hearing.
- HH Email received from neighbor (Andy Nager) concerning the applicant's CUP request for placement of stormwater detention facilities within the riparian corridor of Crooked Creek, received May 26, 2019.

- II Letter to Planning Commission received from neighbor (Christian Nelson, 2165 Kings HWY), received May 30, 2019.
- JJ Survey submitted by neighbor (Christian Nelson, 2165 Kings HWY), received May 30, 2019.
- KK Applicant's riparian area map, received June 6, 2019.
- LL Revised Tentative Plat (2 of 2), received July 11, 2019.
- MM Applicant's updated request letter, received July 11, 2019.  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**MAY 23, 2019**  
**JUNE 13, 2019**  
**JULY 11, 2019**  
**JULY 25, 2019**

## EXHIBIT A-1

The Meadows at Crooked Creek  
LDS-19-040 / CUP-19-041  
Conditions of Approval  
July 18, 2019

### DISCRETIONARY CONDITIONS

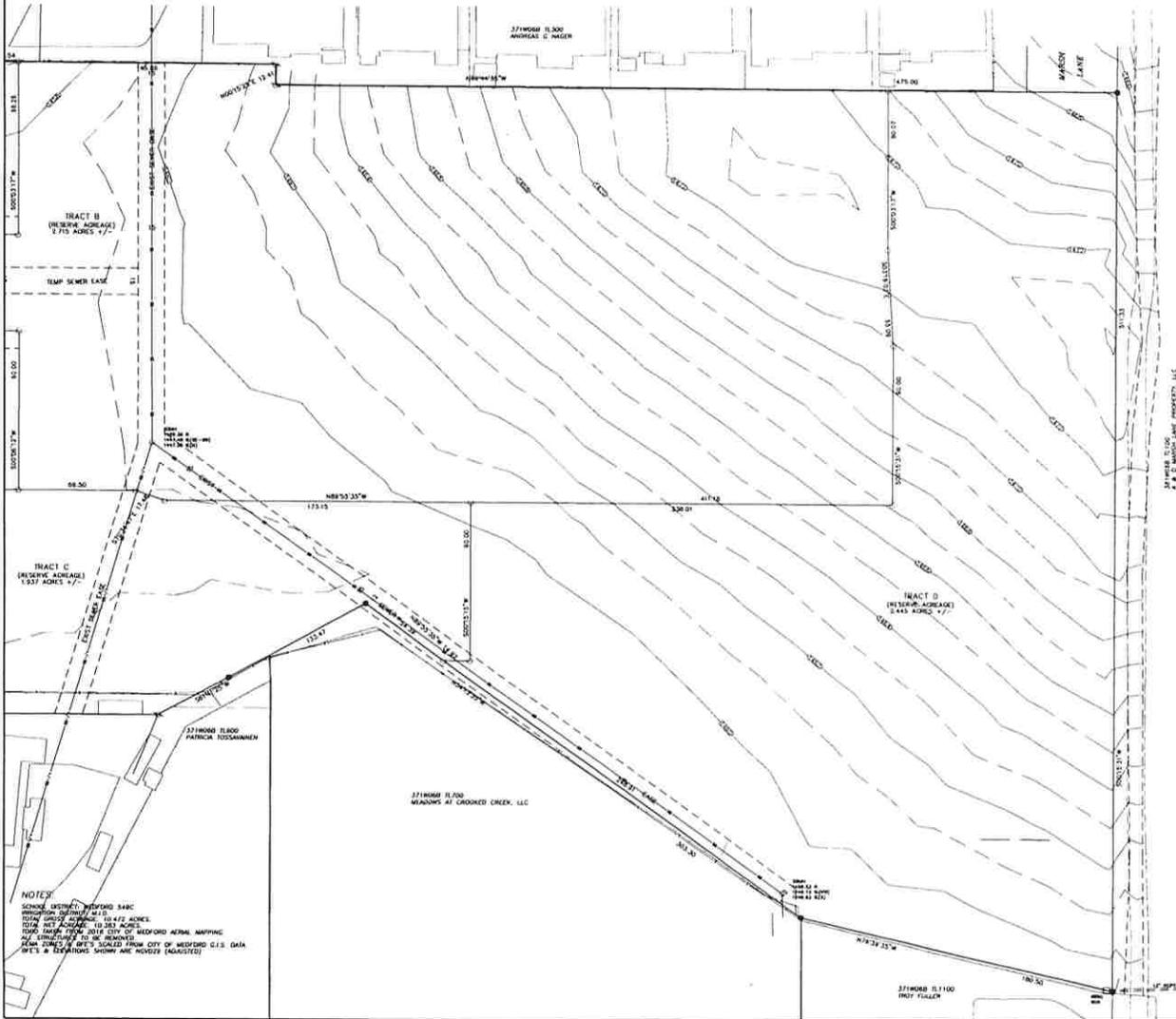
1. The Commission accepts the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit Q), and applies them as conditions except as modified.

### CODE REQUIRED CONDITIONS

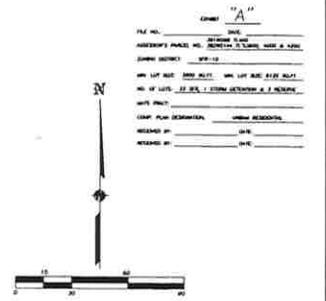
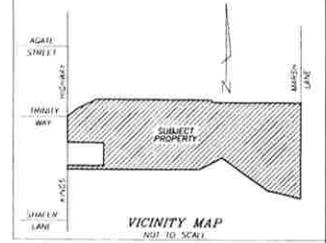
Prior to the approval of the final plat, the applicant shall:

- 2. Comply with all requirements of the Medford Public Works Department (Exhibit S-1)**
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.
- 9. Submit an arterial street frontage landscape plan showing a vertical separation feature that is a minimum of eight feet in height, and including a fence or wall, consistent with the requirements outlined MLDC 10.797(A)(1).**
- 10. Submit a revised tentative plat showing the right-of-way of Terrazzo Way extended to the easterly limit of lots 13 and 22.**

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

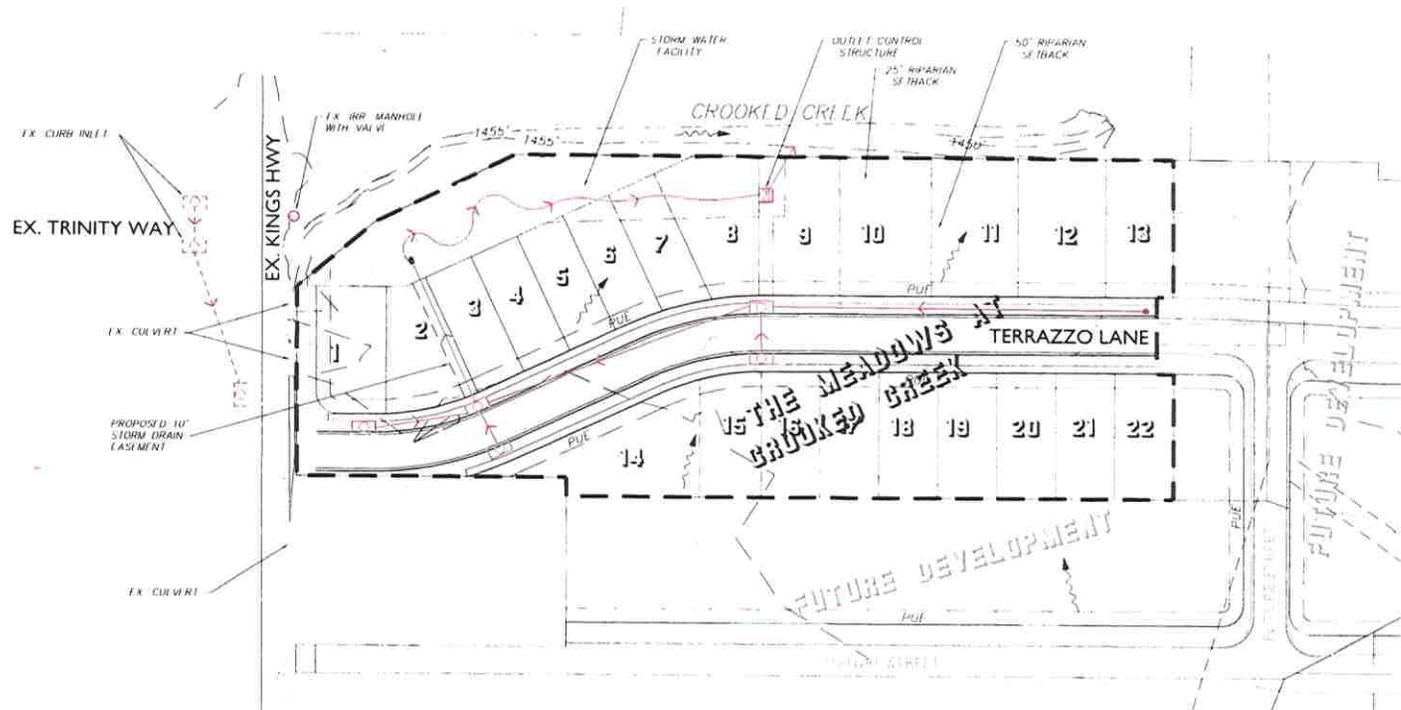


**NOTES**  
 SURVEYED ACCORDING TO MEDFORD 2010 SUBDIVISION ORDINANCE, SECTION 10.01(1) & 10.01(2).  
 FOUND NO ENCUMBRANCES TO BE NOTED.  
 ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
 ALL CORNERS ARE TO BE MARKED WITH IRON PIPES OR IRON BOLTS.  
 ALL DISTANCES ARE TO BE MEASURED FROM THE CITY OF MEDFORD G.I.S. DATA.  
 ALL DISTANCES SHOWN ARE UNADJUSTED.



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
*Janeal Kille*  
 OREGON  
 JULY 11, 1988  
 JANEAL E. KILLE  
 MEDFORD, OREGON

© U.S. FISH & WILDLIFE SERVICE TENTATIVE SUBDIVISION PLAT PROPERTY OF 3719008 BLDG ANDREAS C. MASER MEADOWS AT CROOKED CREEK, LLC 31005 HISTORIC COLUMBIA AVENUE NW TROUTDALE, OR 97140 L.J. FINN & ASSOCIATES P.C. 200 1ST STREET MEDFORD, OREGON 97504	DATE 10 MAY 2018 SCALE 1" = 40' HORZ 1" = 40' VERT DRAWN BY JLF CHECKED BY JLF 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



**CITY OF MEDFORD**

**CONSTRUCTIVE ENGINEERING CONSULTANTS**  
 101 W. 17th St., Medford, Oregon 97504  
 TEL: (531) 722-1100 FAX: (531) 722-1101  
 WWW: WWW.CONSTRUCTIVEENGINEERS.COM

CALL 48 HOURS BEFORE YOU DIE

DRAWN BY: DWJ	DATE: 02/19	NO. OF SHEETS: 1	DATE: 02/19
CHECKED BY: ***	DATE: **/**	DATE: **/**	DATE: **/**
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**EXHIBIT C.1**

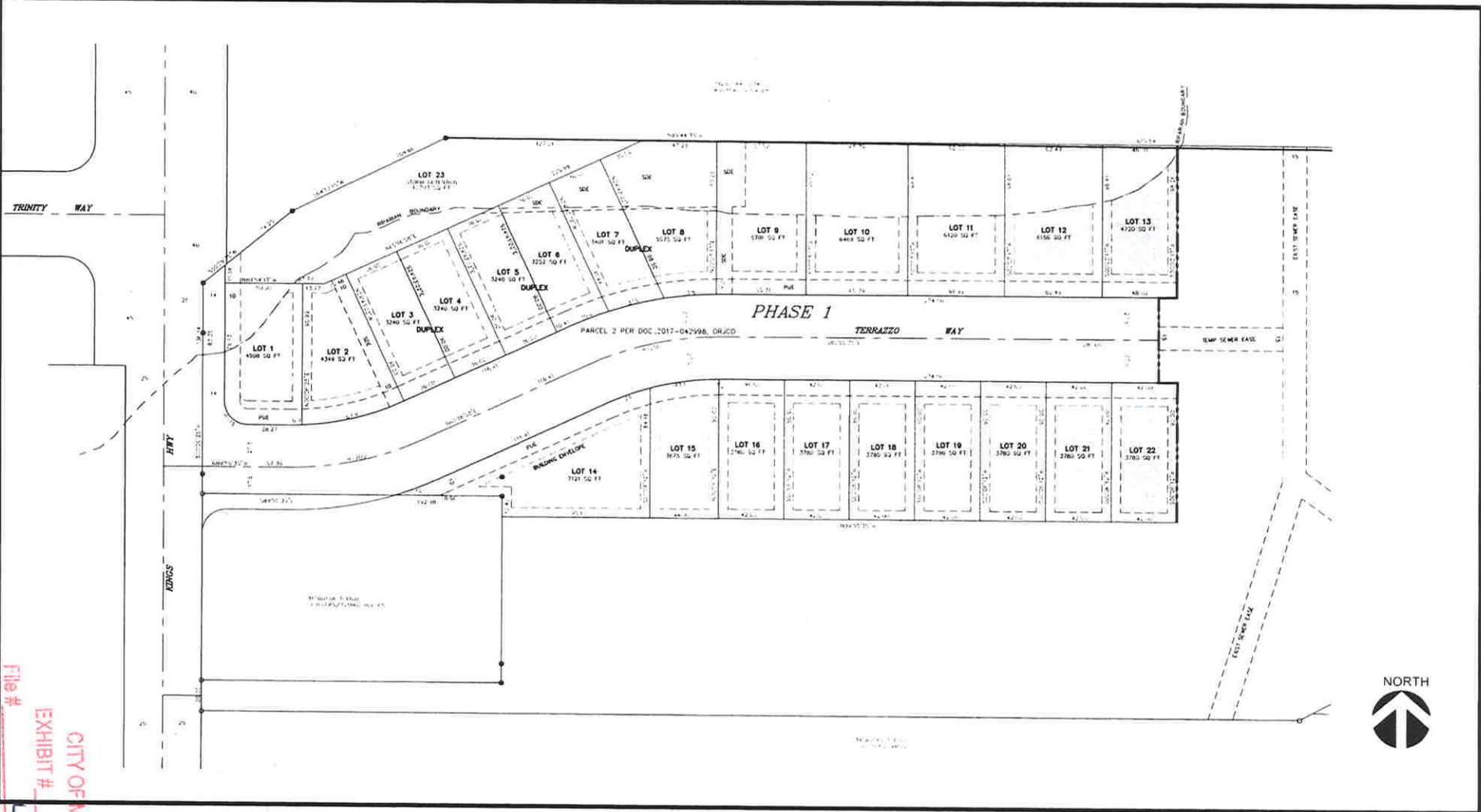
**CITY OF MEDFORD**

THE MEADOWS AT CROOKED CREEK  
 CONCEPTUAL GRADING & DRAINAGE PLAN

PROJECT NO. \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_

File # LDS-19-046  
 CUP-19-041





File #  
 EXHIBIT #  
 CITY OF MEDFORD

OS-19-046  
 CP-19-041

**THE MEADOWS at Crooked Creek**  
 MEDFORD, OREGON

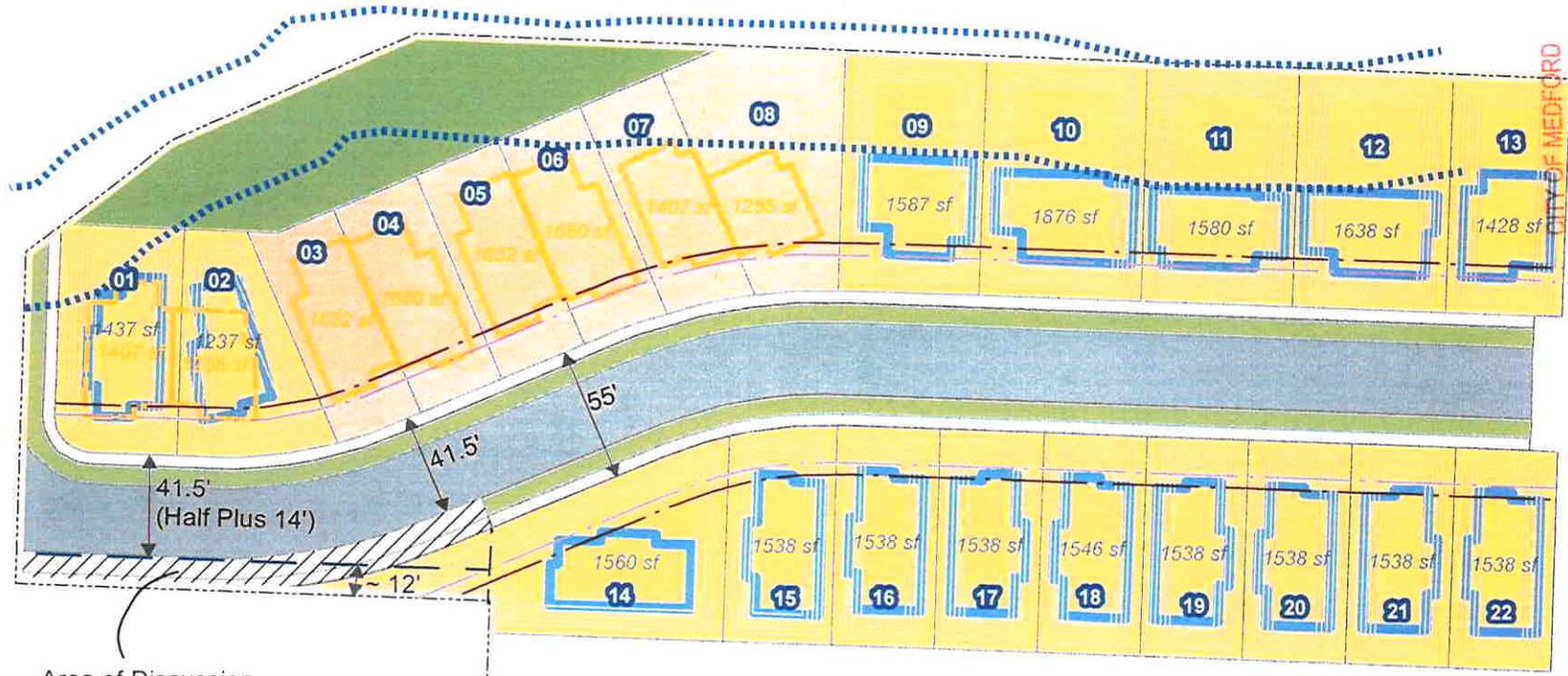
**Phase 1 - Building Envelopes**



DATE: 4/9/19

SCALE: 1:60 (11 X 17)

EXHIBIT # F-1  
File # LDs-19-046/CUP-19-041



CITY OF MEDFORD

**Proposed Lots By Type Example Footprint**

- |                       |                                      |
|-----------------------|--------------------------------------|
| Duplex                | SFD Detached                         |
| SFD Detached          | Duplex                               |
| StormDetention        | Duplex Option                        |
| ROW Paved             | 15ft Setback                         |
| ROW Park Strip        | 20ft Setback                         |
| ROW Sidewalk          | Riparian 50-foot                     |
| ROW Park Strip Future | 4', 6', 8' 10', 12' Interior Setback |
| ROW Sidewalk Future   | Subject Tract                        |

\*\* Proposed Subdivision Layout Lines Are Approximate.  
House Footprints shown are for example purposes only.

\*\*Request flexibility to convert adjacent sfd lots to single lot w duplex

**Proposed Lots By Type**

**Meadows at Crooked Creek 22-Lot Subdivision**  
**Meadows at Crooked Creek, LLC**

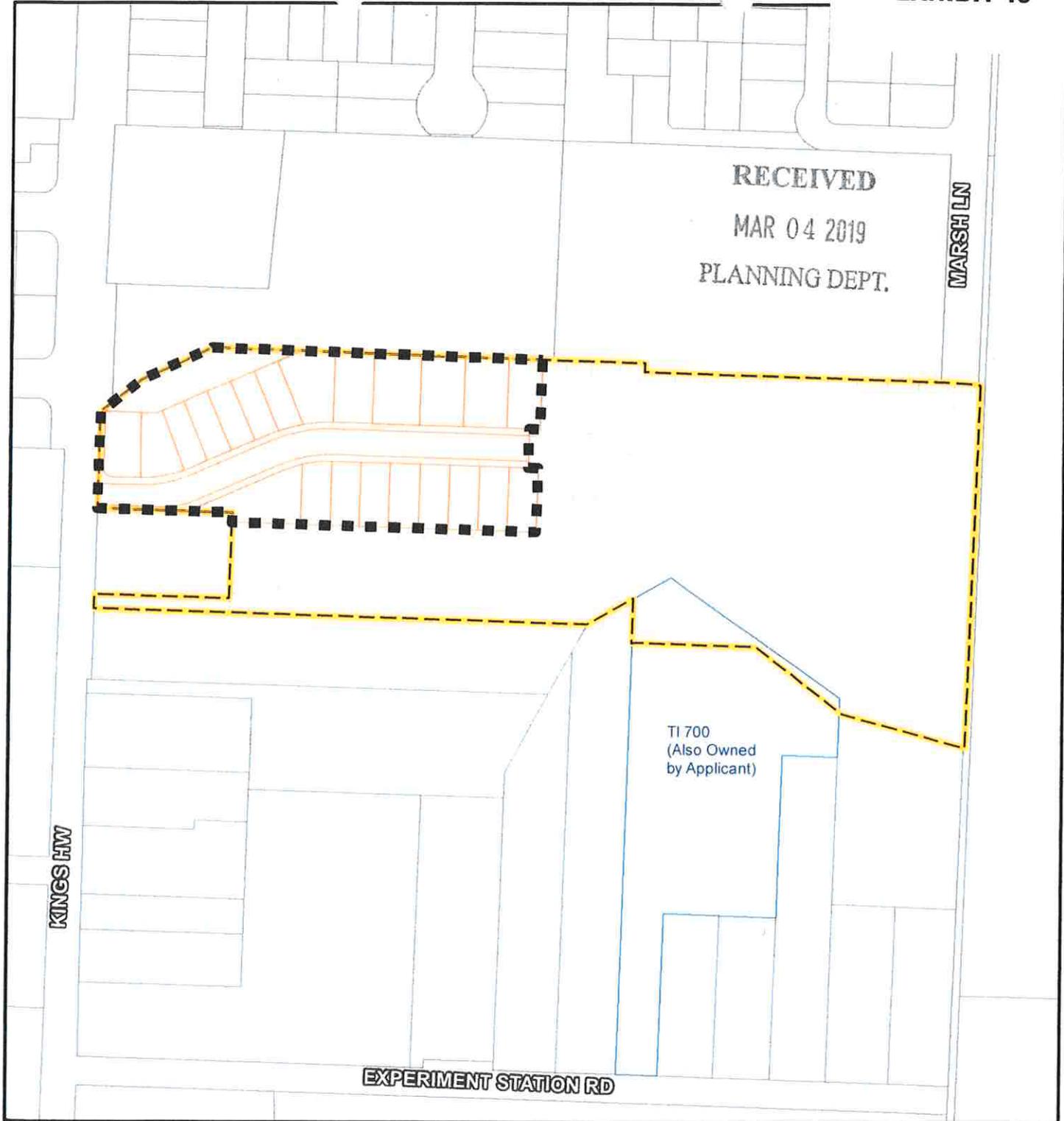
38-2W-01AA-4000  
38-2W-01AA-3900; 38-2W-01AA-4200 & 38-1W-06B-400

0 37.5 75 Feet

1 inch = 75 feet

N

Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS; ESRI (ArcGIS Aerial Map Service)



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MARSH LN

KINGS HW

EXPERIMENT STATION RD

TI 700  
(Also Owned  
by Applicant)

 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.

