



MEDFORD PLANNING

Date: October 6, 2020

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|---|---|---|
| <input checked="" type="checkbox"/> Building Department | <input checked="" type="checkbox"/> Avista Utilities | <input checked="" type="checkbox"/> Medford Irrigation District |
| <input checked="" type="checkbox"/> City Attorney – Katie Zerkel | <input checked="" type="checkbox"/> Charter Communications | <input checked="" type="checkbox"/> Medford School Dist. 549C |
| <input checked="" type="checkbox"/> Engineering- Jodi Cope | <input checked="" type="checkbox"/> Pacific Power & Light | <input type="checkbox"/> ODOT |
| <input checked="" type="checkbox"/> Engineering – Mike Casper | <input checked="" type="checkbox"/> Centurylink | <input type="checkbox"/> Phoenix School District 4 |
| <input checked="" type="checkbox"/> Engineering – Karl MacNair | <input checked="" type="checkbox"/> Rogue Disposal | <input type="checkbox"/> Rogue River Valley Irrigation |
| <input checked="" type="checkbox"/> Engineering – Jennifer Ingram | <input checked="" type="checkbox"/> Rogue Valley Transit District | <input checked="" type="checkbox"/> RVSS |
| <input checked="" type="checkbox"/> Fire Department | <input checked="" type="checkbox"/> US Post Office | <input type="checkbox"/> R.V. International Airport |
| <input checked="" type="checkbox"/> Parks & Recreation | <input type="checkbox"/> Federal Aviation Administration | <input type="checkbox"/> Talent Irrigation District |
| <input checked="" type="checkbox"/> Police Department | <input type="checkbox"/> Jackson Co. Admin. Officer | <input type="checkbox"/> OR Dept. of Aviation |
| <input checked="" type="checkbox"/> Water Commission | <input checked="" type="checkbox"/> Jackson Co. Health Department | <input checked="" type="checkbox"/> Engineering - Jon Proud |
| <input type="checkbox"/> City Manager | <input checked="" type="checkbox"/> Jackson Co. Planning | <input checked="" type="checkbox"/> Army Corps of Engineers |
| <input type="checkbox"/> Floodplain – Liz Conner | <input checked="" type="checkbox"/> Jackson Co. Roads | <input checked="" type="checkbox"/> ODFW |
| <input type="checkbox"/> Urban Renewal (MURA) | <input checked="" type="checkbox"/> Jackson Co. Surveyor | <input checked="" type="checkbox"/> DSL |

File No. LDS-20-272

Project Name: Stella Estates

Agent Contact:
CSA Planning Ltd.
raul@csaplanning.net

Consideration of a request for tentative plat approval for Stella Estates – Phases 1-4, a proposed 39 lot residential subdivision on three contiguous parcels totaling 7.86 acres. The property is within the Stella Estates Planned Unit Development (PUD-20-182), and is located at 1727 Thomas Road within the SFR-6 zoning district (Single-family Residential, six dwelling units per gross acre) (372W35DB TL 801/2501 & 372W35DC TL 400).

Planner:
Dustin Severs
dustin.severs@cityofmedford.org

Associated files: PUD-14-116/PUD-20-182 & LDS-14-117; PUD-07-049 & LDS-07-050; PLA-06-296, ZC-06-010

Attached are documents for your review. Please investigate and submit to the Planning Department, within ten (10) working days, a written report setting forth any necessary conditions as required of your department/agency for approval of the above project.

If your proposed conditions of approval include the dedication of land for public use or the provision of public improvements, please submit written findings with supporting data or information that justify the requirements. Specifically, the findings must show that there is an essential connection between your requirements and a legitimate government purpose, and that there is a rough proportionality between the burden of the requirement on the developer and the impacts of the proposed development on public facilities and services. All requirements may be strictly scrutinized by the courts and must have legitimate authority so that they will not result in a taking of private property.