MEDFORD  
 EXHIBIT 13  
 File # LDS-19-040/CUP-19-04  
 G


Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS; ESRI (ArcGIS Aerial Map Service)



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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 \*

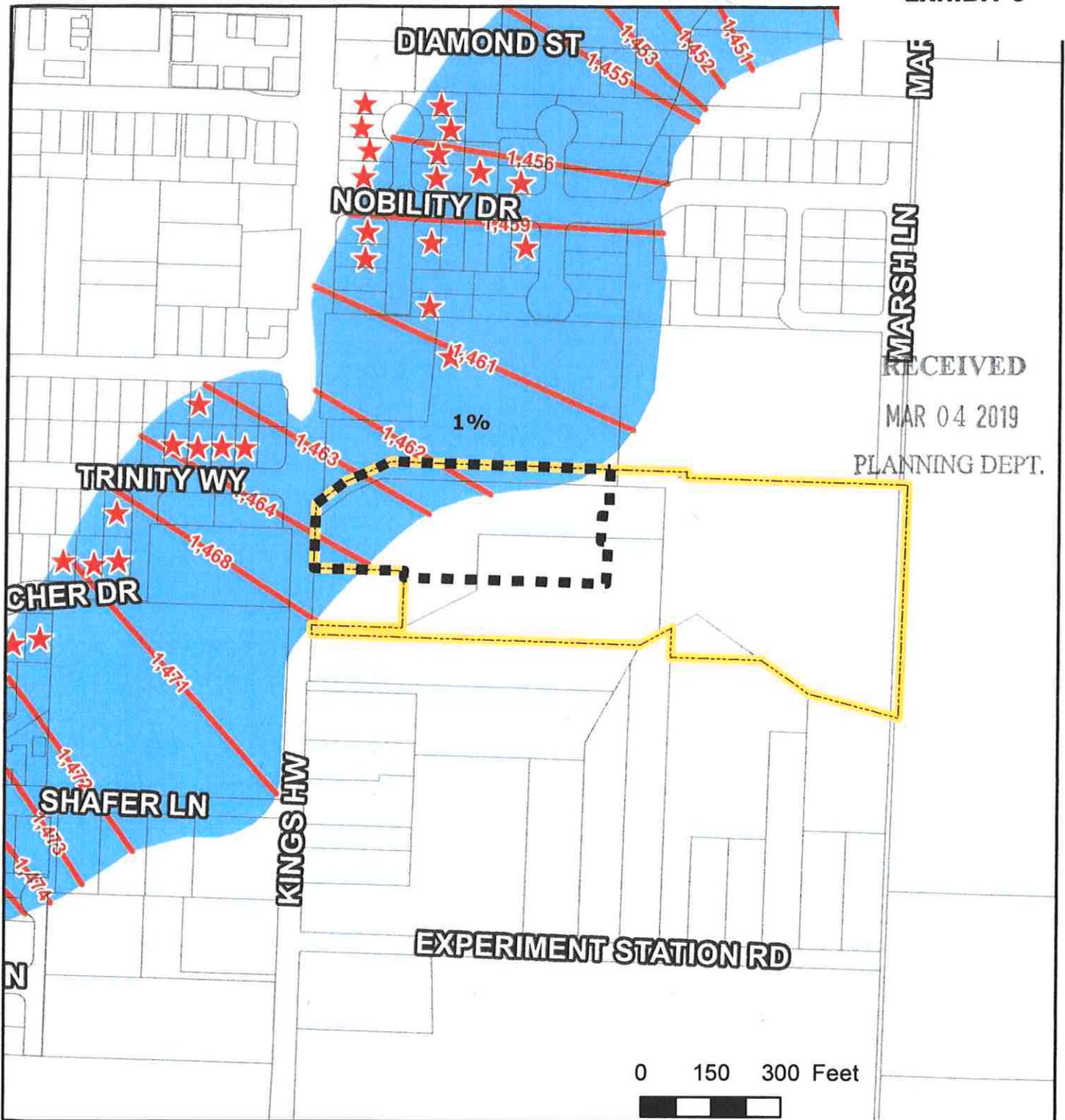
38-2W-01AA-3900; 38-2W-01AA-4200 & 38-1W-06B-400

\* Subdivision to be on Adjusted TL4000 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)

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-  Area of Subdivision
-  Subject Tract
-  FEMA Elev. Certificate
-  FEMA Base Flood Elevation
-  FEMA Flood Hazard
-  1% Annual Chance Flood Hazard

### Floodplain Information Map

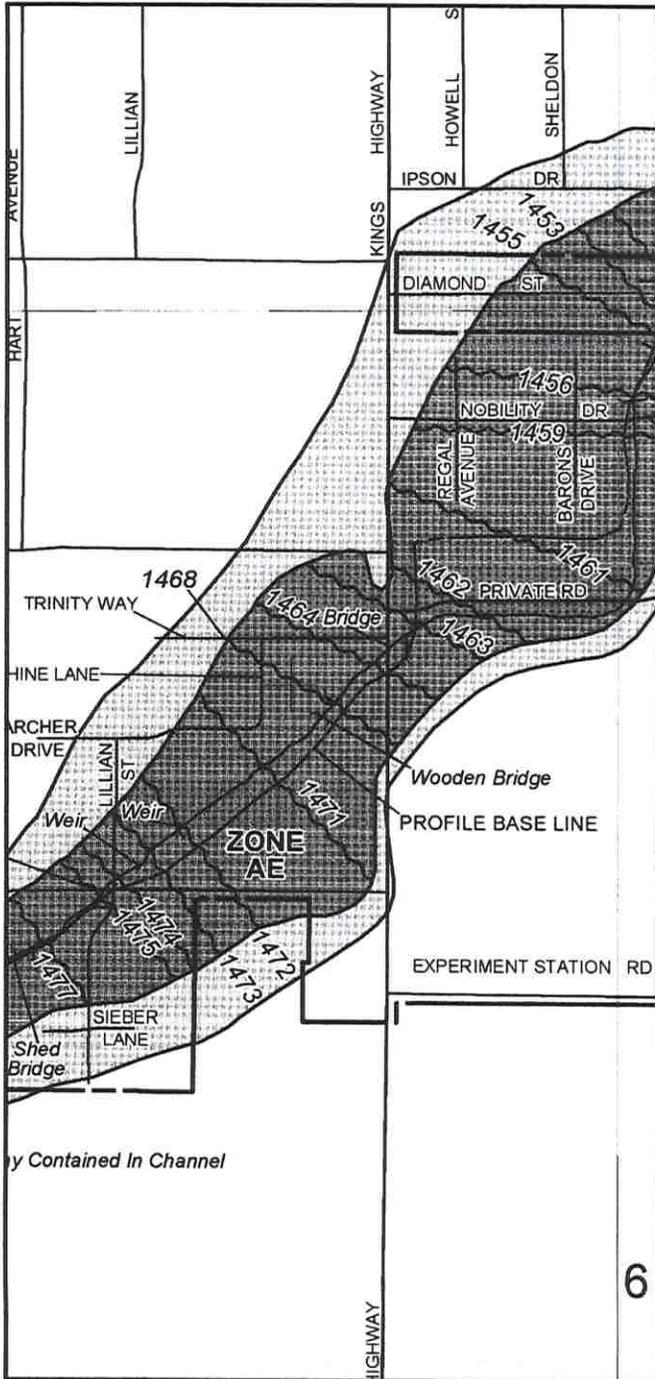
Meadows at Crooked Creek 22-Lot Subdivision  
Meadows at Crooked Creek, LLC

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 1/19-  
PLA but will not be part of the subdivision. 041



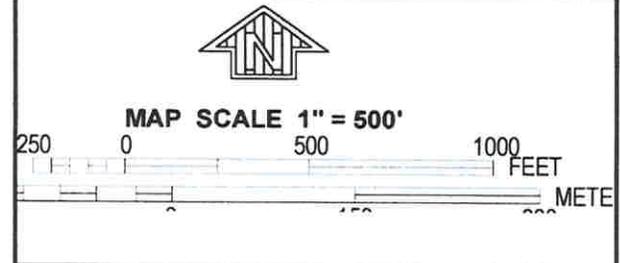
Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS



JOINS PANEL 1986

6

**JACKSON COUNTY  
UNINCORPORATED AREAS  
415589**



**NATIONAL FLOOD INSURANCE PROGRAM**

**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	410098	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.

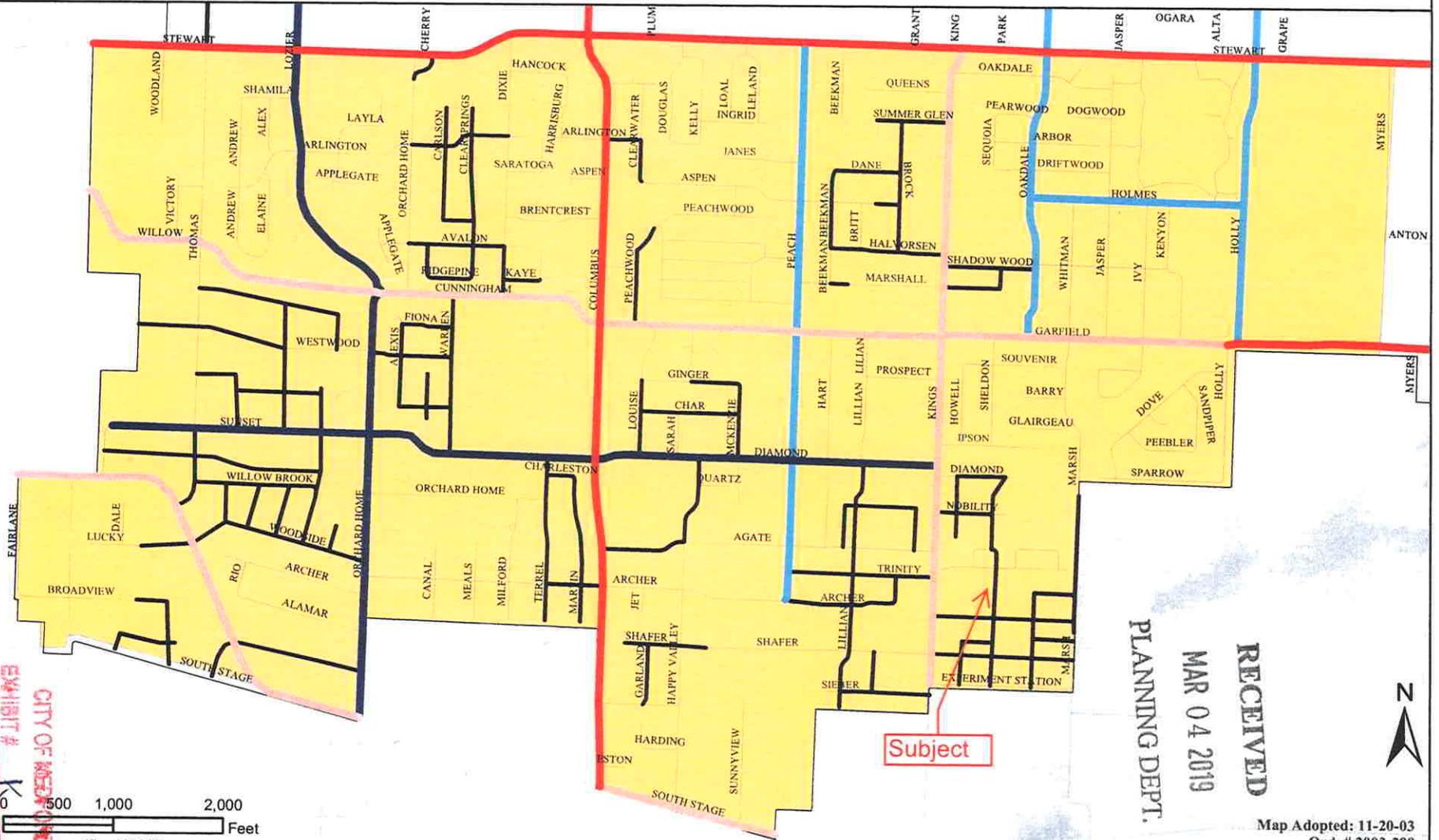


**MAP NUMBER  
41029C1967F  
EFFECTIVE DATE  
MAY 3, 2011**

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](http://www.msc.fema.gov)

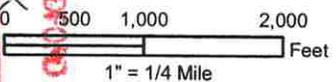
# Adopted Southwest Medford Circulation Plan



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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



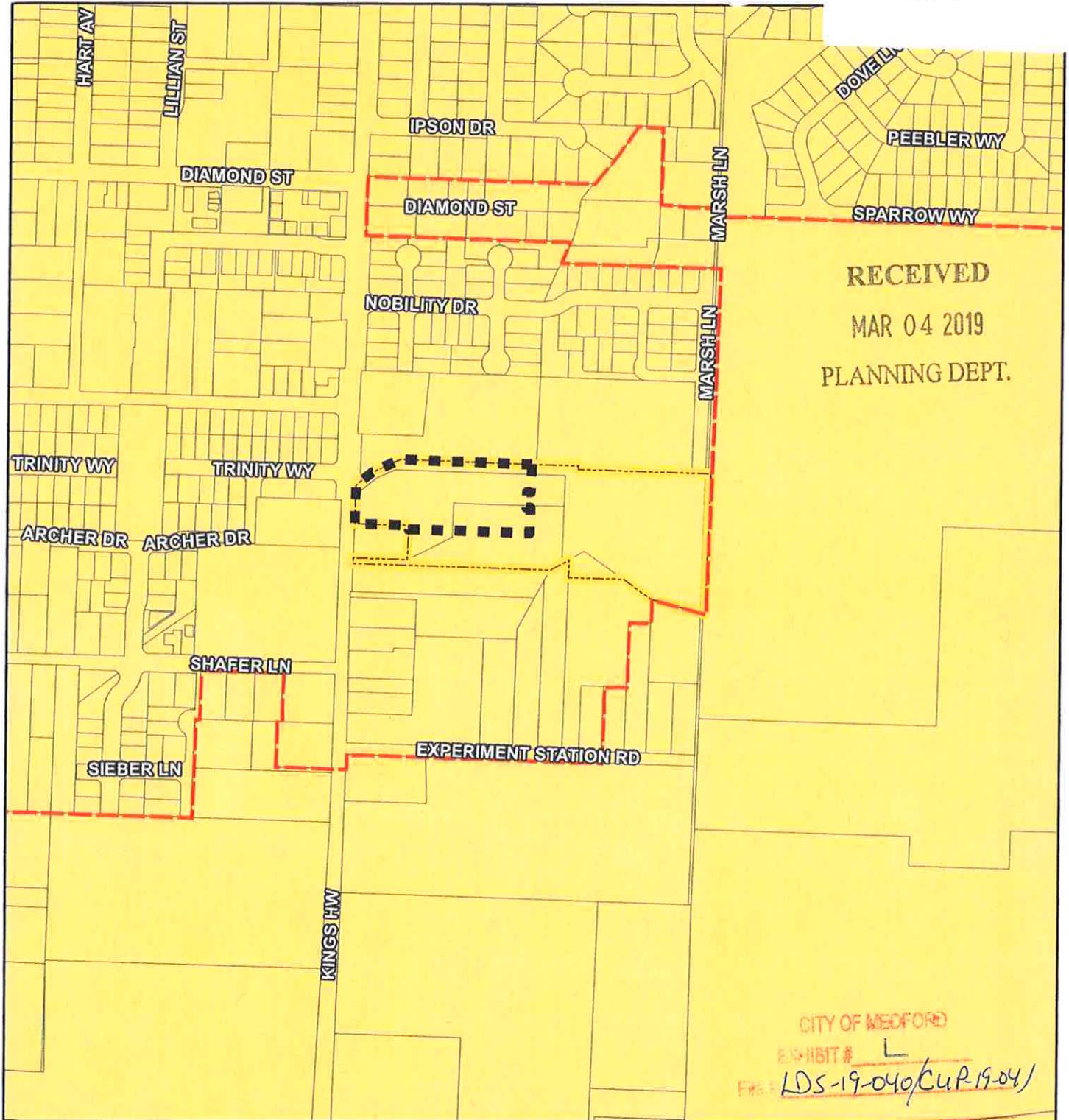
The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County. GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

THESE 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.

Page 46

21

File # 19010101  
 EXHIBIT # K0  
 1:Project Files\Planning\Circulation Plans\Southwest\Southwest Circulation Plan.mxd



	City Limits		Irrigation District
	Area of Subdivision		MID
	Subject Tract		
	Tax Lots		

0 250 500 Feet

### Medford Irrigation District Map

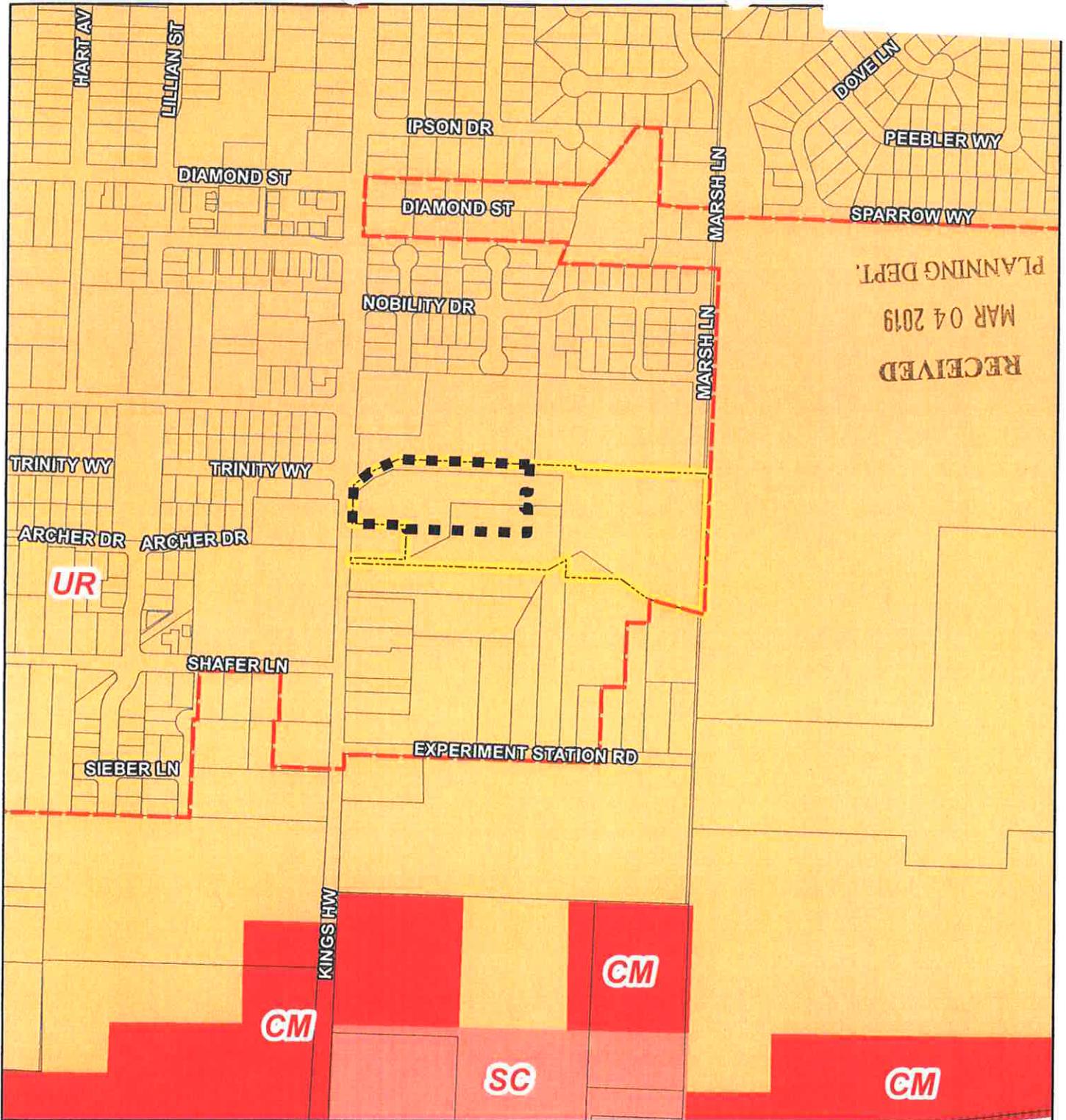
**Meadows at Crooked Creek 22-Lot Subdivision**  
**Meadows at Crooked Creek, LLC**

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



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	City Limits	<b>Medford GLUP</b>
	Area of Subdivision	CM
	Subject Tract	SC
	Tax Lots	UR
	UGB	

0 250 500 Feet

### GLUP Map

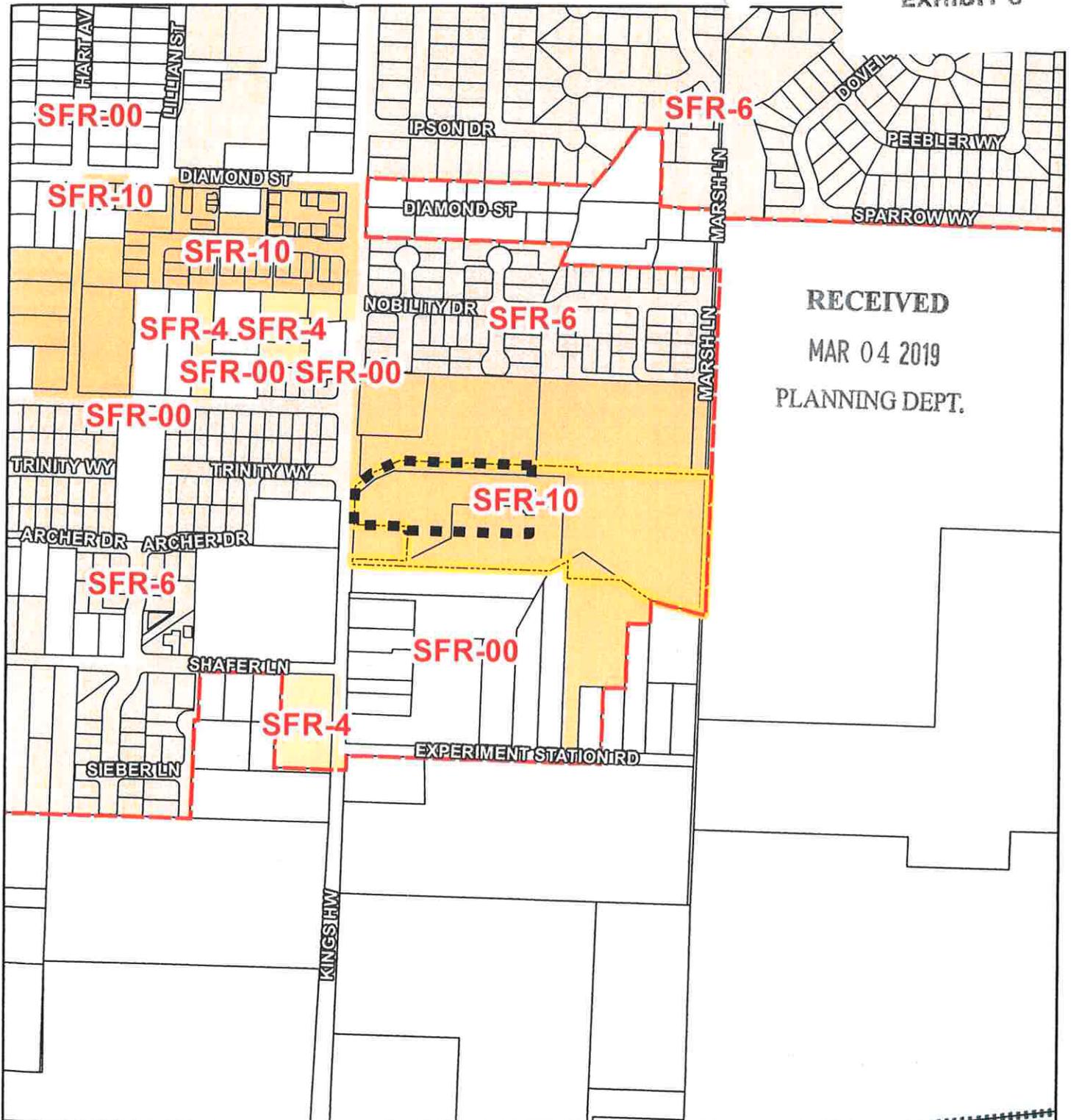
**Meadows at Crooked Creek 22-Lot Subdivision**  
**Meadows at Crooked Creek, LLC**

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.

CITY OF MEDFORD  
 EXHIBIT # M  
 LOS-19-040/CuP-19-04/

Source: CSA Planning, Ltd.; Medford GIS; Jackson County GIS



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PLANNING DEPT.

	City Limits	<b>Medford Zoning</b>
	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.

EXHIBIT # N  
 File # LDS-R-040kup-19-041



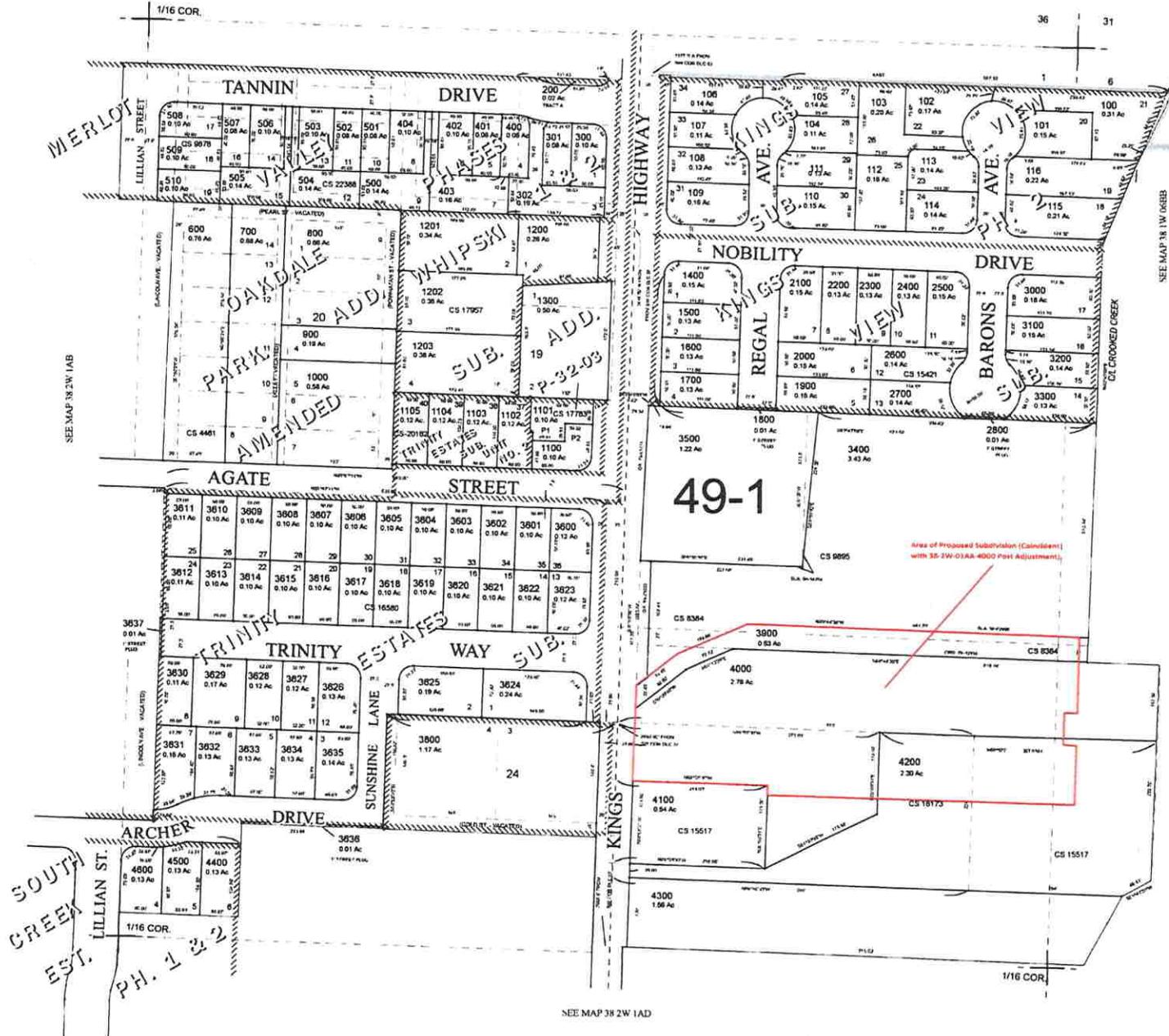
FOR ASSESSMENT AND TAXATION ONLY

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 161D



CANCELLED TAX LOT NUMBERS  
117 KILLED TO STREET  
2900 KILLED TO STREET  
3638  
3639  
3700

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MAR 04 2019  
PLANNING DEPT.

382W1AA  
MEDFORD

100% CORRO April 12, 2005  
REV March 30, 2018

Page 50

CITY OF MEDFORD  
EXHIBIT 5  
ADS-19-040/CUP-19-041

CIS DATA  
03/30/2018 3:28:27 PM: Blackst

74

**NARRATIVE**

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**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 # 15-19-040 - CUP-19-011

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.

**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.



**CITY OF MEDFORD**

**EXHIBIT # Q**

**FILE # LDS-19-040/E-19-041 Page 1 of 29**

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.

(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**

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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 acres<sup>1</sup>.
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.

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<sup>1</sup> 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.<sup>2</sup>
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:**

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<sup>2</sup> 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**

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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.

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**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.

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**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***

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**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:



(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.

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**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



**Findings of Fact and Conclusions of Law**

The Meadows at Crooked Creek Subdivision & CUP  
Meadows at Crooked Creek, LLC : Applicant

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

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- (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.



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Mike Savage  
Consulting Planner

**Dated March 1, 2019**

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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.

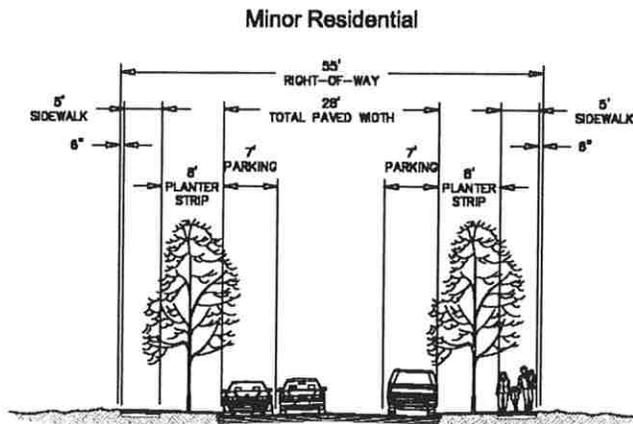
**10.430 Lower-Order - Residential Street Classification System**

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.**



- 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.



**APPLICANT'S EXHIBIT :**

**Demonstration of Compliance with Applicable Development Standards**

Subdivision- Conditional Use Permit

Applicant: Meadows at Crooked Creek, LLC

- 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.



**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.

<b>DETACHED SINGLE-FAMILY DWELLINGS</b>		
<b>Standard</b>	<b>SFR-10</b>	<b>Compliance</b>
<b>MINIMUM &amp; MAXIMUM AREA FOR ZONING DISTRICT (ACRES)</b>	6.0 to 10.0 dwelling units per gross acre	Proposed density complies. Proposal has 6.7 dwelling units per gross acre
<b>MINIMUM LOT AREA (SQ. FEET)</b>	3,600 to 8,125 SF	All lots comply
<b>MAXIMUM COVERAGE FACTOR</b>	50%	All lots can and will comply
<b>MINIMUM INTERIOR LOT WIDTH</b>	40 feet	All lots comply
<b>MINIMUM CORNER LOT WIDTH</b>	50 feet	All lots comply. Some lots are of varying width, but average at least 60 feet in width.
<b>MINIMUM LOT DEPTH</b>	90 feet Can count only half of an adjoin alley toward the lot depth	All lots comply
<b>MINIMUM LOT FRONTAGE</b>	30 feet, EXCEPT Flag Lots which shall be 20 feet	All lots comply
<b>MINIMUM FRONT YARD BUILDING SETBACK</b>	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
<b>MINIMUM STREET SIDE YARD</b>	10 feet	All lots can and will comply



**APPLICANT'S EXHIBIT :**

**Demonstration of Compliance with Applicable Development Standards**

Subdivision- Conditional Use Permit

Applicant: Meadows at Crooked Creek, LLC

<b>BUILDING SETBACK</b>	EXCEPT 20 feet for vehicular entrances to garages or carports	
<b>MINIMUM SIDE BUILDING SET BACK</b>	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
<b>MINIMUM REAR YARD BUILDING SET BACK</b>	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
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet	All lots can and will comply
<b>BUFFERYARD SETBACK</b>	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.

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**10.713 Duplex Dwellings**

The following standards apply to the development of duplex dwellings within the various residential districts.

<b>DUPLEX DWELLINGS</b>		
<b>Standard</b>	<b>SFR-10</b>	<b>Compliance</b>
<b>SPECIAL STANDARDS</b>	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
<b>MINIMUM &amp; MAXIMUM AREA FOR ZONING DISTRICT (ACRES)</b>	6.0 to 10.0 dwelling units per gross acre	Proposed density complies. Proposal has 6.7 dwelling units per gross acre
<b>LOT AREA RANGE (SQUARE FEET)</b>	6,000* to 12,500*	All lots comply
<b>MAXIMUM COVERAGE FACTOR</b>	50%	All lots can and will comply
<b>MINIMUM INTERIOR LOT WIDTH</b>	50 feet*	All lots comply
<b>MINIMUM CORNER LOT WIDTH</b>	60 feet*	All lots comply. Some lots are of varying width, but average at least 60 feet in width.
<b>MINIMUM LOT DEPTH</b>	90 feet	All lots comply
<b>MINIMUM LOT FRONTAGE</b>	30 feet*	All lots comply



<b>MINIMUM FRONT YARD BUILDING SETBACK</b>	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
<b>MINIMUM STREET SIDE YARD BUILDING SETBACK</b>	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports	All lots can and will comply
<b>MINIMUM SIDE BUILDING SET BACK</b>	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
<b>MINIMUM REAR YARD BUILDING SET BACK</b>	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
<b>MAXIMUM BUILDING HEIGHT</b>	35 feet	All lots can and will comply
<b>BUFFERYARD SETBACK</b>	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: 7/18/19

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.

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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**

**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. The right-of-way dedication shall extend to the easterly limits of lots 13 and 22.

**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 the portion parallel Tax Lot 4100. This shall provide the full paved section curb to curb and the north planter and sidewalk. The sidewalk and planter along the full frontage of Lot 14 shall be constructed with the respective building permit for that lot. The improvements to this street shall extend to the easterly limits of lots 13 and 22.

### 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 proposed location of Terrazzo Way is less than the 200 foot minimum distance between

intersections required by MLDC 10.426.D. The approving authority may authorize spacing of less than 200 feet if it is found that it is necessary to economically develop the property with the use for which it is zoned. The applicant submitted a traffic analysis, dated June 19, 2018 that analyzed the reduction in intersection spacing. The analysis found that the 95th percentile queue for Trinity Way and Terrazzo Way is 25 feet (one car length), with the maximum queues being 25 feet and 50 feet, respectively. Therefore, Public Works takes no exception to a street spacing (centerline-to-centerline) of 150 feet or more between Trinity Way and Terrazzo Way. Granting of this reduced spacing does not guarantee that future improvements designed to improve safety and capacity, such as a median, will not be constructed on Kings Hwy that restricts turning movements at this intersection.

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. The exact location of the stormdrain easement shown through Lot 2 on the tentative plat may be adjusted at the time of public improvement plan review.

### **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*



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

- Public Works takes no exception to a street spacing (centerline-to-centerline) of 150 feet or more between Trinity Way and Terrazzo Way
- 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  
EXHIBIT T  
LDS-19-040  
CUP-19-051



**Staff Memo**

*Continued from Previous Page*

4. MWC-metered water service does exist to this property. There is one (1) existing ¾" 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 address compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

Date: 5/8/2019  
 Path: D:\MWC\Info\Map\Map - MWC - 02E - Letter US - May 2019.dwg



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 CUP19041  
#1:

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)

ProjectDescription: 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>

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CUP-14-041

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](http://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

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

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2019\LDS-19-040 & CUP-19-041\_THE MEADOWS AT CROOKED CR.DOC

✓  
LDS-19-040  
CUP-19-041



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.

LOS-19-040  
CUP-19-041

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

Y  
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 / cwp-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](mailto:Medid@medfordid.org)

Office: 541-899-9913

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  
 CLERK 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.

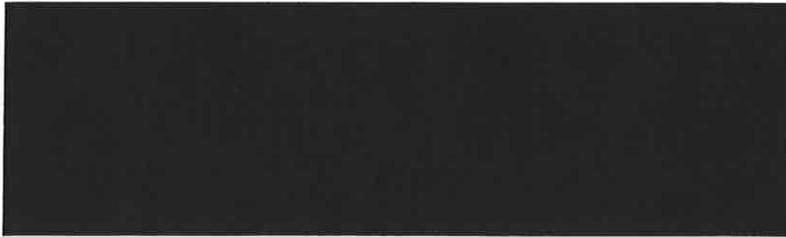
Sincerely,

Christian Nelson

CITY OF MEDFORD  
EXHIBIT CC  
FILE # LD5-19-040  
CUP-19-091

541-601-2679

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**Downtown Medford Association**

541-601-2679  
1000 1/2 Commercial St. Medford, OR 97504  
www.downtownmedford.com

On Thursday, May 9, 2019, 10:37:30 AM PDT, Terry Cook <[tcook@cookdevelopment.com](mailto: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](http://www.cookdevelopment.com)

email: [tcook@cookdevelopment.com](mailto: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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## Dustin J. Severs

---

**From:** Mike Savage <mike@csaplanning.net>  
**Sent:** Tuesday, May 21, 2019 10:43 AM  
**To:** Dustin J. Severs  
**Cc:** Lori Hollis; Terry Cook  
**Subject:** RE: Meadows at Crooked Creek  
**Attachments:** 16226LetterRegardingPropertyLineIssue.pdf; Map of Survey PLA 16173.pdf

Hi Dustin,

Please find the attached letter from our Surveyor Jim Hibbs. I would appreciate inclusion of the letter in the record for the benefit of the Planning Commission.

A little background: The Title Company provided a Title Report included at Applicant's Exhibit 14. In addition to verifying the information in the Title Report, Jim Hibbs did a very thorough investigation of property line creation history. Jim has multiple decades of specific expertise and experience dealing with these sorts of issues. Based on his complete research and expert experience – he is confident the property lines are as indicated on the Tentative Plat.

The second attachment includes the survey referenced by Mr. Nelson. As Mr. Hibbs points out in his attached letter, said survey did NOT execute a property line adjustment. Said survey was NOT approved by the mortgage lienholder at the time. Said survey was NOT signed-off by Jackson County Planning as an adjustment. While a 1999 adjustment was approved by Jackson County, said adjustment did not actually occur – and the same has since expired.

The survey includes the language, "DUE TO LENDER DIFFICULTIES THIS MAP HAS BEEN FILED WITHOUT COMPLETING THE ADJUSTMENT". For additional clarification - that means the property lines labeled as 'Previous Property Line' remained and the lines labeled as 'New Property Line' were not established.

While it is sometimes unfortunate, it is not uncommon to have misunderstandings of property line locations. The standard pattern and practice is to have Oregon Registered Surveyor's verify property line locations based on legal instruments.

We hope that this clarifies any issues related to property lines.

Thank you very much.

Sincerely,

Mike Savage  
CSA Planning, Ltd.  
541 779-0569  
[mike@csaplanning.net](mailto:mike@csaplanning.net)

CITY OF MEDFORD  
SERIAL # DD  
# LDS-19-040 / CUP-19-041

TELEPHONE  
541-772-2782



**L.J. FRIAR & ASSOCIATES P.C.**

CONSULTING LAND SURVEYORS

JAMES E. HIBBS, PLS

P.O. BOX 1947  
PHOENIX, OR 97535

ljfriarandassociates@charter.net

May 21, 2019

CSA Planning  
Mike Savage  
4497 Brownridge, Suite 101  
Medford, OR 97504

RE: LDS-19-040 (Meadows at Crooked Creek)  
Boundary Shown on Tentative Plat

Mike:

The boundary shown on the current tentative plat is correct and is based on the current deeds of not only the subject property but also of the property owned Mr. Nelson who purchased the property designated as 382W01AA TL4100 in 2006. The deeds for the subject property and that of Mr. Nelson are consistent and in agreement with each other.

For a short history synopsis, in September 1997, Mr. Herb Farber filed Survey No. 15517 with the Jackson County Surveyor for the purpose of surveying and monumenting the boundary of the property which is now contained within the boundaries of the Tentative Plat. He noted on the survey that he found, as I have also found, the written records (deeds) to be in agreement with each other. However, he stated there was a difference between the written records and the occupation lines on the North and South lines of TL4100.

In 1999, Mr. Farber attempted to perfect a property line adjustment between these properties to correct the written records along the North & South lines of TL4100. The resulting Survey No. 16173, filed June 1999, noted that due to lender difficulties the Survey was being filed without the adjustment being completed.

Therefore the boundaries per the written records were not changed. The boundaries shown on the tentative plat, in particular around TL4100, are based on the current written records being Document No. 2017-042998, ORJCO for the subject property within the Tentative Plat and Document No. 2006-008366, ORJCO for TL4100.

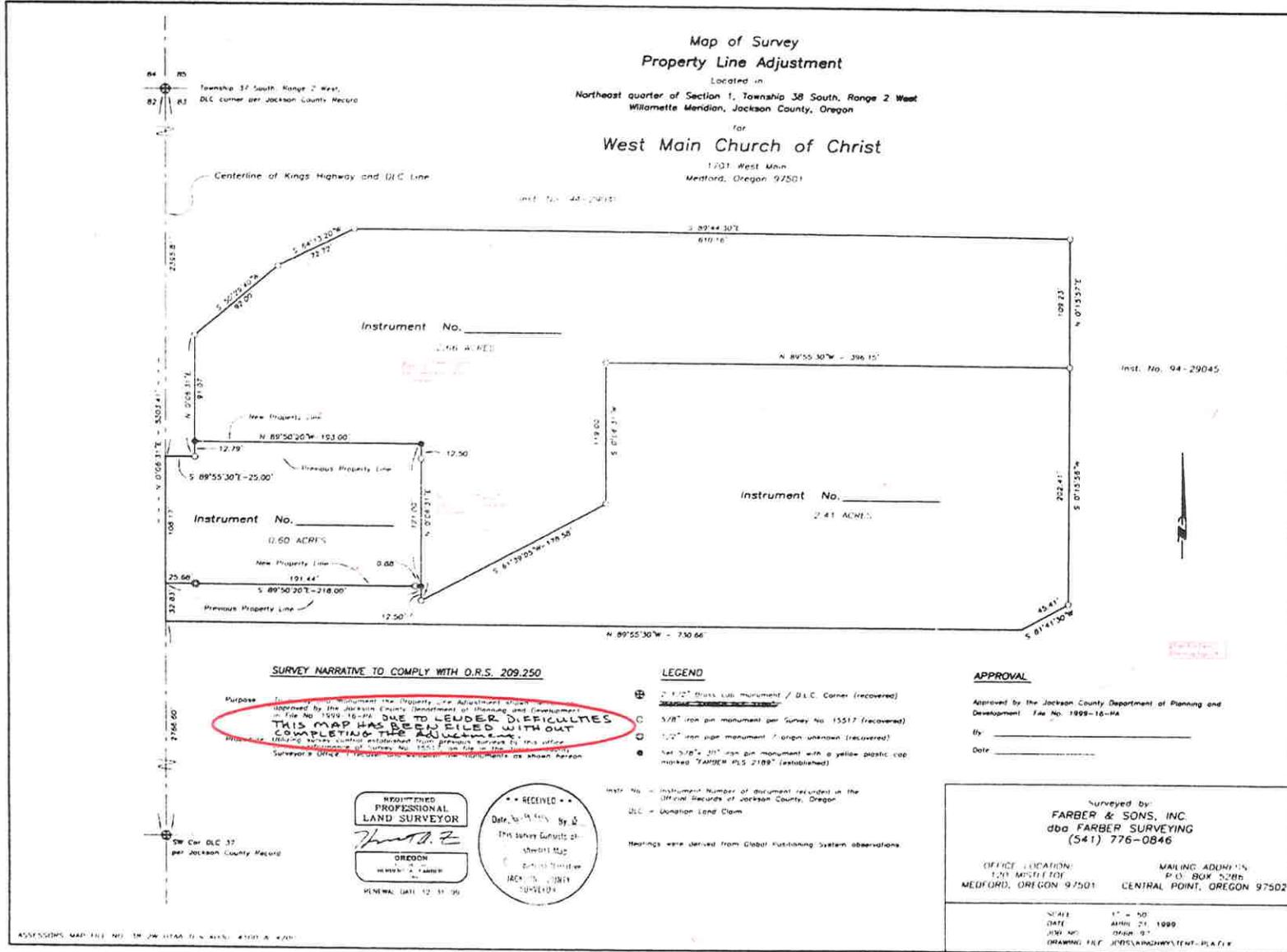
Sincerely,

*James E. Hibbs, PLS*

James E. Hibbs, PLS



16173



Township 38 South Range 2 West,  
D.C. corner per Jackson County Record

Centerline of Kings Highway and D.C. Line

Inst. No. 44-29041

**Map of Survey  
Property Line Adjustment**  
Located in  
Northeast quarter of Section 1, Township 38 South, Range 2 West  
Willamette Meridian, Jackson County, Oregon  
for  
**West Main Church of Christ**  
1701 West Main  
Medford, Oregon 97501

Inst. No. 94-29045

Instrument No. \_\_\_\_\_  
2.41 ACRES

Instrument No. \_\_\_\_\_  
0.60 ACRES

Instrument No. \_\_\_\_\_  
2.41 ACRES

**SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250**

Purpose: To adjust the boundaries of the property line adjustment shown on the map of survey No. 1509-16-PA approved by the Jackson County Department of Planning and Development. **THIS MAP HAS BEEN FILED WITH OUT COMPLETING THE ADJUSTMENT.** The purpose of this survey is to establish the boundaries of the property line adjustment shown on the map of survey No. 1509-16-PA. The survey was conducted on the property of the West Main Church of Christ, located at 1701 West Main, Medford, Oregon 97501. The survey was conducted by the Professional Land Surveyor, James A. Farber, on the 12th day of April, 1999.