If no comments are received within the 10-day review period, it will be assumed that there are no comments.

A Land Development Committee meeting is scheduled for Wednesday, October 21, 2020, at 9:30 a.m. via Zoom webinar.

Topic: Land Development Meeting

Link to join the webinar: <https://zoom.us/j/451911481>

Webinar ID: 451 911 481

Or iPhone one-tap:

US: +16699006833,,451911481# or +13462487799,, 451911481#

Or Telephone:

Dial (for higher quality dial a number based on your current location):

US: +1 669 900 6800 or +1 346 248 7799 or +1 929 205 6099 or +1 253 215 8782 or +1 301 715 8592

Or +1 312 626 6799

International numbers available: <http://zoom.us/u/aNbmsEjin>

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN APPLICATION)
FOR TENTATIVE SUBDIVISION PLAT)
TO CREATE 39 RESIDENTIAL LOTS)
AND THREE COMMON AREA LOTS ON)
8.16 GROSS ACRES LOCATED AT 1727)
THOMAS ROAD APPROXIMATELY 800)
FEET NORTH OF ITS INTERSECTION)
WITH SUNSET DRIVE WITHIN THE CITY)
OF MEDFORD, OREGON. THE)
SUBJECT PROPERTY IS FURTHER)
IDENTIFIED AS TAX LOTS 801 AND)
2501 ON JACKSON COUNTY)
ASSESSMENT MAP 352W35DB AND)
TAX LOT 400 ON JACKSON COUNTY)
ASSESSMENT MAP 372W35DC.)

Owner/Applicant: Stella RE)
Investments, LLC)

Agent: CSA Planning, Ltd.)

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Applicant's Exhibit 1

I

NATURE, SCOPE AND INTENT OF APPLICATION

Stella RE Investments, LLC (“Applicant”) seeks re-approval of the Stella Estates Tentative Subdivision Plat to create 39 residential lots and three common area lots in four phases on 8.16 acres (gross)¹ of land located in southwest Medford east of Thomas Road. The subdivision plan layout corresponds with the Stella Estates Final Planned Unit Development Plan which has been approved by the city and is still valid. The project has been designed to preserve existing wetland and stream corridor areas associated with Elk Creek over the eastern half of the property by reserving two common area lots (Lots 32 & 33) and in accordance with a state and federally approved wetland compensatory mitigation plan. A third common area lot (Lot 29) provides a shared parking area with three parking spaces.

The original tentative subdivision plan had been approved by the Planning Commission to create 40 residential lots and three common area lots. The project was revised to reserve

¹ 7.84 net acres



Findings of Fact and Conclusions of Law

Tentative Subdivision Plat – Stella Estates
Stella RE Investments, LLC: Applicant

more area needed to accommodate creek/pond/wetlands and stormwater management facilities in order to obtain the state and federal approvals. The revised configuration sets aside approximately 1.86 acres as common area for that purpose, which is about one-third of an acre more than the 1.51 acres set aside in the original plan. The final PUD plans incorporated the revised lot configuration (for 39 residential lots and three common area lots) as *de minimus* approved under the authority of the Planning Director in accordance with the Medford Land Development Code. However, obtaining state and federal approval for the wetlands mitigation plan and removal/fill permit for the proposed street crossing delayed the ability to complete construction of infrastructure necessary to obtain final plat approval before the tentative subdivision plat approval expired in February 2020. Applicants hereby request approval of the revised tentative subdivision plan in order to proceed with the project.

The subdivision will provide for seven duplex homes on fourteen lots (shared wall along common property line) and twenty-five single-family detached homes on twenty-five individual lots, one common area lot for a shared parking area and two common area lots for stormwater facilities, wetlands and Elk Creek.