**LEGEND**

- 1. 1/2" brass nail monument / D.C. Corner (recovered)
- 2. 1/2" iron pin monument per Survey No. 15517 (recovered)
- 3. 1/2" iron pin monument / iron unknown (recovered)
- 4. 1/2" iron pin monument with a yellow plastic cap marked "FARBER 97.5 2189" (established)

**APPROVAL**

Approved by the Jackson County Department of Planning and Development. File No. 1999-16-PA.  
By: \_\_\_\_\_  
Date: \_\_\_\_\_

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*James A. Farber*  
OREGON  
LICENSE NO. 1000  
GENERAL EXPIRES 12-31-00

RECEIVED  
Date: 4/14/99 By: J  
This survey consists of:  
Map  
Dated: 4/12/99  
JACKSON COUNTY  
SURVEYORS

Inst. No. = Instrument Number of document recorded in the Official Records of Jackson County, Oregon.  
D.C. = Donation Land Claim.  
Bearings were derived from Global Positioning System observations.

Surveyed by:  
**FARBER & SONS, INC.**  
dba FARBER SURVEYING  
(541) 776-0846  
OFFICE LOCATION: 1201 MISTLETOE MEDFORD, OREGON 97501  
MAILING ADDRESS: P.O. BOX 5286 CENTRAL POINT, OREGON 97502

SCALE: 1" = 50'  
DATE: APRIL 21, 1999  
JOB NO.: 1999-16-PA  
DRAWING REF: J015/ARCH/PLAT-PLATE

ASSISTING MAP FILE NO. 19-29-1100 (1/2 ACRES) 4700 & 4701

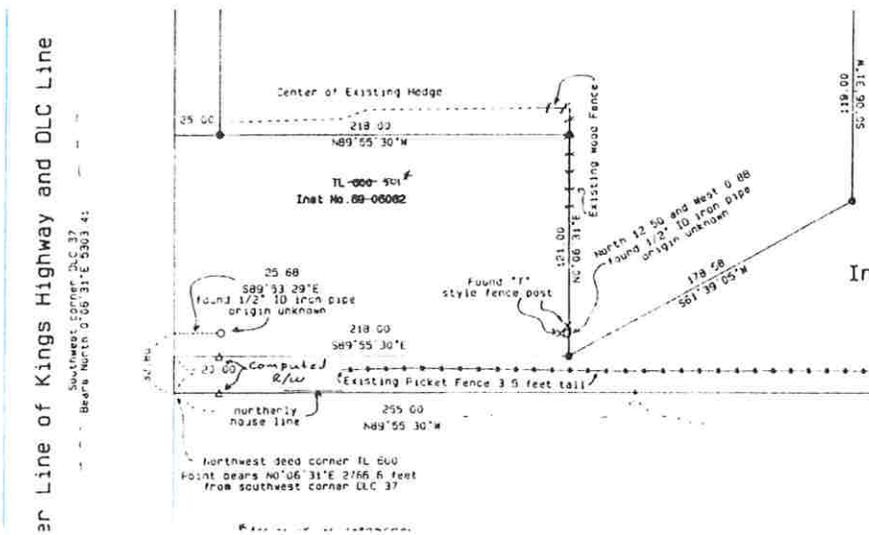
16173

Project: The Meadows at Crooked Creek  
 File No.: LDS-19-040/CUP-19-041  
 To: Planning Commission  
 From: Christian Nelson, 2165 Kings Hwy, Medford OR 97501

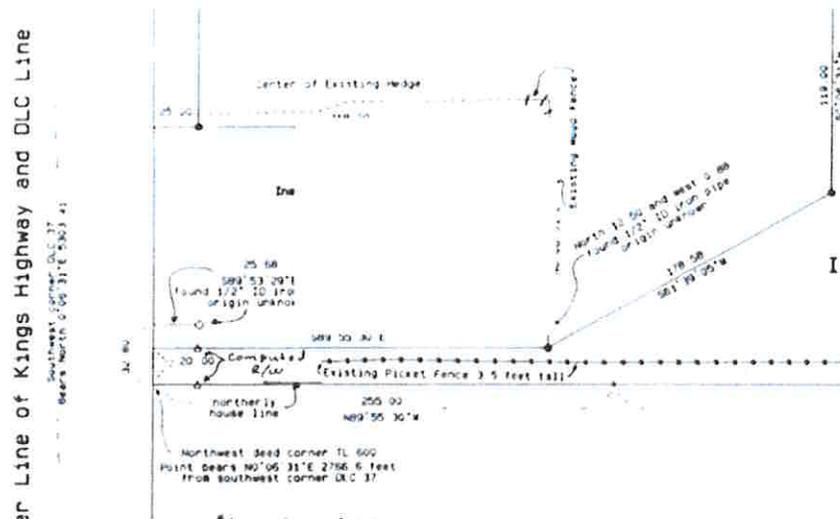
**Relevant Information:**

This is a small excerpt from the drawing found at: <https://apps.jacksoncounty.org/gis/surveys/15517.pdf> which addressed our property.

Original



This is the same drawing but our house overlaid on it.



CITY OF MEDFORD  
 EXHIBIT # EE  
 File # LDS-19-040  
CUP-19-041

On the original drawing there is also the following text explaining some of the issues between the lines of occupation and the written records.

Survey Narrative to Comply with O.R.S. 209.250

Purpose: To survey and monument the property as shown hereon

Procedure: Control was established tying the controlling corners shown hereon in a closed traverse. The found monumentation was evaluated with the written records for the properties being surveyed. As shown hereon there is a significant conflict between the lines of occupation and the written records.

My investigation and research indicates the written records to be in agreement with each other. All come from the Southwest corner of Donation Land Claim NO. 37 corner with consistent calls for this corner dating back to 1935. At some unknown point in time, as evidenced by the found pipes located in tax lot 600, someone made a measurement error of 33 feet. In my opinion a distance of 2799.6 was measured rather than the deed record distance of 2766.3 feet. It may or may not have been this specific call in the accompanying deeds in which the error was made but it has been perpetuated over time. This survey does not pretend to define who owns what, it only defines the location of the record deeds on the ground in relation to the lines of occupation.

The southeasterly boundary for Tax Lot 402 was established holding the called for irrigation ditch. With the exception of the east property line intersection with the ditch the irrigation ditch is no longer in existence. It has been piped in a new location other than that was called for in the deeds. The irregular shaped boundary was established based on record bearings and distances, which were rotated to match the difference of record and measured bearings on the DLC line/centerline of Kings Highway. As an additional note the deed calls for the southwest corner of this deed do not close by approximately the same 33 foot error described above. A bearing bearing intersection was used to close the called lines.

In layman words: In 1935 when the land was donated for development a mistake was made of 33 feet. Over time as the land was partitioned this error was perpetuated.

The previous owner of our property and the previous owner of the development property had an agreement to do a lot line adjustment which was not officially documented. We were told it was due to the fact that our property, at that time, was part of the County and their property was already part of the city. As part of the purchase of our property we wanted to make the changes so we continued the process of annexation into the city. It was our intent, and understanding with the previous owner, that the lines would be corrected at the time of the development.

There has been continued possession of the property to the north west point of the Existing Wood Fence (fence is still in existence) since, at least 1997 (probably longer).

By approving the development as is you are effectively taking approximately 20 feet from our property not to mention allowing a continued problem with other neighbors.

Ariel Photo from Medfordmaps.org:



Code 10.426 (D) reads:

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.

**Concerns with Development:**

Minor Residential street Adequacy:

The request to use a Minor Residential street is probably sufficient for the 22 lots but it is not sufficient for the future development. As the entire area is developed there will be more than 100 lots that will

end up using this road and it is being undersized. This development may look like just an infill project but it will actually end up being the gateway to a large section of land that will be developed in the future. The entire development area is over 10 acres and at MFR-10 the minimum development requirements are not sufficient for this minor arterial.

Kings Hwy Access:

The proposed accessway onto Kings Hwy does not conform with 10.426 (D) (quoted previously) as the new road "Terrazo Way" is less than 200 feet from Diamond on the west side of Kings Hwy (approximately 120 feet) and on the east side the Spring View Estate Mobile home park access (approximately 185 feet).

I would propose the purpose of 10.426 (D) is just for this sort of situation. Having yet another access to Kings Hwy this close to these other two access creates potential traffic hazards.

**Summary:**

I've been in communication with Dustin Severs, the staff assigned to this project, about some of these concerns. I understand that your responsibility isn't to follow the letter of the law to the point of keeping reasonable developments from occurring and it is not my goal to be an obstructionist for its own sake. We just have concerns and feel that until these items are addressed it should be put on hold. Additionally, we have a very strong case for Adverse Possession and would prefer to not have to go to court.

Our request is to not allow Land Divisions or Conditional Use Permits/Tentative Plats to be approved until the lot line adjustment issues have been addressed between the owners of all affected properties. As soon as I had notice I reached out to the current owners and had hoped to address this privately. At a minimum please defer a decision until next month so that I can properly acquire legal counsel.

Exhibits

A: Agreement between previous owners of these properties

734-8840



Farber & Sons, Inc.  
Post Office Box 5286  
Central Point, OR 97502

Office: 120 Mistletoe Street  
Medford, Oregon  
(541) 776-0846 • Fax 773-1666

### NOTICE OF AUTHORIZATION

THIS IS A NOTICE THAT Herbert A. Farber  
HAS BEEN RETAINED TO ACT AS AGENT FOR THE PURPOSE OF FILING AN  
APPLICATION FOR A Property line adjustment ON THE PROPERTY  
DESCRIBED IN THE RECORDS OF JACKSON COUNTY AS:

TOWNSHIP 38 RANGE 2W SECTION 01A TAX LOT ~~500~~ 4100  
TOWNSHIP 38 RANGE 2W SECTION 01A TAX LOT 500,  
TOWNSHIP 38 RANGE 2W SECTION 01A TAX LOT 502

X APPLICANT SIGNATURE [Signature] DATE 1-14-98  
PRINTED NAME WEST MAIN CHURCH OF CHRIST  
ADDRESS 1701 WEST MAIN STREET  
CITY/STATE/ZIP MEDFORD, OR 97501  
PHONE \_\_\_\_\_

PROPERTY OWNER SIGNATURE [Signature] DATE 1/11/99  
PRINTED NAME Judith A. Segura  
ADDRESS 2165 Knigs Hwy.  
CITY/STATE/ZIP Medford OR 97501  
PHONE (541) 779-5749

AGENT SIGNATURE [Signature] DATE 1-11-98

Herbert A. Farber  
President / Surveyor  
Susan Morgan Farber  
Business Manager





# Memorandum

To: City of Medford Planning Commission  
 Date: May 23, 2019  
 Subject: Response to Items Raised in Record  
 Meadows at Crooked Creek LDS-19-040; CUP-19-041

**CSA Planning, Ltd**  
 4497 Brownridge, Suite 101  
 Medford, OR 97504  
 Telephone 541.779.0589  
 Fax 541.779.0114  
 Mike@CSAplanning.net

Please accept this memorandum in response to information provided to the record by adjacent land-owner Mr. Nelson. We believe the following will provide substantial evidence in further support of the Application and respectfully request Planning Commission approval of the project for Needed Housing.

Topics addressed herein include:

- Intersection Spacing;
- Minor Residential Street; and
- Property Lines;

1. Intersection Spacing:

The correspondence to the City from adjacent land-owner Mr. Nelson is correct in that the intersection spacing between proposed Terrazzo Way and nearest other streets intersecting Kings Highway, being Trinity Way (opposite or west side of Kings Highway) and private road Spring View Estates (same / east side of Kings Hwy) serving the MH Park to the north, are less than the standard 200 feet identified at MLDO 10.426(D).

*MLDO 10.426(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.*

In a manner consistent with the full text of 10.426(D), the proposed streets comply with the built-in reasons for allowing intersections less than 200 feet - to which City of Medford Public Works agrees.

We have discussed this topic at length with City of Medford Public Works and with Kim Parducci-Walker of Southern Oregon Transportation Engineers (SOTE). Mrs. Parducci-Walker is an Oregon Registered Engineer with specific expertise in transportation.

While there is no specific criterion under MLDO 10.426(D) to demonstrate there will be no significant or adverse safety hazards created as a result of the project - Applicant believes it is important to acknowledge the adequate level of analysis that was conducted to assure there are no transportation-related safety problems resulting from the proposal.

In advance of seeking the subdivision - SOTE examined the full potential build-out of the Applicants holdings along with the proposed Terrazzo connection at Kings Highway in relation to other nearby intersections. SOTE found that, at full future build-out of not only the subject subdivision but additional lands to the east and under the applicant's control, there are NO safety problems identified. SOTE analyzed full future year build levels of traffic, lines of site, speed limits and queuing distances and directions for the proposed street and all nearby intersections. SOTE found that the queuing for both Trinity and Terrazzo were well less than that which would result in any direct or indirect queuing conflicts. SOTE report is attached.

CITY OF MEDFORD  
 EXHIBIT # FF  
 Date \_\_\_\_\_



*"...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."*

City of Medford Public Works is in agreement that the proposed intersection is as far as practicable, leaving the Applicant no other alternative to develop the property in a manner consistent with the underlying SFR-10 zone (a zone with a purpose of providing single family detached and duplex housing as permitted uses).

As noted in the application, the proposed project will provide for needed housing as the same is defined by ORS 197.300 and the City of Medford Housing Element. Not only does it provide for Needed Housing as defined by code, statute and case law, the type of housing anticipated to be provided likely falls into the category of what many perceive as quality affordable housing. The target single family detached units and duplexes are likely to be in the 1600 square-foot range, efficiently situated on 3600 square foot lots.

Given the subject property configuration, it is not feasible to provide a local street connection directly across from Trinity Way. As evidenced by Plat maps (Applicant's Exhibit 5) and other exhibits in the Application, Applicant does not own the frontage directly across from Trinity Way, that land is owned by Spring View Estates, LLC. Additionally, directly across from Trinity Way is a bridge crossing for Kings Highway over Crooked Creek.

Even if the Applicant had the authority to construct a road across from Trinity Way, which it does not, such an intersection would require a new public bridge over Crooked Creek serving not only Kings Highway which is a minor arterial, but the prospective local street. Based on conversations with Applicant's Engineer's at CEC Engineering (that has significant experience designing, overseeing construction and estimating similar projects) such a bridge would cost in the hundreds of thousands of dollars. Such an expense is disproportionate to the project and the provision of needed housing consistent with the underlying SFR-10 zone.

Further, the City's Transportation System Plan recognizes that higher order streets such as Kings Highway are generally the City's responsibility. Applicant agrees there is a direct nexus and proportionality to provide some right of way and reasonable improvements along their frontage of Kings Highway, but would have a difficult time agreeing that an offsite bridge serving a city minor arterial would be proportionate to the Applicant's project.

Additionally, land immediately to the south of proposed Terrazzo Way and further from Trinity Way is owned and controlled by Mr. Nelson. The Applicant does not have the authority to construct a road across Mr. Nelson's property and Mr. Nelson has shown no interest in participating in the currently proposed subdivision. And, it is our understanding according to former owners of the subject property, Mr. Nelson was not willing to participate in land divisions and development with them either.

Therefore, as noted herein above, the proposed intersection of Terrazzo Way with Kings Highway is a far from other intersections as practicable and the same is necessary in order to allow development of the property consistent with the underlying zone.

## **2. Minor Residential Street.**

Mr. Nelson asserts, without merit that the proposed Terrazzo Way is not appropriate as a minor residential street.

### **Applicant's Response:**

Pursuant to the MLDO and the Medford TSP, minor residential lands serve up to 100 dwelling units.



10.430

*"(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..."*

As evidenced by Applicant's proposed subdivision plat at Exhibit 04, the proposed project serves only 22 units. As evidenced by Applicant's Exhibit 13, the localized area under the Applicant's control between Kings Highway and future extension Marsh Lane may serve up to approximately 79 units, with additional local streets throughout. Terrazzo Way will not be the ONLY local street providing access to nearby and adjacent lands. As evidenced by Applicant's Exhibit 10, the City of Medford has adopted a Circulation Plan for the area. The plan identifies a local east-west collector nearby to the south at Experiment Station Road. The plan also identifies a number of other local street connections throughout the area. Proposed Terrazzo way will not bear the burden, as the neighbor suggests, of carrying the future traffic for the entire area. Other local streets, consistent with the Circulation Plan and block length standards of the MLDO are assured to be constructed throughout the area. In addition to Marsh Lane being identified as a north-south local street to the east, the lands beyond the subject property to the east are within the UGB and according to the City's TSP - will include an additional north-south higher order street. As the area builds out - much of the traffic in the immediate and surrounding area will likely travel north, east and south, utilizing other local and higher order streets.

The proposed minor residential street is appropriate; is within the thresholds of number of units being provided access; and is consistent in all manner with City adopted Circulation Plans and TSP.

### **3. Property Lines**

Please refer to Applicant's correspondence dated May 21, 2019. Official and current property lines are as illustrated on Applicant's Tentative Plat map, as confirmed by Oregon Registered Surveyor.

Your thoughtful consideration is greatly appreciated and on behalf of Applicant Meadows at Crooked Creek, LLC, we respectfully request your approval.

CSA Planning, Ltd.



Mike Savage  
Senior Associate

cc. File

# SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

319 Eastwood Drive - Medford, Or. 97504 - Phone (541) 608-9923 - Email: Kim.parducci@gmail.com

June 19, 2018

Karl MacNair, Transportation Manager  
City of Medford  
Public Works/Engineering Division  
200 South Ivy Street, Lausmann Annex  
Medford, Oregon 97501

RE: Meadows at Crooked Creek Subdivision Public Street Spacing Analysis

Dear Karl,

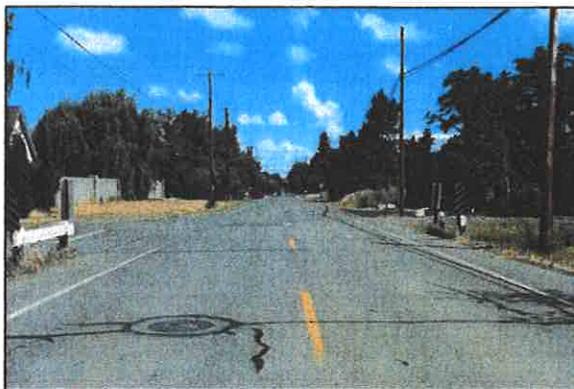
Southern Oregon Transportation Engineering, LLC evaluated a public street location for the proposed Meadows at Crooked Creek Subdivision located at 2145 Kings Highway in Medford, Oregon. The site currently has one single family residence on it.

## Background

The proposed Meadows at Crooked Creek Subdivision is located along the east side of Kings Highway south of Spring View Estates. Public streets are proposed within the subdivision and include a north-south extension of Marsh Lane along the eastern boundary. The main access to the site will be to Kings Highway, approximately 175 feet south of Trinity Way. A secondary access is planned through Marsh Lane at some point in the future, and will potentially connect to the north and south. To connect to the north, Marsh Lane will need to be extended approximately 325 feet off-site along the eastern boundary of Spring View Estates.

Kings Highway is classified as a minor arterial in the City of Medford Transportation System Plan (TSP). It is currently a two-lane facility without curb, gutter, sidewalk or bike lanes. It carries a posted speed of 35 miles per hour (mph).

Kings Highway – looking north



Kings Highway – looking south



CITY OF MEDFORD  
EXHIBIT # 66  
Date # \_\_\_\_\_

Marsh Lane is a two-lane local residential street that runs north-south along the eastern edge of Nobility Court. It is approximately 400 feet in length and has curb, gutter, and sidewalk on the east side. Nobility Drive is a connecting east-west street within Nobility Court that provides circulation from Marsh Lane to Kings Highway. Please see proposed site overlaid on an aerial below.

Marsh Lane – looking north



Marsh Lane – looking south



Proposed Site



## Traffic Data Development

Manual traffic counts were gathered in April of 2018 on Kings Highway at Trinity Way and Spring View Estates (4:00-6:00 p.m.). Counts were gathered to determine existing traffic splits, as well as evaluate potential queuing on Kings Highway between Trinity Way and the proposed development. Pipeline traffic was added to existing traffic counts to develop adjusted existing conditions. Growth between 2018 and design year 2020 was determined based on historical traffic data provided on City of Medford flow maps and added to adjusted existing traffic volumes to develop year 2020 design year no-build conditions during the p.m. peak hour. Refer to the attachments for manual traffic counts and volume development diagrams.

## Crash History

Crash data along Kings Highway for the most recent 5-year period was gathered from ODOT's Crash Analysis Unit. Results showed no collisions at the subject property, Trinity Way, Spring View Estates, or Nobility Drive. The nearest location with a reported collision was approximately 800 feet south of the subject property on Kings Highway at Experiment Station Road. One collision occurred at this location in July of 2016 and was reported as a side-swipe involving two southbound traveling vehicles. No other collisions were shown to occur within the vicinity of the proposed development within a five year period. Based on this, no further investigation is shown to be necessary.

## Trip Generation

Trip generation calculations for the proposed Meadows at Crooked Creek Subdivision were prepared utilizing the Institute of Transportation Engineers (ITE) *Trip Generation* 10<sup>th</sup> Edition. An ITE rate was used for land use code 210 – Single Family Residential. All trips were considered new trips to the transportation system. A summary is provided in Table 1. ITE graphs are provided in the attachments.

Land Use	Unit	Size	Daily Trips	PM Peak Hour		
				Total	(In)	(Out)
210 - Single Family Residential	Dwelling Units	80	755	79	50	29

## Trip Distribution and Assignment

Development trips were distributed in accordance with existing traffic patterns on Kings Highway at nearby intersections with Trinity Way and Spring View Estates. Distributions were shown to be approximately 78% to/from the north and 22% to/from the south. Distributing all development trips through one location on Kings Highway is considered a worst case scenario. This will change in the future if Marsh Lane is extended from the subject property to the north or south.

## Design Year 2020 Build Conditions

Build conditions represent no-build conditions with the addition of proposed development trips. Proposed development trips in this analysis include 80 single family residential dwelling units, and are estimated for completion by the year 2020.

## Design Year 2020 Build Intersection Operations

Design year 2020 build conditions were evaluated during the p.m. peak hour at the intersections of the proposed Meadows at Crooked Creek Subdivision / Kings Highway and Trinity Way / Kings Highway. Both locations were evaluated to address spacing constraints between intersections. Level of service and queuing results are summarized in Tables 2 and 3.

**Table 2 – Design Year 2020 Build Intersection Operations, PM Peak**

Intersection	Jurisdiction	Performance Standard	Traffic Control	Design Year 2020 Build
Development / Kings Highway	City of Medford	None	TWSC	LOS A, 9.7 sec delay (WBL)
Trinity Way / Kings Highway	City of Medford	None	TWSC	LOS B, 10.9 sec delay (EBL)

LOS = Level of Service, TWSC = two-way stop controlled, WBL = westbound left, EBL = eastbound left, sec = second  
 Note: Exceeded performance standards are shown in bold, italic

**Table 3 – Design Year 2020 Build 95<sup>th</sup> Percentile Queue Lengths, PM Peak**

Intersection Movement	Available Link Distance (Feet)	95 <sup>th</sup> Percentile Queue Length
<b><u>Development / Kings Highway</u></b>		
Westbound Left/Right	300	50
Northbound Through/Right	525	0
Southbound Left/Through	175	25
<b><u>Trinity Way / Kings Highway</u></b>		
Eastbound Left/Right	325	25
Southbound Through/Right	100	0
Northbound Left/Through	175	25

Note: Exceeded queue lengths are shown in bold, italic

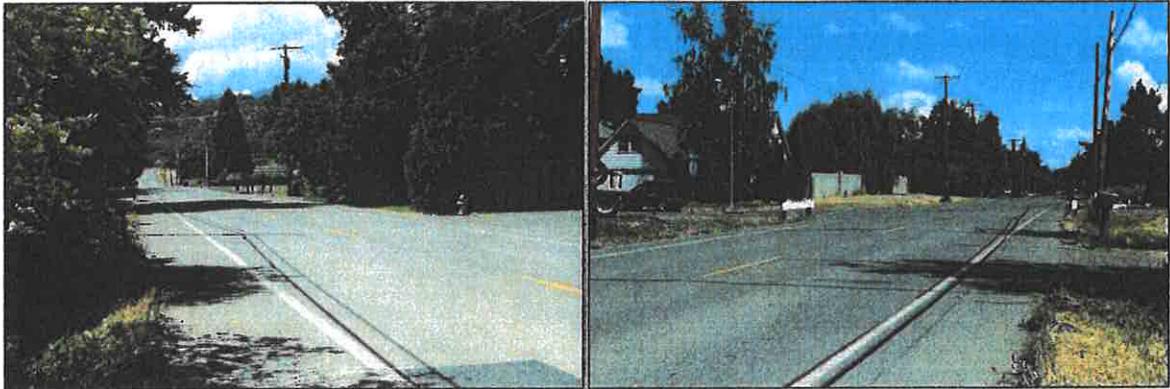
Results of the analysis show both intersections operate with little delay under design year 2020 build conditions during the p.m. peak hour. Additionally, 95<sup>th</sup> percentile queue lengths between intersections are shown to be well within the allowable distance of 175 feet. No safety concerns are identified as a result of adding the new public street connection. Refer to the attachments for synchro output sheets and a queuing and blocking report.

## Sight Distance

Access to the Meadows at Crooked Creek Subdivision is proposed on Kings Highway approximately 175 feet south of Trinity Way. Sight distance was evaluated in the field and shown to be unrestricted from this location in both directions. There's some existing foliage to the south that appears to be within the right-of-way that could be trimmed back to improve sight distance further, but this is considered minor and not required. The minimum stopping sight distance (SSD) recommended by *American Association of State Highways and Transportation Officials* (AASHTO) for a facility with a posted speed of 35 miles per hour is 250 feet. The desirable intersection sight distance (ISD) is 335 feet. Over 1,000 feet of clear sight distance in both directions is provided from the proposed new public street connection. Both minimum SSD and desirable ISD, therefore, are shown to be met on Kings Highway.

Looking south on Kings Highway

Looking north on Kings Highway



## Intersection Spacing

Medford Land Development Code 10.426 (2)(D) states that 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. The proposed new public street for the Meadows at Crooked Creek Subdivision is only 175 feet from Trinity Way, and does not meet the 200-foot requirement, but can be found to satisfy the code based on it being placed as far south as possible along the site frontage to provide the most separation.

## Conclusions

The findings of the traffic analysis conclude that the proposed public street connection at The Meadows at Crooked Creek Subdivision can be approved without causing any adverse impacts to the surrounding transportation system. Intersection operations, 95<sup>th</sup> percentile queues, crash history, and sight distance was evaluated. No safety concerns were identified as a result of the proposed development.

Please feel free to contact me if you have any questions or concerns regarding this analysis.

Sincerely,



Kimberly Parducci PE, PTOE

**SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC**

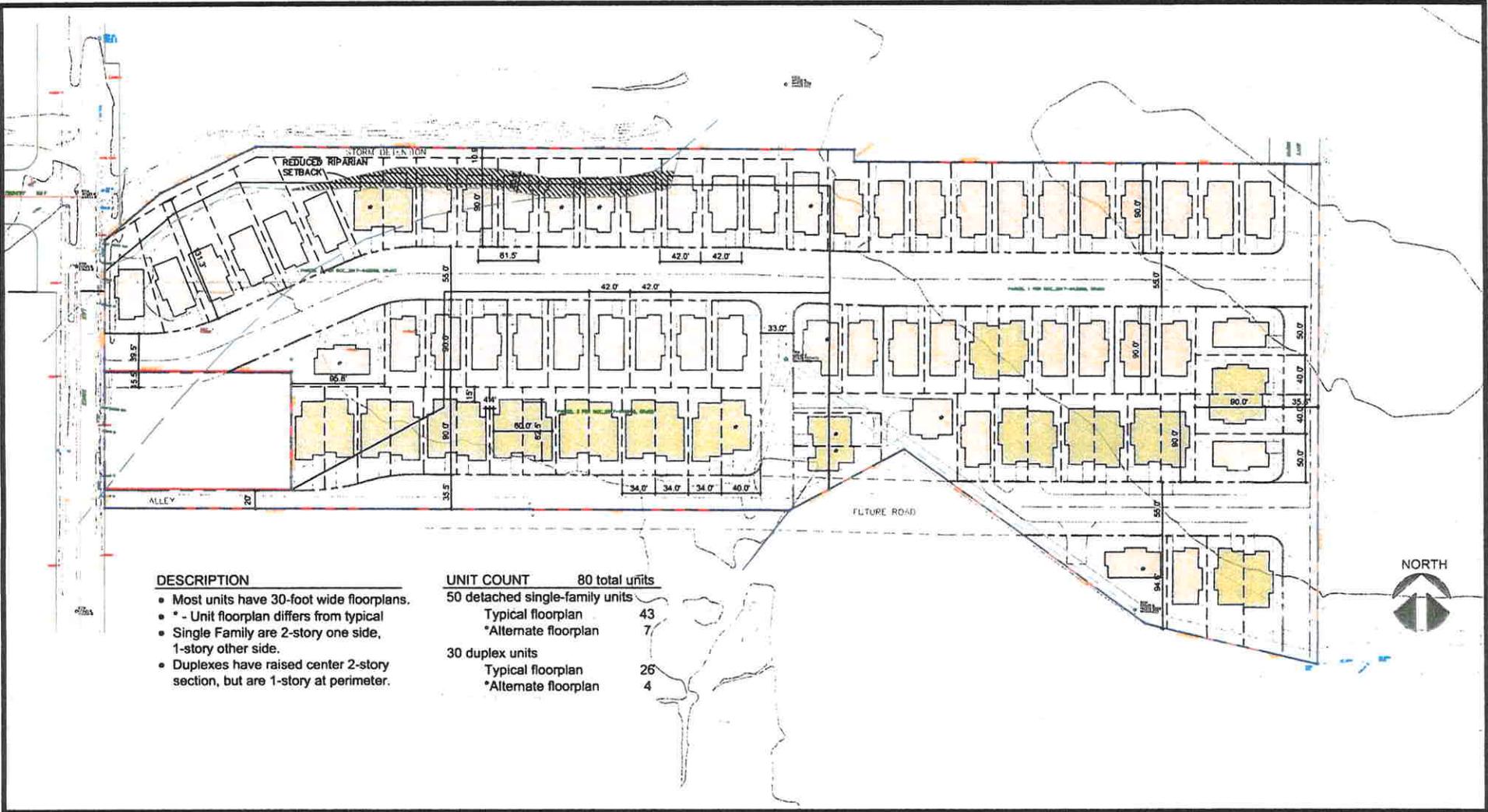
Attachments: Site Plan  
Manual Count Data  
Pipeline Trips/Crash Data  
Traffic Volume Development  
Synchro Output/SimTraffic Output  
Medford Land Development Code 10.426(2)(D)

Cc: Client



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## ATTACHMENTS



- DESCRIPTION**
- Most units have 30-foot wide floorplans.
  - \* - Unit floorplan differs from typical
  - Single Family are 2-story one side, 1-story other side.
  - Duplexes have raised center 2-story section, but are 1-story at perimeter.

UNIT COUNT		80 total units
50 detached single-family units		
Typical floorplan	43	
*Alternate floorplan	7	
30 duplex units		
Typical floorplan	26	
*Alternate floorplan	4	



**THE MEADOWS at Crooked Creek**  
MEDFORD, OREGON

**Subdivision Opt 2- Alt 2**  
2018 Options - Updated Survey

35.5' wide Marsh Lane  
80 UNITS



# SOUTHERN OREGON TRANSPORTATION ENGINEERING

Medford, Oregon 97504 | Kim.parducci@gmail.com | (541) 941-4148 cell

North-South: Kings Highway  
East-West: Trinity Way  
Weather: Sunny, 65 deg  
Veh Type: All Vehicles

File Name : KingsHwy-Trinity  
Site Code : 00000001  
Start Date : 4/10/2018  
Page No : 1

Groups Printed- Unshifted

Start Time	Kings Hwy From North					From East					Kings Hwy From South					Trinity From West					Int. Total	
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total		
04:00 PM	0	44	5	4	53	0	0	0	3	3	1	30	0	0	31	0	0	0	0	0	0	87
04:15 PM	0	43	1	0	44	0	0	0	0	0	0	30	0	0	30	5	0	1	0	6	80	
04:30 PM	0	33	0	0	33	0	0	0	0	0	0	31	0	0	31	1	0	0	0	1	65	
04:45 PM	0	45	5	1	51	0	0	0	0	0	1	30	0	0	31	0	0	0	0	0	82	
Total	0	165	11	5	181	0	0	0	3	3	2	121	0	0	123	6	0	1	0	7	314	
05:00 PM	0	36	4	0	40	0	0	0	0	0	1	32	0	0	33	3	0	0	0	3	76	
05:15 PM	0	46	3	0	49	0	0	0	0	0	1	32	0	0	33	3	0	0	0	3	85	
05:30 PM	0	38	5	0	43	0	0	0	0	0	0	27	0	0	27	1	0	0	0	1	71	
05:45 PM	0	37	5	0	42	0	0	0	0	0	1	23	0	0	24	1	0	0	0	1	67	
Total	0	157	17	0	174	0	0	0	0	0	3	114	0	0	117	8	0	0	0	8	299	
Grand Total	0	322	28	5	355	0	0	0	3	3	5	235	0	0	240	14	0	1	0	15	613	
Apprch %	0	90.7	7.9	1.4		0	0	0	100		2.1	97.9	0	0		93.3	0	6.7	0			
Total %	0	52.5	4.6	0.8	57.9	0	0	0	0.5	0.5	0.8	38.3	0	0	39.2	2.3	0	0.2	0	2.4		

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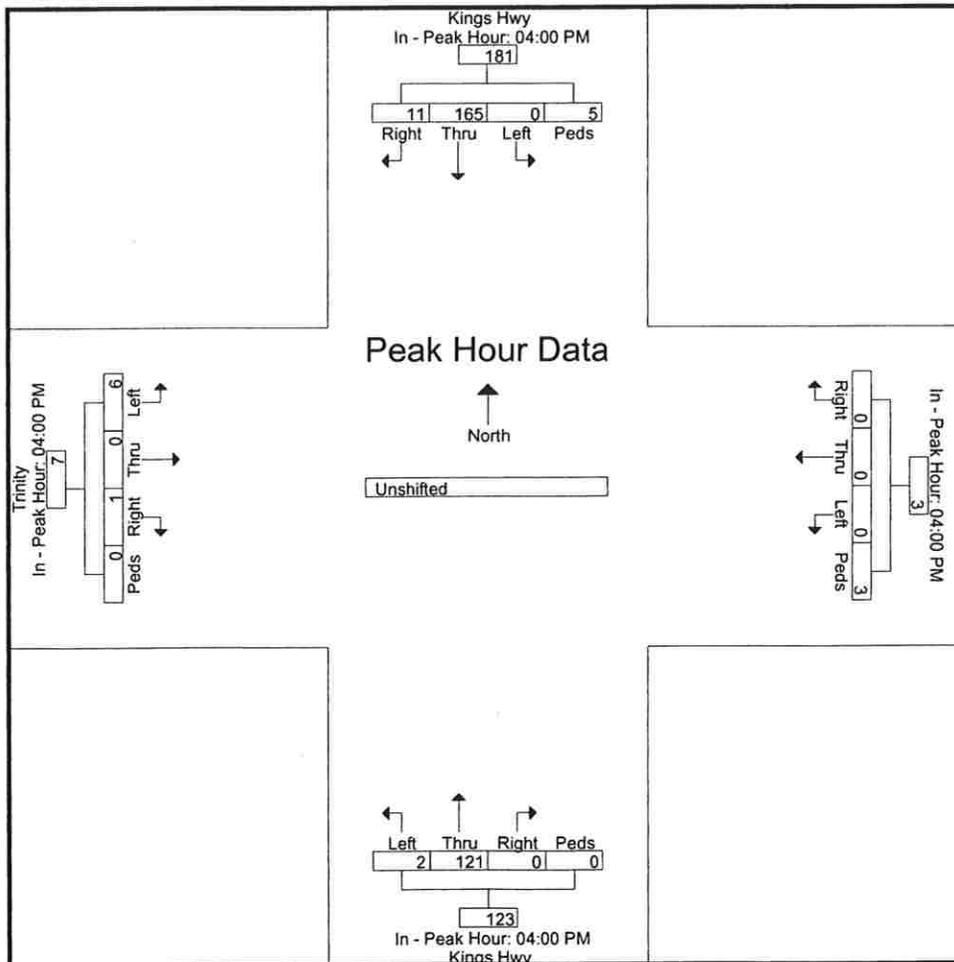
File Name : KingsHwy-Trinity  
Site Code : 00000001  
Start Date : 4/10/2018  
Page No : 2

Start Time	Kings Hwy From North					From East					Kings Hwy From South					Trinity From West					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	

Peak Hour Analysis From 04:00 PM to 04:45 PM - Peak 1 of 1

Peak Hour for Each Approach Begins at:

	04:00 PM					04:00 PM					04:00 PM					04:00 PM				
+0 mins.	0	44	5	4	53	0	0	0	3	3	1	30	0	0	31	0	0	0	0	0
+15 mins.	0	43	1	0	44	0	0	0	0	0	0	30	0	0	30	5	0	1	0	6
+30 mins.	0	33	0	0	33	0	0	0	0	0	0	31	0	0	31	1	0	0	0	1
+45 mins.	0	45	5	1	51	0	0	0	0	0	1	30	0	0	31	0	0	0	0	0
Total Volume	0	165	11	5	181	0	0	0	3	3	2	121	0	0	123	6	0	1	0	7
% App. Total	0	91.2	6.1	2.8		0	0	0	100		1.6	98.4	0	0		85.7	0	14.3	0	
PHF	.000	.917	.550	.313	.854	.000	.000	.000	.250	.250	.500	.976	.000	.000	.992	.300	.000	.250	.000	.292



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North-South: Kings Hwy  
East-West: Spring View Estates  
Weather: Sunny, 65 Deg  
Veh Type: All Vehicles

File Name : KingsHwy-SpringView  
Site Code : 00000001  
Start Date : 4/10/2018  
Page No : 1

Groups Printed- Unshifted

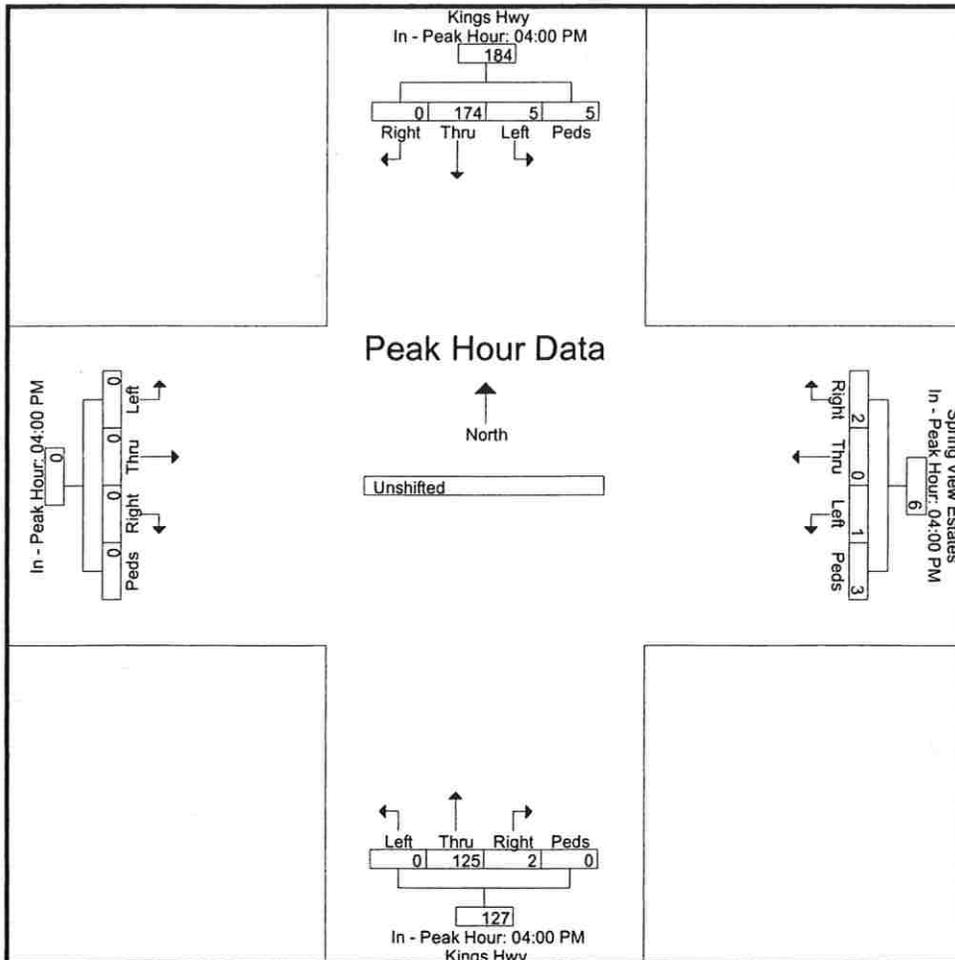
Start Time	Kings Hwy From North					Spring View Estates From East					Kings Hwy From South					From West					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
04:00 PM	2	48	0	4	54	0	0	1	3	4	0	29	1	0	30	0	0	0	0	0	88
04:15 PM	1	43	0	0	44	1	0	1	0	2	0	35	0	0	35	0	0	0	0	0	81
04:30 PM	0	33	0	0	33	0	0	0	0	0	0	32	0	0	32	0	0	0	0	0	65
04:45 PM	2	50	0	1	53	0	0	0	0	0	0	29	1	0	30	0	0	0	0	0	83
<b>Total</b>	<b>5</b>	<b>174</b>	<b>0</b>	<b>5</b>	<b>184</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>6</b>	<b>0</b>	<b>125</b>	<b>2</b>	<b>0</b>	<b>127</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>317</b>
05:00 PM	2	40	0	0	42	0	0	2	0	2	0	31	4	0	35	0	0	0	0	0	79
05:15 PM	0	48	0	0	48	1	0	2	0	3	0	35	0	0	35	0	0	0	0	0	86
05:30 PM	2	43	0	0	45	0	0	1	0	1	0	28	1	0	29	0	0	0	0	0	75
05:45 PM	1	42	0	0	43	0	0	1	0	1	0	23	1	0	24	0	0	0	0	0	68
<b>Total</b>	<b>5</b>	<b>173</b>	<b>0</b>	<b>0</b>	<b>178</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>117</b>	<b>6</b>	<b>0</b>	<b>123</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>308</b>
<b>Grand Total</b>	<b>10</b>	<b>347</b>	<b>0</b>	<b>5</b>	<b>362</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>3</b>	<b>13</b>	<b>0</b>	<b>242</b>	<b>8</b>	<b>0</b>	<b>250</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>625</b>
<b>Apprch %</b>	<b>2.8</b>	<b>95.9</b>	<b>0</b>	<b>1.4</b>		<b>15.4</b>	<b>0</b>	<b>61.5</b>	<b>23.1</b>		<b>0</b>	<b>96.8</b>	<b>3.2</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total %</b>	<b>1.6</b>	<b>55.5</b>	<b>0</b>	<b>0.8</b>	<b>57.9</b>	<b>0.3</b>	<b>0</b>	<b>1.3</b>	<b>0.5</b>	<b>2.1</b>	<b>0</b>	<b>38.7</b>	<b>1.3</b>	<b>0</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

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Start Time	Kings Hwy From North					Spring View Estates From East					Kings Hwy From South					From West					Int. Total
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+15 mins.	1	43	0	0	44	1	0	1	0	2	0	35	0	0	35	0	0	0	0	0	0
+30 mins.	0	33	0	0	33	0	0	0	0	0	0	32	0	0	32	0	0	0	0	0	0
+45 mins.	2	50	0	1	53	0	0	0	0	0	0	29	1	0	30	0	0	0	0	0	0
Total Volume	5	174	0	5	184	1	0	2	3	6	0	125	2	0	127	0	0	0	0	0	0
% App. Total	2.7	94.6	0	2.7		16.7	0	33.3	50		0	98.4	1.6	0		0	0	0	0		
PHF	.625	.870	.000	.313	.852	.250	.000	.500	.250	.375	.000	.893	.500	.000	.907	.000	.000	.000	.000	.000	