II

EVIDENCE SUBMITTED WITH THE APPLICATION

Applicant herewith submits the following evidence with the Preliminary PUD and Land Division applications:

- Exhibit 1.** Proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the Tentative Subdivision Plat and Preliminary PUD Plan applications comply with the applicable substantive criteria of the MLDC
- Exhibit 2.** Tentative Plan for Land Division (LJ Friar & Associates)
- Exhibit 3.** Approved Final PUD Plans
 - a. PUD Plan (CSA Planning, Ltd.)
 - b. Landscape Site Plan (Terrain Landscape Architecture)
 - c. Medford Planning Approval – De Minimis Revision/Final PUD Plan
- Exhibit 4.** Engineering Plans (CEC Engineering)
 - a. Conceptual Grading and Stormwater Drainage Facility Plan
 - b. Conceptual Sewer and Water Plan
 - c. Conceptual Roadway Cross Sections
- Exhibit 5.** City of Medford Zoning Map on Aerial Photo
- Exhibit 6.** Assessor's Plat Map (37-2W-35DB and 35DC) with subject parcels identified
- Exhibit 7.** Adopted Southwest Medford Circulation Plan

Exhibit 8. City of Medford Riparian Inventory Map

Exhibit 9. City of Medford Local Wetland Inventory – Map 6

Exhibit 10. Federal and State Issued Wetland Permits and Approved Mitigation Plan

Exhibit 11. GLUP Map

Exhibit 12. Completed application forms and power of attorney from the record owner of the property.

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which these applications must be approved are in Article II of the Medford Land Development Code (MLDC). The criteria for approval of a Subdivision Tentative Plat are recited verbatim below and again in Section V where each is followed by the conclusions of law of the Planning Commission:

LAND DIVISION – TENTATIVE SUBDIVISION PLAT

10.202 Subdivision Tentative Plat

...

(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;

Findings of Fact and Conclusions of Law

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- (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.

IV

FINDINGS OF FACT

The following facts are found to be true with respect to this matter. The below Conclusions of Law are supported by the facts provided herein.

1. **Property Location, Description, and Size:** The subject property is a tract of three parcels located at 1727 Thomas Road. The tract is located adjacent and extends 595 feet east of Thomas Road. The three parcels are identified as Tax Lots 801 and 2501 on Jackson County Assessment Plat 372W35DB and Tax Lot 400 on Jackson County Assessment Plan 372W35DC. The tract has 7.86 acres net and 8.16 gross acres as measured to the center line of Thomas Road. The subject tract surrounds three smaller parcels which abut Thomas Road but are not part of the subject property. These are Tax Lots 800 and 2500 on MAPID 372W35DB and Tax Lot 100 on MAPID 372W35DC.
2. **Zoning:** The subject property zoned SFR-6 in its entirety.
3. **GLUP Map:** The west half of the subject tract is designated as UR (Urban Residential) (UR) on Medford's General Land Use Plan (GLUP) Map. The northeast quadrant is designated as UH (Urban High Density Residential) and the southeast quadrant is designated as UM (Urban Medium Density Residential).²
4. **Prior Land Use Actions:** File ZC-06-010 (change of zoning from SFR-00 to SFR-6); File PLA-06-296 (property line adjustment resulting in current parcel configuration); Files PUD-07-049/LDS-07-050 (Preliminary PUD Plan and Tentative Subdivision Plan for Thomas Lagune Estates project, since expired); Files PUD-14-116/LDS-14-117 (Stella Estates Preliminary PUD Plan and Subdivision); PUD-14-116 Phase 1 & 2 Final PUD Plans (approved December 21, 2017 and May 18, 2018, respectively); PUD-20-182 (Final PUD Plan approved on July 20, 2020 for Phases 3 & 4 approved including *de minimis* modifications resulting in 39 rather than 40 dwelling units overall in order to increase size of common area lots to increase wetland mitigation area). The Final PUD Plans are non-expiring and still in effect for Stella Estates. The tentative subdivision plan for Stella Estates expired on February 26, 2020.