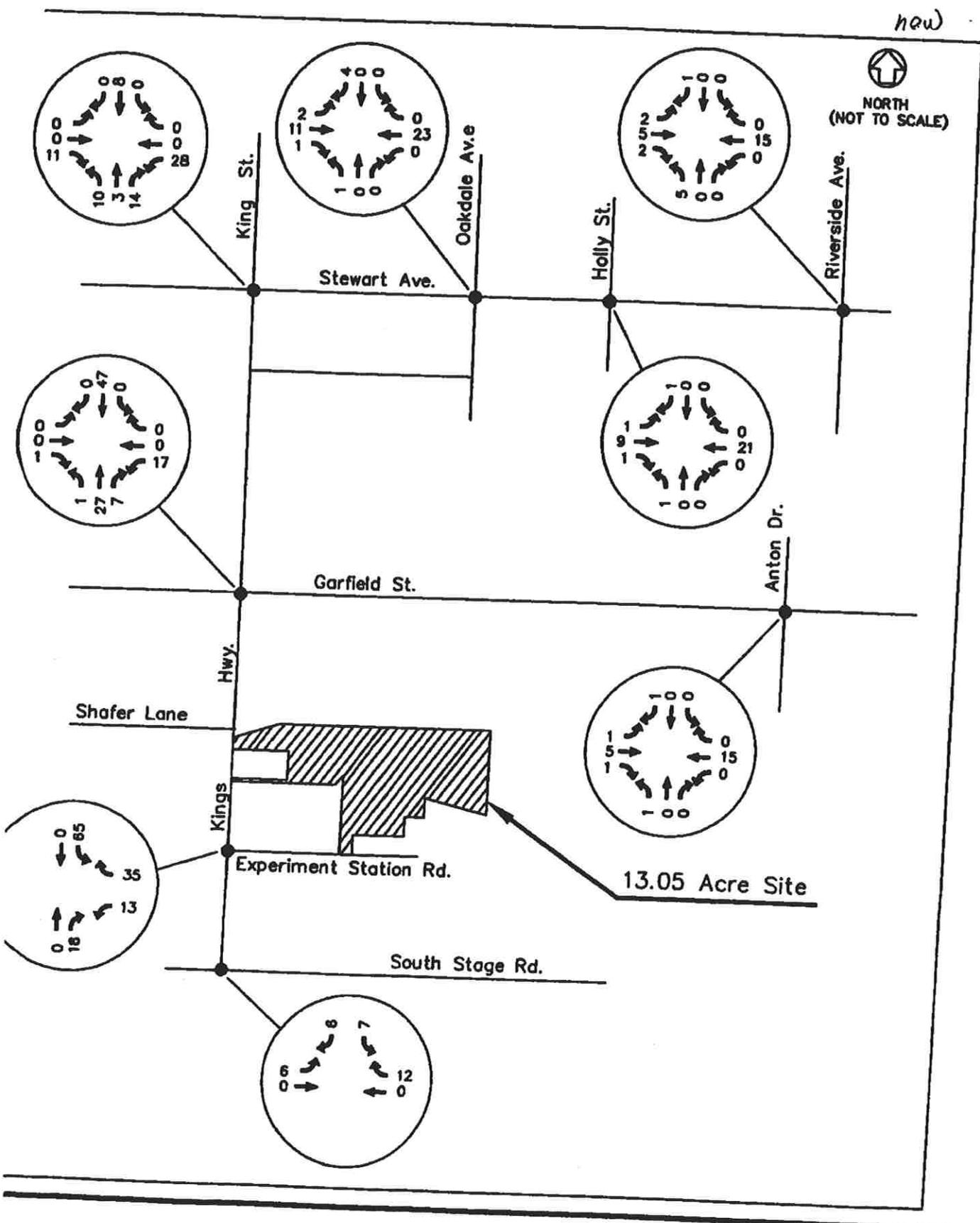


Figure 11  
 Year 2007  
 Page 147  
 13.05 Acre Zone Change



**Existing Year 2018 - (4:00-5:00 PM)**

4/10/2018

		179		127					
		0	174	5					
0	0	Spring View-King Hwy			2	3			
					0				
0	0				1	7			
		0	125	2					
		175		127					
		176		127					
		11	165	0					
13	6	Trinity-King Hwy			0	0			
					0				
7	1				0	0			
		2	121	0					
		166		123					
		166		123					
		0	166	0					
0	0	Dev-King Hwy			0	0			
					0				
0	0				0	0			
		0	123	0					
		166		123					

**Pipeline Trips - PM**

		12		7					
		0	12	0					
0	0	Spring View-King Hwy			0	0			
					0				
0	0				0	0			
		0	7	0					
		12		7					
		12		7					
		0	12	0					
0	0	Trinity-King Hwy			0	0			
					0				
0	0				0	0			
		0	7	0					
		12		7					
		12		7					
		0	12	0					
0	0	Dev-King Hwy			0	0			
					0				
0	0				0	0			
		0	7	0					
		12		7					

**Adj - Ex Year 2018 - (4:00-5:00 PM)**

*Balanced*

4/10/2018

		192		134					
		0	187	5					
0	0	Spring View-King Hwy			2	3			
					0				
0	0				1	7			
		0	132	2					
		188		134					
		188		134					
		11	177	0					
13	6	Trinity-King Hwy			0	0			
					0				
7	1				0	0			
		2	128	0					
		178		130					
		178		130					
		0	178	0					
0	0	Dev-King Hwy			0	0			
					0				
0	0				0	0			
		0	130	0					
		178		130					

Growth 2018-2020 - PM

1.035		13		9		
		0	12	0		
0	0	Spring View-King Hwy			0	0
					0	
0	0				0	0
		0	9	0		
		12		9		
		12		9		
		0	12	0		
0	0	Trinity-King Hwy			0	0
					0	
0	0				0	0
		0	9	0		
		12		9		
		12		9		
		0	12	0		
0	0	Dev-King Hwy			0	0
					0	
0	0				0	0
		0	9	0		
		12		9		

Flow Map ADTs

Segment	Yr 2012	Yr 2016	Growth Rate
Kings Hwy, north of Diamond	4600	4600	1.00
Kings Hwy, south of Diamond	3000	4000	1.07
		Avg.	1.035

Year 2020 NB - (4:00-5:00 PM)

		205		143			
		0	199	5			
0	0	Spring View-King Hwy			2	3	
	0				0		
0	0				1	7	
		0	141	2			
		200		143			
		200		143			
		11	189	0			
13	6	Trinity-King Hwy			0	0	
	0				0		
7	1				0	0	
		2	137	0			
		190		139			
		190		139			
		0	190	0			
0	0	Dev-King Hwy			0	0	
	0				0		
0	0				0	0	
		0	139	0			
		190		139			

Dev Trips - PM

		39		22			
		0	39	0			
0	0	Spring View-King Hwy			0	0	
	0				0		
0	0				0	0	
		0	22	0			
		39		22			
		39		22			
		0	39	0			
0	0	Trinity-King Hwy			0	0	
	0				0		
0	0				0	0	
		0	22	0			
		39		22			
		39		22			
		0	0	39			
0	0	Dev-King Hwy			22	29	
	0				0		
0	0				7	50	
		0	0	11			
		7		11			

Year 2020 Build - (4:00-5:00 PM)

		243		165			
		0	238	5			
0	0	Spring View-King Hwy			2	3	
	0				0		
0	0				1	7	
		0	163	2			
		239		165			
		239		165			
		11	228	0			
13	6	Trinity-King Hwy			0	0	
	0				0		
7	1				0	0	
		2	159	0			
		229		161			
		229		161			
		0	190	39			
0	0	Dev-King Hwy			22	29	
	0				0		
0	0				7	50	
		0	139	11			
		197		150			

HCM 2010 TWSC  
2: Kings Hwy & Meadows at Crooked Creek

06/18/2018

**Intersection**

Int Delay, s/veh 1.4

**Movement**      WBL    WBR    NBT    NBR    SBL    SBT

Lane Configurations	W		T		T	
Traffic Vol, veh/h	7	22	139	11	39	190
Future Vol, veh/h	7	22	139	11	39	190
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	100	100	100	100	100	100
Heavy Vehicles, %	0	0	2	0	0	1
Mvmt Flow	7	22	139	11	39	190

**Major/Minor**      Minor1      Major1      Major2

Conflicting Flow All	413	145	0	0	150	0
Stage 1	145	-	-	-	-	-
Stage 2	268	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	599	908	-	-	1444	-
Stage 1	887	-	-	-	-	-
Stage 2	782	-	-	-	-	-
Platoon blocked, %			-	-	-	-
Mov Cap-1 Maneuver	581	908	-	-	1444	-
Mov Cap-2 Maneuver	581	-	-	-	-	-
Stage 1	887	-	-	-	-	-
Stage 2	759	-	-	-	-	-

**Approach**      WB      NB      SB

HCM Control Delay, s	9.7	0	1.3
HCM LOS	A		

**Minor Lane/Major Mvmt**      NBT    NBR/WBL    SBL    SBT

Capacity (veh/h)	-	-	799	1444	-
HCM Lane V/C Ratio	-	-	0.036	0.027	-
HCM Control Delay (s)	-	-	9.7	7.6	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0.1	-

**Intersection**

Int Delay, s/veh 0.2

**Movement** EBL EBR NBL NBT SBT SBR

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y			4	4	
Traffic Vol, veh/h	6	1	2	159	228	11
Future Vol, veh/h	6	1	2	159	228	11
Conflicting Peds, #/hr	5	0	0	0	0	5
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	100	100	100	100	100	100
Heavy Vehicles, %	0	0	0	2	1	0
Mvmt Flow	6	1	2	159	228	11

**Major/Minor** Minor2 Major1 Major2

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	407	239	244	0	-	0
Stage 1	239	-	-	-	-	-
Stage 2	168	-	-	-	-	-
Critical Hdwy	6.4	6.2	4.1	-	-	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	2.2	-	-	-
Pot Cap-1 Maneuver	604	805	1334	-	-	-
Stage 1	805	-	-	-	-	-
Stage 2	867	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	598	802	1334	-	-	-
Mov Cap-2 Maneuver	598	-	-	-	-	-
Stage 1	802	-	-	-	-	-
Stage 2	862	-	-	-	-	-

**Approach** EB NB SB

Approach	EB	NB	SB
HCM Control Delay, s	10.9	0.1	0
HCM LOS	B		

**Minor Lane/Major Mvmt** NBL NBT EBLn1 SBT SBR

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1334	-	621	-	-
HCM Lane V/C Ratio	0.001	-	0.011	-	-
HCM Control Delay (s)	7.7	0	10.9	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection	
Int Delay, s/veh	0.2

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations	Y		P			↑
Traffic Vol, veh/h	1	2	163	2	5	238
Future Vol, veh/h	1	2	163	2	5	238
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	100	100	100	100	100	100
Heavy Vehicles, %	0	0	2	0	0	1
Mvmt Flow	1	2	163	2	5	238

Major/Minor	Minor1	Major1	Major2	Major3	Major4
Conflicting Flow All	412	164	0	0	165
Stage 1	164	-	-	-	-
Stage 2	248	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2
Pot Cap-1 Maneuver	600	886	-	-	1426
Stage 1	870	-	-	-	-
Stage 2	798	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	598	886	-	-	1426
Mov Cap-2 Maneuver	598	-	-	-	-
Stage 1	870	-	-	-	-
Stage 2	795	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.7	0	0.2
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	763	1426	-
HCM Lane V/C Ratio	-	-	0.004	0.004	-
HCM Control Delay (s)	-	-	9.7	7.5	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0	0	-

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	3:55	3:55	3:55	3:55	3:55	3:55
End Time	5:00	5:00	5:00	5:00	5:00	5:00
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	3	3	3	3	3	3
# of Recorded Intervals	2	2	2	2	2	2
Vehs Entered	418	447	426	390	427	420
Vehs Exited	417	442	424	392	427	420
Starting Vehs	2	0	4	3	4	3
Ending Vehs	3	5	6	1	4	3
Travel Distance (mi)	103	111	107	97	108	105
Travel Time (hr)	3.7	3.9	3.8	3.4	3.8	3.7
Total Delay (hr)	0.2	0.2	0.2	0.2	0.2	0.2
Total Stops	46	46	52	50	45	47
Fuel Used (gal)	3.4	3.7	3.5	3.3	3.5	3.5

Interval #0 Information Seeding

Start Time 3:55  
 End Time 4:00  
 Total Time (min) 5

Volumes adjusted by Growth Factors.  
 No data recorded this interval.

Interval #1 Information Recording

Start Time 4:00  
 End Time 4:15  
 Total Time (min) 15

Volumes adjusted by PHF, Growth Factors.

Run Number	1	2	3	4	5	Avg
Vehs Entered	98	95	116	89	115	102
Vehs Exited	99	92	116	89	116	103
Starting Vehs	2	0	4	3	4	3
Ending Vehs	1	3	4	3	3	1
Travel Distance (mi)	24	23	29	22	29	26
Travel Time (hr)	0.9	0.8	1.0	0.8	1.0	0.9
Total Delay (hr)	0.0	0.0	0.0	0.0	0.1	0.0
Total Stops	10	13	12	9	13	11
Fuel Used (gal)	0.8	0.8	1.0	0.8	0.9	0.8

SimTraffic Simulation Summary  
Design Year 2020 Build Conditions - PM Peak Hour

06/18/2018

Interval #2 Information Recording

Start Time 4:15  
End Time 5:00  
Total Time (min) 45  
Volumes adjusted by Growth Factors, Anti PHF.

Run Number	1	2	3	4	5	Avg
Vehs Entered	320	352	310	301	312	318
Vehs Exited	318	350	308	303	311	317
Starting Vehs	1	3	4	3	3	1
Ending Vehs	3	5	6	1	4	3
Travel Distance (mi)	79	88	77	75	79	80
Travel Time (hr)	2.8	3.1	2.7	2.7	2.8	2.8
Total Delay (hr)	0.2	0.1	0.1	0.2	0.1	0.1
Total Stops	36	33	40	41	32	36
Fuel Used (gal)	2.6	2.9	2.6	2.5	2.5	2.6

Intersection: 2: Kings Hwy & Meadows at Crooked Creek

Movement	WB	SB
Directions Served	LR	LT
Maximum Queue (ft)	40	40
Average Queue (ft)	20	6
95th Queue (ft)	45	27
Link Distance (ft)	254	130
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Kings Hwy & Trinity Wy

Movement	EB	NB
Directions Served	LR	LT
Maximum Queue (ft)	36	6
Average Queue (ft)	7	0
95th Queue (ft)	29	4
Link Distance (ft)	373	130
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 4: Kings Hwy & Spring View

Movement	WB	SB
Directions Served	LR	LT
Maximum Queue (ft)	31	11
Average Queue (ft)	3	1
95th Queue (ft)	18	7
Link Distance (ft)	560	339
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

### 10.426 Street Circulation Design and Connectivity

These standards are intended to assure that development will ultimately result in complete blocks bound by a network of public streets, and/or private streets constructed to City Standards open to public use, and/or interior access roads open to public use. As it applies to this section, an Interior Access Road shall mean the following:

A public access easement on private property which facilitates through public vehicular and pedestrian access. The Interior Access Road public easement shall, at a minimum, consist of the following improvement:

1. A two-way vehicular access drive aisle having minimum aisle width of twenty (20) feet bounded with raised curb. The access drive shall remain clear and unencumbered from any parking stall taking direct vehicular access from the drive aisle. However, the drive aisle may intersect with other drive aisles within a parking lot.
2. The vehicular access drive shall be bound at minimum on one side, but preferably both sides, with a pedestrian pathway running parallel to the access drive, consisting of concrete, patterned concrete or brick pavers. The pedestrian pathway may be either attached or detached from the curb and have a minimum width of five (5) feet. Where the pedestrian path crosses intersecting vehicular drive aisles, the pathway paving material shall extend across such areas to demarcate the pedestrian crossing.

#### 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.
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.

<b>MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH</b>		
<b>Table 10.426-1</b>		
<b>Zone or District</b>	<b>Block Length</b>	<b>Block Perimeter Length</b>
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,
  - 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.

[Added, Sec. 4, Ord. No. 7629, May 5, 1994; Amd Sec. 4, Ord. No. 2012-57, May 3, 2012.]

## Dustin J. Severs

---

**From:** Andy Nager <anager1@msn.com>  
**Sent:** Sunday, May 26, 2019 12:57 PM  
**To:** Dustin J. Severs  
**Cc:** Kelly Evans  
**Subject:** Re: conditions of approval

Dustin:

Thanks for forwarding me the copy of Exhibit A for the Conditions of Approval of the final plat for 'The Meadows at Crooked Creek', LDS-19-040/CUP-19-041.

After reviewing the applicable land development code section 10.928 for approving applications (Conservation and Maintenance of Riparian Corridors), as well as the Oregon Land Conservation & Development Department's requirements and application procedures for complying with statewide Goal 5, Chapter 660-016-0010, I am concerned that the outlined land development code conditions will not adequately protect the Riparian Corridor and the Wetlands for Crooked Creek (Chapters 660-023-0090 and 660-023-0100).

As I stated in the public hearing, the tentative plat plan for this development indicates that lot lines will encroach on the riparian corridor and will also run along the top-of-bank of the waterway. Although I have not yet seen documentation of the conservation 'easement' that would protect the riparian corridor, I hope that it will protect Crooked Creek and prohibit any conflicting or adverse use, as well as prohibit the installation of fencing along its bank. The Riparian Corridor Ordinance 2011-123, adopted on 10.6.11, clearly states that when reviewing development applications for properties containing a riparian corridor, the approving authority must consider how well the proposal satisfies the objectives of Goal 5; the approving authority must designate with certainty what uses and activities are allowed by future property buyers/owners, and what uses are not allowed. With proposed lot lines running along the bank, I doubt that the Crooked Creek riparian corridor and wetlands will be adequately and properly protected with merely the 'conservation easement'; the lot lines must be moved south to order to establish a riparian corridor boundary of 50 feet from the top-of bank.

Sincerely,  
Andy Nager

---

**From:** Dustin J. Severs <Dustin.Severs@cityofmedford.org>  
**Sent:** Friday, May 24, 2019 2:38 PM  
**To:** 'anager1@msn.com'  
**Subject:** conditions of approval

Please see attached conditions of approval.  
Below is the applicable code section.

CITY OF MEDFORD  
DUSTIN J. SEVERS  
HH  
\_\_\_\_\_

Planning Commission,

I can only assume that as the Planning Commission you have lots of projects that cross your desk. The evening of May 23<sup>rd</sup> the Agenda packet was 323 pages long. I imagine it is difficult to read every page of every application. You rely upon the City of Medford Staff and Planners to give you a recommendation. In this matter I request you read the whole packet and look at all of the maps in regards to LDS-19-040/CUP-19-041. I am requesting that you make a decision that is contrary to what the City Planners/Staff have recommended.

Either please don't approve the variances requested for the placement of the road or request that the road be moved approximately 12.5 feet to the north to match the attached surveyed drawing. I know you aren't in a situation to opine on a property line dispute but you do have the ability to review set back requirements of roads from buildings. You do have the ability to ensure that developments are in line with existing neighborhoods and tracks of land. You do have the ability to protect land owners from developers. You have the ability to interpret the code where it might otherwise be confusing.

I would also like to comment regarding 10.426 (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.”

In my opinion the definition of “economically develop” the property has not been fully analyzed and the applicant has not proven that it would need the road in its current location to economically develop the property. In the application I didn't see any cost estimates for the placement of the road directly across from Trinity. I also know they didn't reach out to us to acquire additional land so they could place a road on the south side of our property where they already own a small strip of land. I'm not sure if there is precedence on what costs make it economically difficult to develop but in looking at the entire +10 acres of land and the multiple phase the additional costs could be spread out over many lots.

Perhaps I'm reading the second part incorrectly but it is “practical to correct” the issue.

They have the ability to access their property off of Experiment Station Rd through land that they own. They could have spoken with us and negotiated an agreement but instead choose to push forward because they thought this would be least expensive option.

Sincerely,

Christian Nelson

2165 Kings Hwy

CITY OF MEDFORD  
II

734-8840



Farber & Sons, Inc.  
Post Office Box 5286  
Central Point, OR 97502

Office: 120 Mistletoe Street  
Medford, Oregon  
(541) 776-0846 • Fax 773-1666

### NOTICE OF AUTHORIZATION

THIS IS A NOTICE THAT Herbert A. Farber  
HAS BEEN RETAINED TO ACT AS AGENT FOR THE PURPOSE OF FILING AN  
APPLICATION FOR A Property line adjustment ON THE PROPERTY  
DESCRIBED IN THE RECORDS OF JACKSON COUNTY AS:

TOWNSHIP 38 RANGE 2W SECTION 01A TAX LOT ~~500~~ 4100  
TOWNSHIP 38 RANGE 2W SECTION 01A TAX LOT 500  
TOWNSHIP 38 RANGE 2W SECTION 01A TAX LOT 502

X APPLICANT SIGNATURE [Signature] DATE 1-14-98  
PRINTED NAME WEST MAIN CHURCH OF CHRIST  
ADDRESS 1701 WEST MAIN STREET  
CITY/STATE/ZIP MEDFORD, OR 97501  
PHONE \_\_\_\_\_

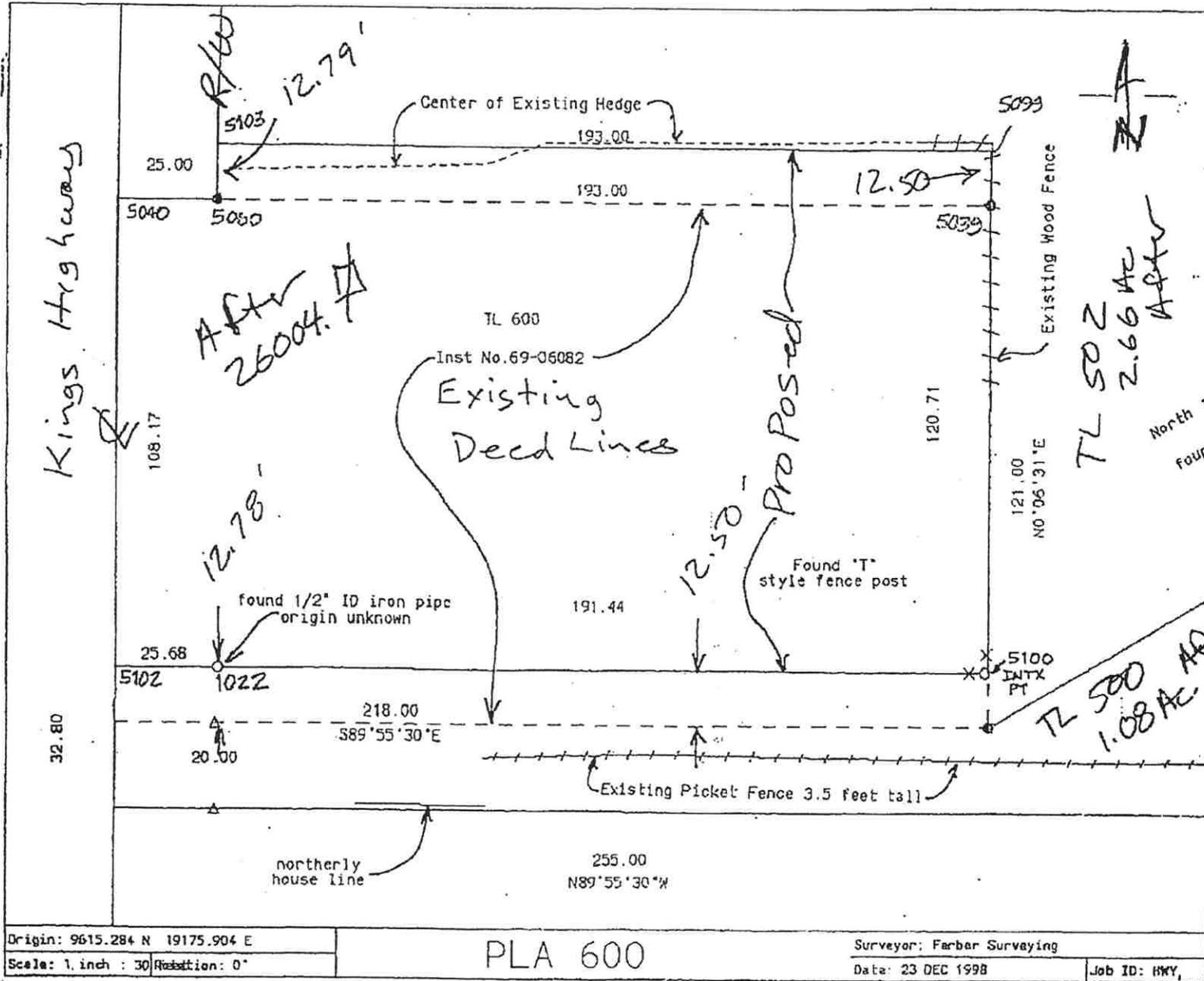
PROPERTY OWNER SIGNATURE [Signature] DATE 1/11/99  
PRINTED NAME Judith A. Segura  
ADDRESS 2165 Kings Hwy.  
CITY/STATE/ZIP Medford OR 97501  
PHONE (541) 779-5749