² On December 4, 2014, Ordinance 2014-154 was adopted by the Medford City Council which enacted "Selected Amendment Locations" city wide to Medford's GLUP Map. The northeast quarter of the subject tract was included as part of "SAL" No. 630a for re-designation as Urban High Density Residential land and the southeast quarter of the subject tract was included as part of "SAL" No. 630b for re-designation as Urban Medium Density Residential Land. Both SAL Nos. 630a and 630b extend east to Orchard Home Drive. The balance of the subject tract (i.e., the west half) retains the original Urban Residential GLUP Map Designation and the current SFR-6 zoning was not changed at all by Ordinance 2014-154. SFR-6 Zoning is still in effect for the entire tract. However, the Stella Estates Subdivision and PUD plans are laid out to provide a transition west to east from detached to attached residential housing types as is now planned on the Medford GLUP Map.

5. **Riparian Corridor and Wetland Areas:** Elk Creek flows in a northeasterly route through the eastern half of the property. Elk Creek is not designated as a fish-bearing stream on the City of Medford's adopted Riparian Corridor Map or in the riparian inventory study upon which it is based. Associated wetlands are depicted on Map 6 of the City of Medford Local Wetland Inventory (dated September 2002), which is included herein as Applicant's Exhibit 9. An on-site field survey to delineate the wetlands was conducted in January 2014 by the project wetlands consultant, Martin Schott, Ph.D., PWS of Schott & Associates, Inc. The wetland consultant coordinated with the project surveyor to delineate the identified wetlands by ground survey. The delineated wetland area is shown on the tentative subdivision and preliminary PUD plans for the project. The delineation has been submitted to the Oregon Division of State Lands and is pending approval (DSL WD2014-0192). The field work and survey indicated that the wetlands are more extensive than indicated on the City's Local Wetland Inventory and by prior on-site study conducted in 2007. At its widest point, the wetland area measures 160 feet. The current project has been designed to generally avoid the wetland areas except for two street crossings. The Cunningham Drive alignment for minor arterial roadway will be dedicated to correspond with existing right-of-way already obtained by the City for that purpose. One local order minor residential street crossing (Orleans Street) is proposed through the center of the subject tract over a narrow reach of the wetland area. All lots and common area improvements (e.g., drainage) have been designed to otherwise avoid encroachment into the wetland area. Federal and State approvals as included at Applicant's Exhibit 10 have been obtained for the project wetland impacts and mitigation plan based on the subdivision configuration currently proposed for city approval.
6. **Surrounding Land Uses:** Applicant's Exhibit 5 is an aerial photo map depicting the current zoning and existing development of the subject property and surrounding vicinity. Land uses that presently surround the property are:
- A. **North:** Residential development exists to the north of the northeast corner of subject tract. These residential lots are typical subdivision lots ranging from 0.14 to 0.19 acres in size. This subdivision is platted as Elk Creek Estates (Phase 3). Public right-of-way was dedicated to the City along the south boundary of the Elk Creek Estates project for a future arterial street extension for Cunningham Lane. The City of Medford also owns Tax Lot 700 (372W35DB) in fee simple to be used for construction of the future Cunningham Lane extension. That property is two-thirds of an acre in area and contains one home built in 1941 (1364 square feet). Properties to the northwest of the project site are SFR-00 zoned and developed to suburban residential intensities under the former county SR-2.5 zoning.
 - B. **South:** Lands adjacent and south of the subject property to Sunset Drive are residentially developed with parcels ranging in size from 0.30 to 2.88 acres in the SFR-00 zoning district.
 - C. **East:** Land to east of the subject property is zoned SFR-6. Approximately five acres between the northeast quarter of the subject property and Orchard Home Drive was

re-designated by Ordinance 2014-154 as UHDR land on the Medford GLUP Map as part of SAL No. 630a. Approximately 28 acres to the south of SAL No. 630a has been re-designated as UMDR land as part of SAL No. 630b which extends to Sunset Drive. A manufactured dwelling and small outbuildings are sited on Tax Lot 400 (MAPID 352W35DD) near the southeast corner of the subject tract. Otherwise, the area to the east of the subject property and north of Westwood Drive is vacant. A prior approval for subdivision of that tract (Westwood Estates) has expired and the original tract is under a variety of new ownerships.