AGENT SIGNATURE [Signature] DATE 1-11-98

Herbert A. Farber  
President / Surveyor

Susan Morgan Farber  
Business Manager

MEDFORD  
OR  
97501  
FEB 11 1998  
IJ



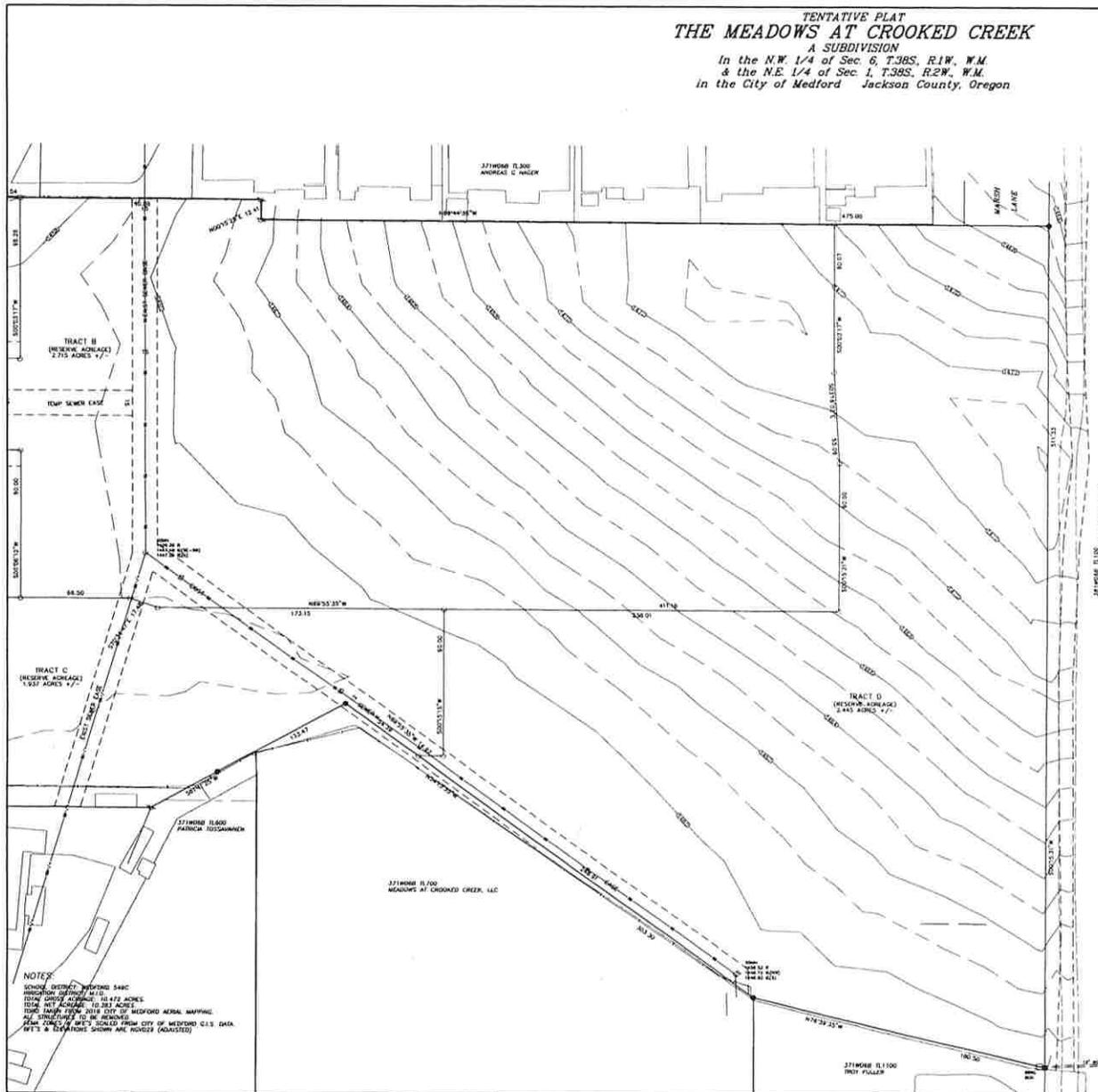


CITY OF MEDFORD  
EXHIBIT # KK  
File # LOS-19-040 / CUP-19-041

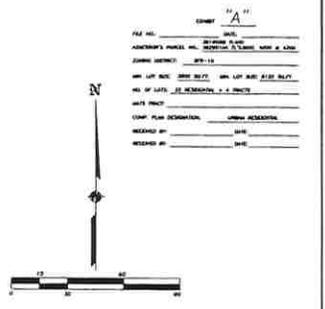
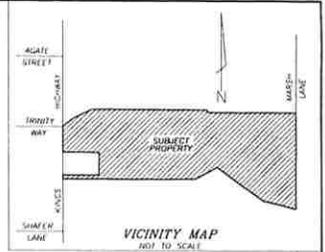


TENTATIVE PLAT  
**THE MEADOWS AT CROOKED CREEK**  
 A SUBDIVISION

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:  
 1. SOURCE: DEEDS, MEDFORD SHIP  
 2. AIRBORNE PHOTOGRAPHY, M.D.S.  
 3. TOTAL ACRES: 47.0000  
 4. TOTAL NET ACRES: 10.267 ACRES  
 5. THIS PLAT IS FOR THE CITY OF MEDFORD AERIAL MAPPING.  
 6. ALL STRUCTURES TO BE REMOVED.  
 7. EASEMENTS ARE TO BE SHOWN FROM CITY OF MEDFORD C.I.S. DATA.  
 8. METERS & DISTANCES SHOWN ARE REVERSED (ADJUSTED).



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
*James J. Hill*  
 OREGON  
 JULY 11, 1988  
 JAMES J. HILL  
 2222  
 EXPIRES DATE: 8-30-21

PREPARED BY: L.J. FIRAR & ASSOCIATES, P.C. 818	DATE: 8-20-21
TITLE: TENTATIVE SUBDIVISION PLAT	SCALE: 1" = 40'
PROJECT NO.: 371908B R.1300, 4000 & 4200	PROJECT BY: JLF
CLIENT: MEADOWS AT CROOKED CREEK, LLC	DATE: 8-20-21
ADDRESS: 31925 HISTORIC COLUMBIA RIVER HWY. TROUTDALE, OR 97130	PROJECT: MEADOWS AT CROOKED CREEK
DESIGNED BY: L.J. FIRAR & ASSOCIATES, P.C.	APPROVED BY: JLF
CHECKED BY: JLF	DATE: 8-20-21
DATE: 8-20-21	SHEET: 2 OF 2



**CSA Planning, Ltd**  
 4497 Brownridge, Suite 101  
 Medford, OR 97504  
 Telephone 541.779.0569  
 Fax 541.779.0114  
 Mike@CSAplanning.net

July 11, 2019

City of Medford Planning Commission

Attention 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); Applicant's Updated Request

Dear Planning Commission:

We greatly appreciate your patience and consideration throughout this process. We have taken the last few weeks to work diligently with City of Medford Planning and Public Works staff in order to present a project layout that will be safe, comply with all relevant standards, and allow reasonable flexibility to accommodate potential changes to property lines that could possibly occur beyond the Applicant's control.

Attached to this letter are the following:

1. Revised Exhibit 04 being a Tentative Subdivision Plat
  2. Revised Exhibit 21 being a map depicting all proposed lots color coded by proposed dwelling type. The map also illustrates interior setbacks, examples of dwelling footprints, and simplified proposed street cross section.
- A. The following is a summary of the proposed changes as they relate to the proposed subdivision and public street improvements.
1. Intersection Spacing. As evidenced by previously submitted transportation study prepared by SOTE (provided May 23, 2019), it is safe and functional to construct proposed Terrazzo Way at a location that is 150 feet from nearby Trinity Way (measured between centerlines). Based on correspondence with Public Works, it is the Applicant's understanding that Public Works is in concurrence on this matter.
  2. Right of Way: In light of the above, Applicant proposes to dedicate the full 55-foot of right of way for Terrazzo Way out to Kings Highway from within the subject property as it currently exists.
    - a. In the event the Applicant does not (at the time of final plat) have the authority to dedicate the approximate 12 feet wide strip of land immediately north of and adjacent to tax lot 4100, extending approximately 192 feet easterly from Kings Highway - the applicant will still be able to dedicate half plus 14-feet consistent with MLDO 10.442 and agrees to do so.
  3. Improvements: Applicant requests authorization to construct half plus 14-feet (all improvements except for park-strip and sidewalk on the south side) for the first 192 feet of Terrazzo Way.
    - a. It is customary to *not* install park strip and sidewalk next to lands that are *not* proposed for development.
      - i. The western-most 192 feet of proposed Terrazzo Way lies north of Tax Lot 4100. Approximately 78 feet of which borders Tax Lot 4100 and the remaining 114 feet is part of the frontage for the generally unusable small triangular portion of proposed Lot 14, lying north of Tax Lot 4100.

CITY OF MEDFORD  
 EXHIBIT # MM  
 File # LDS-19-040 / CUP-19-041

- b. Tax Lot 4100 is not part of the project and is not proposed for development at this time and the portion of Lot 14 frontage lying north of adjacent Tax Lot 4100 does not directly benefit from sidewalk and parkstrip as the same will not be physically located in front of any improvements on proposed Lot 14.
4. Proposed Conditions of Approval: Applicant offers the following as conditions of approval related to right of way and street improvements:
- a. Right of way:
    - i. If at time of final plat for this land division, Applicant has the authority over the entire property to do so, they will convey the full 55- feet of right of way as shown on the attached Tentative Subdivision Plat.
    - ii. If at the time of final plat for this land division, Applicant does not own or have the authority to convey the southerly 12 feet (more or less) lying northerly of Tax Lot 4100, Applicant will dedicate the remaining lands over which they do have the authority; including no less than one half plus 14 feet ( $27.5 + 14 = 41.5$  feet).
  - b. Improvements:
    - i. Prior to final plat for this land division, Applicant agrees to install the full required improvements for Terrazzo Way consistent with the minor residential street standards for all but the first 192 feet.
    - ii. Within the first 192 feet of Terrazzo Way (as it extends from Kings Highway), Applicant agrees to construct half plus 14 feet including all cross section improvements excluding sidewalk and park strip.
    - iii. If this Commission finds it necessary in order to comply with MLDO 10.442, Applicant would also accept the following condition: Prior to final plat for any adjacent reserve area lands - the remaining sidewalk and planter strip improvements will be installed within the unimproved frontage portion of Lot 14.
      - i. Given the close proximity of the residence on adjacent Tax Lot 4100 - it may be advisable to transition the future frontage improvements so that the sidewalk will be placed at the curb and the planter strip will be closest to Tax Lot 4100. Applicant would accept such a configuration.
- B. With the nudging of Terrazzo Way northward, developable areas within proposed lots 1 and 2 become relatively tight. Applicant asks for a bit of flexibility for said Lots 1 and 2.
- 1. As evidenced by attached revised Exhibit 21- both lots 1 and 2 are still able to accommodate separate single-family dwellings as proposed. However, Applicant would like to request the ability to either:
    - a. Create lots 1 and 2 as single-family lots, consistent with what is reflected on the attached maps; or
    - b. Consolidate lots 1 and 2 into a single lot with a duplex. Pursuant to MLDO 10.713 duplexes are allowed on a single lot within SFR-10 zones. The same number of residential units would be allowed under either option and therefore the same density would be achieved.
  - 2. Storm Drainage Easement flexibility.
    - a. Final locations of storm drainage pipes, facilities and related easements are generally decided at time of engineering and plans review with City Public Works. For the sake of being conservative, Applicant herewith requests flexibility at this time, to site the storm drainage pipe easement (currently



reflected on the easterly boundary of proposed Lot 2) to be located: as shown; or shifted to the Kings Highway right of way; or to be shifted to the westerly portion of Lot 1, outside the PUE.

This specific flexibility is necessary because final engineering may dictate one location over another in order to achieve adequate elevation for said facilities and the same may affect the final configuration of Lots 1 and 2 and dictate whether Lots 1 and 2 remain as separate single family lots or as a single duplex lot.

Applicant appreciates your careful consideration and respectfully requests your approval.

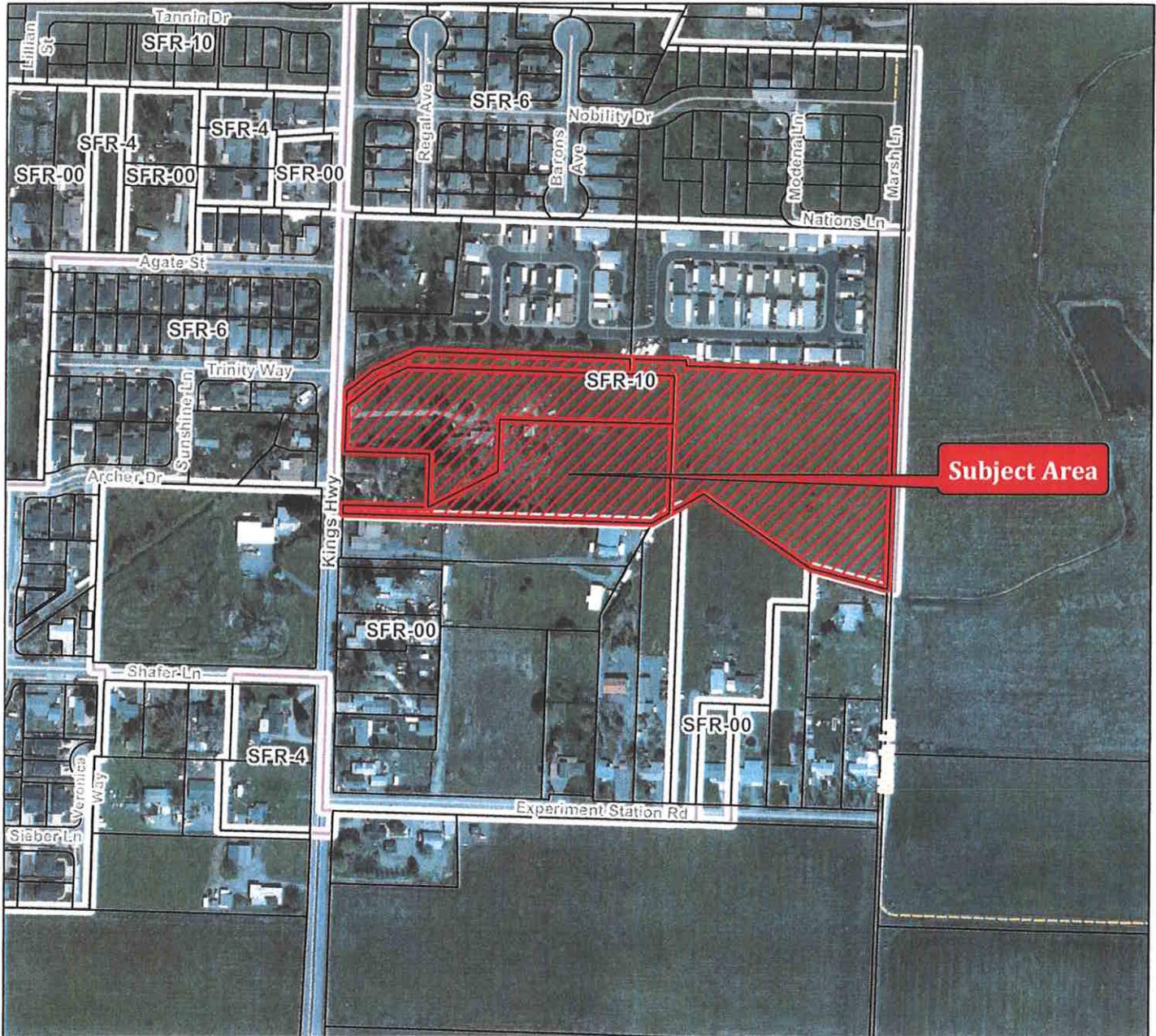
Very truly yours,

CSA Planning, Ltd.

A handwritten signature in black ink, appearing to read 'Mike Savage', written in a cursive style.

Mike Savage  
Senior Associate

cc. File; Applicant



**Subject Area**

Project Name:

**The Meadows at  
 Crooked Creek**

Map/Taxlot:

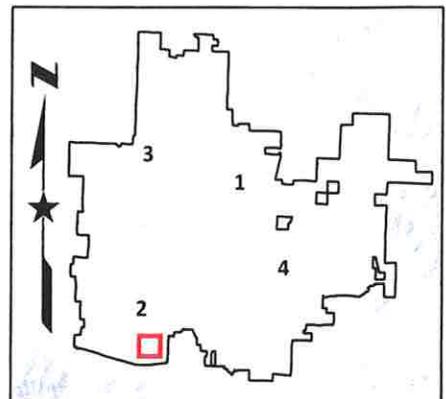
**382W01AA 3900, 4000, 4200**  
**381W06B TL 400**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

03/12/2019





## STAFF REPORT

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

**Project** Rory Wold Zone Change  
Applicant: Rory Wold; Agent: Taylor Wold

**File no.** ZC-19-009

**To** Planning Commission *for 07/25/2019 hearing*

**From** Steffen Roennfeldt, Planner III

**Reviewer** Kelly Evans, Assistant Planning Director *h.*

**Date** July 16, 2019

---

### BACKGROUND

#### Proposal

Consideration of a request for a zone change of a 0.7 acre parcel located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre). (372W36CD3400)

#### Vicinity Map



### Subject Site Characteristics

GLUP	UR	Urban Residential
Zoning	SFR-00	Single Family Residential, 1 dwelling unit per lot
Overlay	None	
Use	One Single Family Dwelling	

### Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-10
	Use:	Duplexes
<i>South</i>	Zone:	SFR-6 (Single Family Residential, 4 to 6 dwelling units per gross acre)
	Use:	Single Family Dwellings
<i>East</i>	Zone:	SFR-6
	Use:	Single Family Dwellings
<i>West</i>	Zone:	SFR-10
	Use:	Single Family Dwellings

### Related Projects

None.

### Applicable Criteria

Medford Municipal Code §10.204. Zone Change.

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) through (3) 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.

\*\*\*

(b) For zone changes to SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:

(i) At least one parcel that abuts the subject property is zoned SFR-10; or

(ii) The area to be re-zoned is five 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 acres.

\*\*\*

(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**

Rory Wold is the Registered Agent & President for Rory Wold Insurance Agency, Inc. according to the Oregon Secretary of State Business Registry. Darla Wold is listed as the Secretary.

## **ISSUES AND ANALYSIS**

### **Background**

The subject property shares its south and east boundaries with the Georianna Village Subdivision which received approval in 1993. The properties across the street were developed in 2011 as part of McLane Meadows subdivision.

### **Site Compliance**

#### *Density*

Currently, the maximum density of one dwelling unit for the parcel is reached. With the proposed zone change to SFR-10, the new density ranges between a minimum of four dwelling units with a maximum of eight dwelling units (Exhibit O).

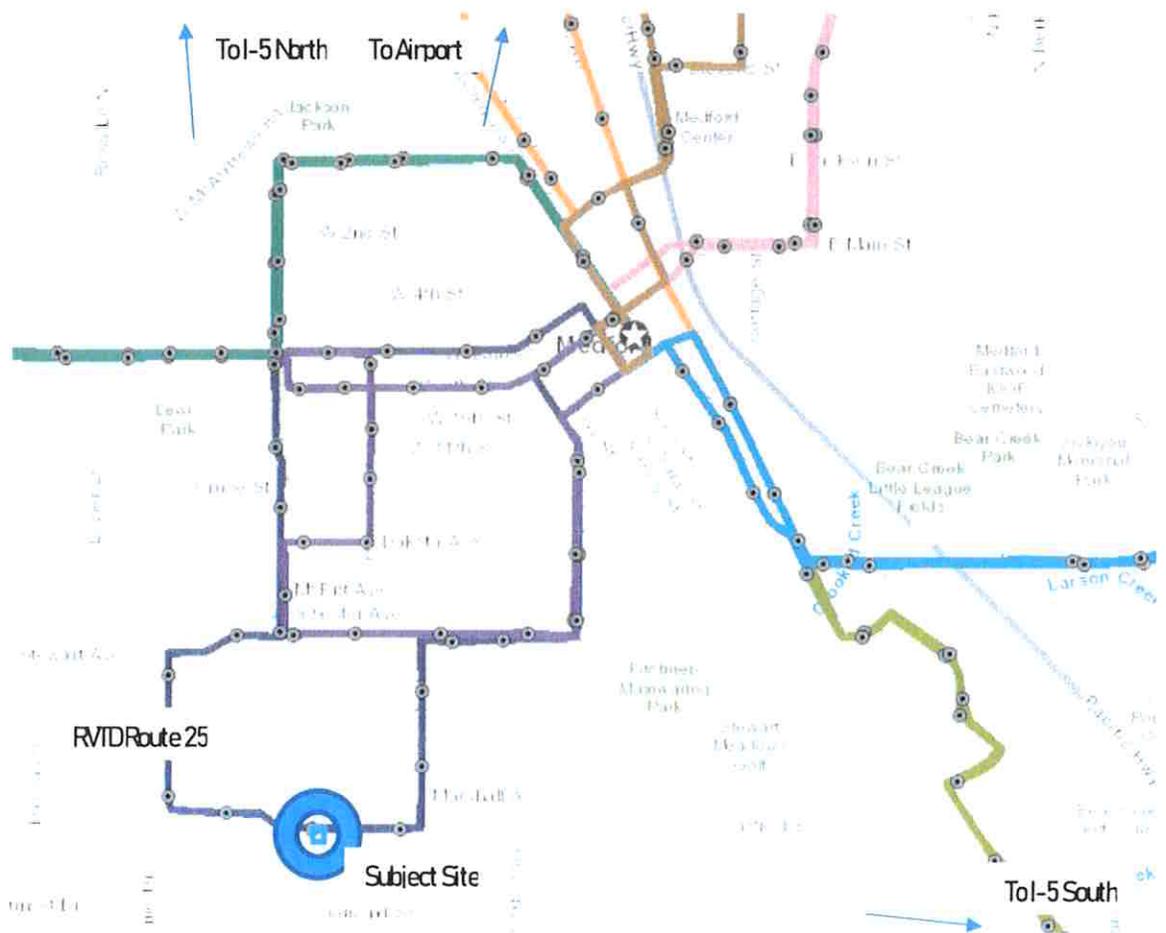
### **Criteria Compliance**

#### *GLUP/TSP*

The General Land Use Plan (GLUP) designation for the subject site is UR (Urban Residential). According to the GLUP Element of the Comprehensive Plan, the SFR-10 zoning district is a permitted zone within the UR GLUP designation.

The Transportation System Plan (TSP) serves as a blueprint to guide transportation decisions as development occurs 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 N).

Pedestrian and bicycle access will be made available via the sidewalk and bicycle lanes in the immediate vicinity. The site is accessible by motor vehicle via Garfield Street and is served by a bus stop at the northwesterly corner of the subject site. The Rogue Valley Transportation District uses the bus stop as part of Route 25 connecting Southwest Medford with Downtown. As can be seen on the image below, the site does not have access to rail, light rail, water, or other alternative transportation facilities or services.



It can be found that the applicant's findings together with the findings made in this staff report 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*

Section 10.204(B)(2)(b) is applicable to this application for the location standard requesting SFR-10 zoning. The application is in compliance with the locational standards found in subsection (b): Abutting parcels to the north and west are already zoned SFR-10.

#### *Facility Adequacy*

MLDC 10.204(B)(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 Public Works Staff Report (Exhibit F) states that the proposed Zone Change has the potential to increase storm drainage flows to Crooked Creek where there are known capacity constraints. Based on this information, Public Works suggests three options: One, to deny the proposed zone change, or two, the applicant to stipulate to only develop so the total storm drainage flows do not exceed current zoning limitations, or three, the Developer provide an engineering study of the down gradient storm drain system to show existing capacity and make any improvements shown to be necessary per the engineering study. The applicant does not propose any construction work to be done as part of this application.

There are no known issues regarding transportation, sewer or water facilities for the subject area.

### **Restricted Zoning**

Based on the storm drainage issues and MLDC 10.204(3)(c)(i), the Commission can implement a restriction of uses by type or intensity. As there is no construction proposed as part of this application, the requested zone change will not impact the storm drainage issues at this time.

### **Other Agency Comments**

None

### **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 E) and recommends the Commission adopt the findings with the following modifications.

- 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, the locational criterion for a change of zone to SFR-10 is met.
- With regard to Criterion 3, the agency comments included as Exhibits F to K demonstrate that with the imposition of the conditions of approvals contained

in Exhibit A, and the imposition of the restricted zoning overlay 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-19-009 per the staff report dated July 16, 2019, including Exhibits A through O.

### **EXHIBITS**

- A Conditions of Approval, dated July 16, 2019
- B Zoning Map
- C General Land Use Plan Map
- D Assessor Map, received May 22, 2019
- E Findings of Fact, received May 22, 2019
- F Public Works Department Staff Report, dated June 26, 2019
- G Rogue Valley Sewer Services Letter, dated June 17, 2019
- H Medford Fire-Rescue Land Development Report, dated June 25, 2019
- I Board of Water Commissioners
- J Medford Building Department Memo, dated June 26, 2019
- K Jackson County Roads Letter, dated June 14, 2019
- L City Surveyor Memo, dated June 12, 2019
- M Legal Description, received May 22, 2019
- N Traffic Impact Analysis Form, received May 22, 2019
- O Density Calculation, created June 27, 2019  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JULY 25, 2019**

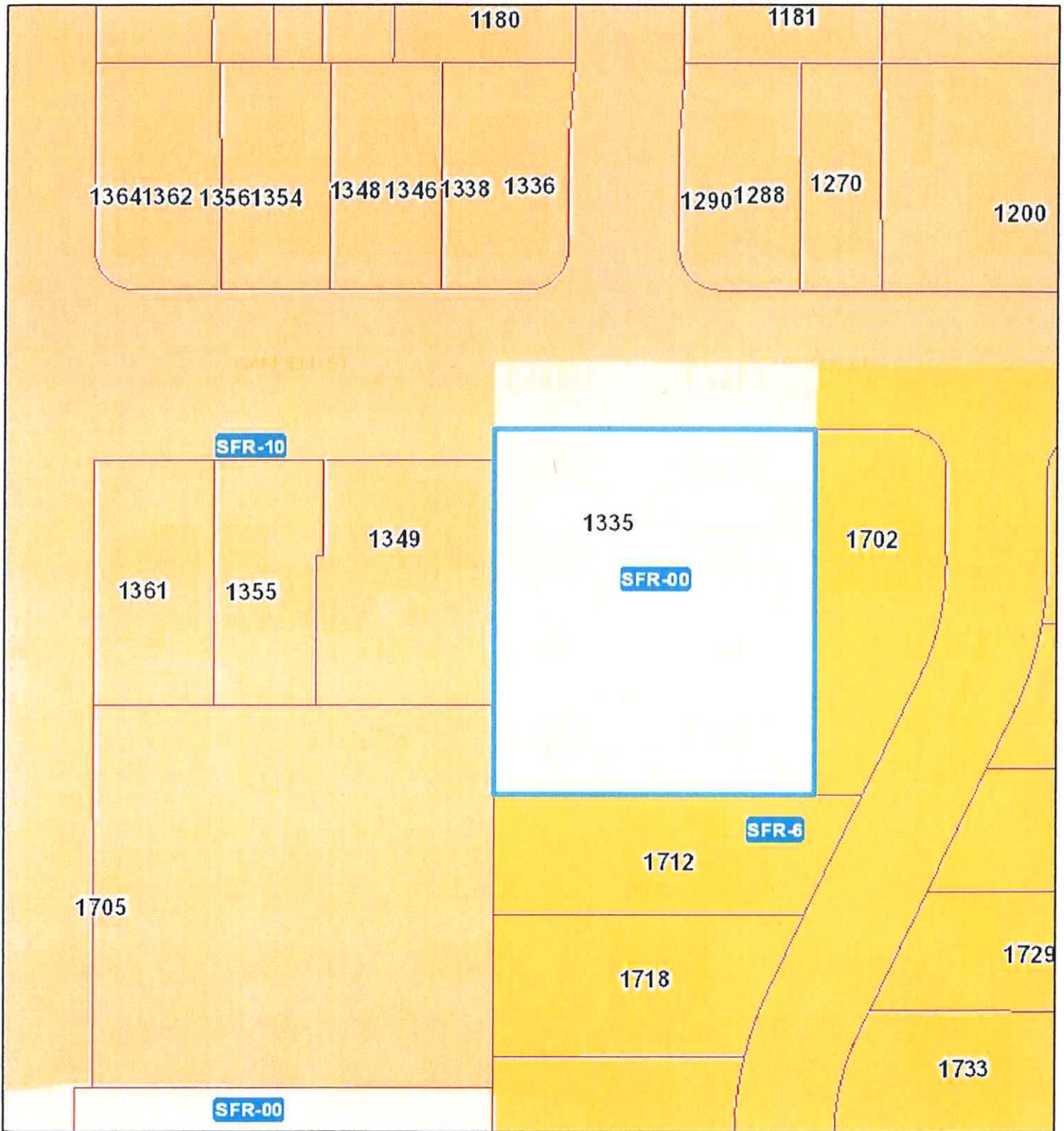
## **EXHIBIT A**

Rory Wold Zone Change  
ZC-19-009  
Conditions of Approval  
July 16, 2019

### **Code Required Conditions**

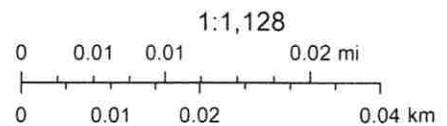
1. The applicant shall comply with all requirements of the Public Works Report (Exhibit F).
2. The applicant shall comply with all requirements of the Board of Water Commissioners Staff Memo (Exhibit I).
3. The applicant shall stipulate to only develop so the total storm drainage flows do not exceed current zoning limitation.
4. The Restricted Zoning Overlay 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 within 30 days of the zone change becoming effective.

# City of Medford Zoning Map



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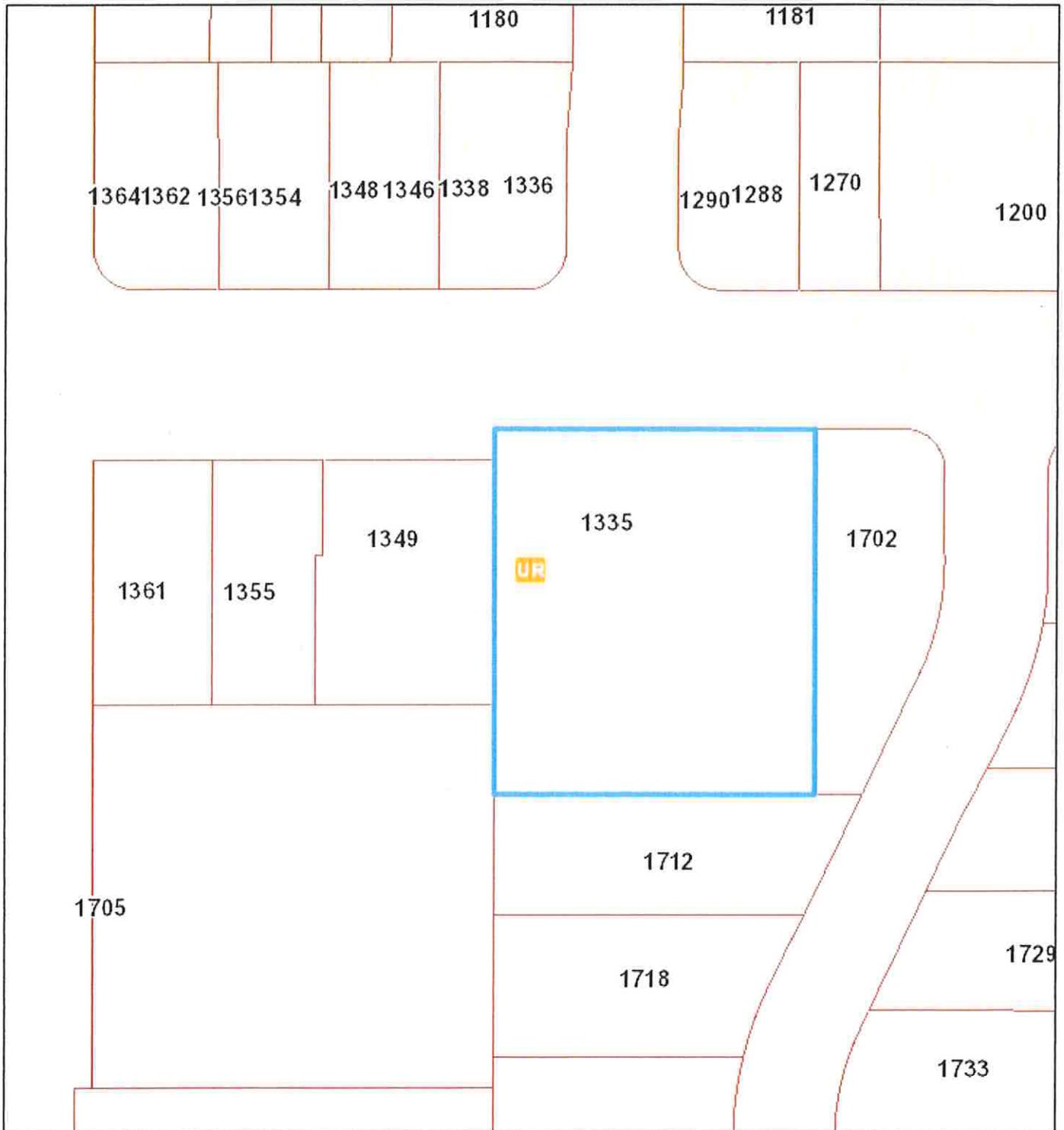
- Override 1
- Taxlots
- Site Addresses
- Zoning Districts - Shaded
- Public Park
- Multiple-Family Residential - 30 Units
- Multiple-Family Residential - 20 Units
- Multiple-Family Residential - 15 Units
- Single-Family Residential - 10 Units
- Single-Family Residential - 6 Units



CITY OF MEDFORD  
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, City of Medford

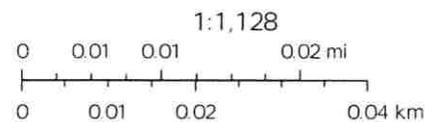
ZC-19-009

# City of Medford General Land Use Plan Map



6/5/2019, 2:49:34 PM

- Override 1
- Taxlots
- Site Addresses
- General Land Use - Shaded
- A - AIRPORT
- CC-CITY CENTER
- CM-COMMERCIAL
- SC-SERVICE COMMERCIAL
- GI-GENERAL INDUSTRIAL
- HI-HEAVY INDUSTRIAL



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Swisstopo, contributors, and the GIS User Community

City of Medford  
 File # 20-19-009  
 Medford Land Information System

13



RECEIVED

MAY 22 2019

PLANNING DEPT.

Findings of Fact

1335 Garfield Street

The proposed zone change complies with all applicable information located in Section 10.204(B) of the Land Development Code.

**(1)** - The subject property is located inside the UGB and is designated within the GLUP Map as Urban Residential (UR).

**(2)(b)(i)** – Abutting properties the North and to the West of subject property are currently zoned SFR-10. Abutting properties to the South and to the East of the subject property are currently zoned SFR-6.

**(2)(a)(c)(d)(e)(f)** – Not applicable

**(3)** – Category A services and facilities are already in place on the subject property

**(3)(a)** – Storm drainage, sanitary sewer, and water facilities are already in place and adequate for serving the property in its current condition.

Upon any future development of the subject property said utilities, if necessary, will be adequately improved to serve the property at the time of any issuance of building permits for vertical construction.

**(3)(b)(i)** – Subject property is located on Garfield Street which provides adequate capacity for proposed zoning change according to Section 10.461(2)

The proposed zoning change should have minimal impact on the city as it is already in a developed area inside the UGB and has abutting properties that are currently zoned SFR-10. The subject property already meets the standards of category A services and facilities. The zoning change would allow for future development of housing to aid in the current local housing shortage.

CITY OF MEDFORD  
EXHIBIT # E  
FILE # ZC-19-009

6



Medford – A fantastic place to live, work and play

**CITY OF MEDFORD**

LD Date: 6/26/2019  
File Number: ZC-19-009

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
1335 Garfield Street – Zone Change  
(TL 3400)**

- Project:** Consideration of a request for a zone change of a 0.7 acre parcel.
- Location:** Located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) (372W36CD3400).
- Applicant:** Applicant: Rory Wold; Agent: Taylor Wold; Planner, Steffen Roennfeldt.

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**

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity to serve this property under the proposed zoning.

**II. Storm Drainage Facilities**

This site lies within the Crooked Creek Drainage Basin. The subject property currently drains to the north. The proposed Zone Change has the potential to increase storm drainage flows to Crooked Creek where there are known 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 storm drainage flows do not exceed current zoning limitations, or the Developer provide an engineering study of the down gradient storm drain system to show

ZC-19-009

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existing capacity and make any improvements shown to be necessary per the engineering study. This site will 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).

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-19-009 1335 Garfield St (TL 3400) SFR-00 to SFR-10\ZC-19-009 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](http://www.ci.medford.or.us)

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



# 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

June 17, 2019

City of Medford Planning Department  
200 S. Ivy Street  
Medford, Oregon 97501

**Re: ZC-19-009, Rory Wold 1335 Garfield Street (372W36CD TL3400)**

ATTN: Steffen,

The subject property is within the RVSS service area. There is a 10 inch sewer main along Garfield Street to the north and a 4 inch service to the subject property. Currently, there is adequate system capacity for the proposed zone change. Future development must be reviewed for compliance with RVSS standards.

Please feel free contact me with any questions.

Sincerely,

Nicholas R. Bakke, P.E.  
District Engineer



# Medford Fire-Rescue Land Development Report

## Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 6/25/2019  
**Meeting Date:** 6/26/2019

**LD File #:** ZC19009

**Planner:** Steffen Roennfeldt

**Applicant:** Rory Wold

**Project Location:** 1335 Garfield Street

**ProjectDescription:** Consideration of a request for a zone change of a 0.7 acre parcel located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) (372W36CD3400);

## Specific Development Requirements for Access & Water Supply

### Conditions

Reference	Description	Conditions
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](http://www.medfordfirerescue.org)

CITY OF MEDFORD  
PLANNING DEPARTMENT  
ZC-19-009



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** ZC-19-009  
**PARCEL ID:** 371W30AC TL 2500  
**PROJECT:** Consideration of a request for a zone change of a 0.7 acre parcel located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) (372W36CD3400); Applicant: Rory Wold; Agent: Taylor Wold; Planner, Steffen Roennfeldt.  
**DATE:** June 26, 2019

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

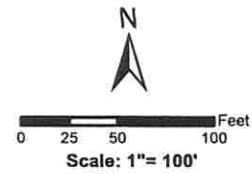
**CONDITIONS**

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.

**COMMENTS**

1. The MWC water distribution system does have adequate capacity is available to serve these parcels.
2. Off-site water line installation is not required.
3. On-site water facility construction is not required.
4. Static water pressure is approximately 55 psi at this site.
5. MWC metered water service does exist to this property. A <sup>2"</sup>~~4"~~ water meter serves the existing dwelling at 1335 Garfield Street.
6. Access to MWC water lines is available. There is an existing 24-inch welded steel water transmission line on the south side of Garfield Street.

2019 JUN 28 10:00 AM  
ZC-19-009  
Page 1 of 1



**Water Facility Map  
for  
City of Medford  
Planning App:  
ZC-19-009  
June 26, 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 address supplied by Medford Water Commission from a number of sources. Medford Water Commission and its agents assume no responsibility for errors, omissions, or potential liability. There are no warranties, expressed or implied.



# Memo



**To:** Steffen Roennfeldt, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** Rory Wold, Applicant; Taylor Wold, Agent  
**Date:** June 26, 2019  
**Re:** ZC-19-009\_1335 Garfield Street

---

## 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](http://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](http://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. Building Department has no comments on the zone change.

CITY OF MEDFORD  
EXAMINER # 7  
PLAN ZC-19-009

7



# JACKSON COUNTY

## Roads

**JC 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

June 14, 2019

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

RE: Zone Change off Garfield Street – a city-maintained road.  
Planning File: ZC-19-009

Dear Steffen:

Thank you for the opportunity to comment on this request for a change of zone from SFR-00 (Single-Family Residential – one dwelling unit per existing lot) to SFR-10 (Single-Family Residential – 10 dwelling units per gross acre) on one parcel totaling 0.7 acres located at 1335 Garfield Street. Jackson County Roads has no comments.

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

Sincerely,

Chuck DeJanvier  
Construction Engineer

✓  
ZC-19-009



# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## MEMORANDUM

Subject      Legal Description  
File no.     ZC-19-009  
To            Jon Proud, Engineering  
From        Steffen Roennfeldt, Planning Department  
Date        June 12, 2019

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. ZC-19-009  
Applicant: Rory Wold  
Agent: Taylor Wold

Steffen, The description matches the tax lot information and subject area shown on vicinity map. It should be noted that per a cursory review of the property historical documents it appears this property was subdivided in 1989 without benefit of a land division plat in violation of state and possibly local law.

Thanks, Jon 6/26/19

cp

Attachments:

Vicinity Map, Legal description

CITY OF MEDFORD

EXHIBIT #         

File #         20-19-009

RECEIVED

MAY 22 2019

PLANNING DEPT.

APN: 1-045336-2

Statutory Warranty Deed  
- continued

File No.: 7161-3016154 (PS)

**Exhibit "A"**

Real property in the County of Jackson, State of Oregon, described as follows:

COMMENCING AT THE NORTHWEST CORNER OF DONATION LAND CLAIM NO. 82, TOWNSHIP 37 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH 0° 05' 20" EAST (RECORD SOUTH) ALONG THE WEST LINE OF SAID DONATION LAND CLAIM 30.00 FEET TO INTERSECT THE SOUTH LINE OF THE COUNTY ROAD (GARFIELD STREET) FOR THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 89° 56' 20" EAST (RECORD EAST) 160.00 FEET; THENCE SOUTH 0° 05' 20" EAST 180.00 FEET; THENCE NORTH 89° 56' 20" WEST 160.00 FEET TO INTERSECT THE WEST LINE OF SAID DONATION LAND CLAIM; THENCE ALONG SAID DONATION LAND CLAIM LINE, NORTH 0° 05' 20" WEST 180.00 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 01, 2008.

Tax Parcel Number: 1-045336-2

Page 6 of 60

10  
Page 194

CITY OF MEDFORD  
EXHIBIT # M  
FILE # ZC-19-009

7

ZONE CHANGE APPLICATION – Type III or IV

RECEIVED

MAY 22 2019

PLANNING DEPT.

TRAFFIC IMPACT ANALYSIS FORM

A. This section to be filled out by the applicant.

Map and Tax Lot(s): 372W36CD

3400

Acreage: 0.66 + 0.12 AC = 0.78 AC

Current Zoning District: SFR-00 9 ADT

Proposed Zoning District: SFR-10 0.78 AC \* 10 \* 9.44 24 ADT  
Δ = 65 ADT

B. This section shall be filled out and signed by a representative from the Public Works Department – Traffic Section prior to submittal of this Zone Change application.

Based upon the information above:

- A Traffic Impact Analysis is not required.
- A Traffic Impact Analysis is required.
- Insufficient information to determine if Traffic Impact Analysis is required.

Peter T Mackprang  
Printed Name

*P. T. Mackprang* 5-22-19  
Signature

Assoc Traffic Engineer  
Title

C. If Traffic Impact Analysis is required, two (2) copies shall be submitted to the Public Works Department – Traffic Section prior to or upon submittal of this Zone Change application, and this section shall be filled out and signed by a representative from the Traffic Section.

- A Traffic Impact Analysis is required and has been submitted to the Public Works – Traffic Section.

Printed Name

Signature

Title



## DENSITY CALCULATION FORM

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

SQ FT  0  
 AC  0

File No. ZC-19-009  
 Planner Steffen Roennfeldt  
 Date June 27, 2019

GROSS ACREAGE	
Tax Lot Numbers 372W36CD3400	0.66 AC
	AC
	AC
	AC
	AC
	AC
Existing ROW to Centerline	0.13 AC
Gross Acres	0.79 AC
Effective Acres (Gross - Subtracted)	<b>0.79</b>

SUBTRACTED ACREAGE	
Large Lots for Existing Development	AC
Reserved Acreage	AC
Other <sup>1</sup>	AC
	AC
	AC
	AC
	AC
Subtracted Acres	-

DENSITY RANGE	
Zoning District	SFR-10
Density Range	
Minimum	6
Maximum	10
<b>No. DU Proposed</b>	
No. DU Permitted Min.	<b>5</b>
No. DU Permitted Max.	<b>8</b>
Minimum	4.73
Maximum	7.89
Percentage of Maximum	<b>0.00%</b>
Less than 1 acre?	Yes
Updated	
Minimum Density	<b>4</b>

EXISTING R-O-W CALCULATION				
Street Name	LF	Width	SF	Acreage
Garfield St	160.00	35.00	5,600.00	0.13
		-	-	-
		-	-	-
		-	-	-
			<b>5,600.00</b>	<b>0.13</b>

Page 196

File # ZC-19-009  
 EXHIBIT # 0  
 CITY OF MEDFORD

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



Project Name:

**Rory Wold**  
**1335 Garfield Street**

Map/Taxlot:

**372W36CD TL 3400**

0 60 120  
 Feet

**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

5/30/2019