- D. **West:** Lands west off Thomas Road and west of the subject property are residentially developed with parcels ranging in size from 1.38 acres to 3.57 acres in size. The area to the west is generally zoned SFR-00 except for a tract zoned SFR-6 west of the subject Tax Lot 400 (southern-most parcel). The Anjou Estates Subdivision west of Thomas Road includes 19 single family residential lots.
7. **Topography:** The natural grade of the subject property is southwest to northeast and ranges in elevation from 1490.0 at the southwest corner to 1480.0 at the northeast corner, a slope of less than 1 percent.
8. **Density:**
- A. **Proposed Density:** The project proposes 39 dwelling units within a gross area of 8.16 acres, for an overall density of 4.77 units per acre. Adjusting for Non-Development Areas (1.03 acres of contiguous wetland/pond area as described in the compensatory mitigation plan included in Applicant's Exhibit 10), overall density will be 5.47 dwelling units per acre.
- B. **Allowable Density:** The base residential density range within the SFR-6 zoning district is 4.0 to 6.0 dwelling units per gross acre pursuant to MLDC 10.310-1 which may be increased by 20% more than the maximum in PUDs larger than five acres pursuant to MLDC 10.230(I)(2). The proposed density falls within the standard base range of 4.0 to 6.0 dwellings per acre.
9. **Modified Application of Standards:** The Planning Commission authorized modification to standards for the Stella Estates Preliminary PUD Plan pertaining to specific lots including: 1) modification of minimum lot area, width, depth, coverage, and frontage standards, and 2) implementation of private streets to be utilized as shared driveway easements to provide for clustering and an efficient development pattern to preserve over 19% of the project area as open space. The Final PUD Plan was approved with *de minimus* revisions to accommodate additional open space area for wetlands preservation and mitigation as set forth in the Planning Department's staff report included at Applicant's Exhibit 3c. The tentative subdivision plan incorporates all previously approved modifications to standards with no further changes proposed.

Findings of Fact and Conclusions of Law

Tentative Subdivision Plat – Stella Estates
Stella RE Investments, LLC: Applicant

- 10. **Common Elements:** Common elements include the Elk Creek stream corridor with associated wetlands, stormwater quality and detention open space areas, a pedestrian access way, and shared courtyards and parking as a limited common elements for adjoining housing units. Common areas will be landscaped as indicated in the proposed landscape plan.
- 11. **Sanitary Sewer:** Rogue Valley Sewer Service serves the subject property. An existing 15-inch sewer main is located on Thomas Road along the subject property frontage. The sewer system will be extended through the project as shown on the conceptual sewer and water plan (Applicant’s Exhibit 4b).
- 12. **Water:** An eight-inch main in Thomas Road along the southwest corner of the subject property will be extended along and through the property to serve the development shown on the conceptual sewer and water plan (Applicant’s Exhibit 4b). Existing wells on the subject tract currently serving the home on the subject Tax Lot 400 and the adjoining homes on Tax Lots 800 and 2500 (formerly part of the subject tract) will be abandoned and replaced by municipal water service to be extended by the developer.

V

CONCLUSIONS OF LAW

The following conclusions of law are based on the findings of fact contained above in Section IV of this document and relate to the approval criteria for a Preliminary PUD Plan and Tentative Plat. The substantive applicable approval criteria are recited verbatim below and followed by the conclusions of law:

LAND DIVISION – TENTATIVE SUBDIVISION PLAT

10.202 Subdivision Tentative Plat

...

(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;



Findings of Fact and Conclusions of Law

Tentative Subdivision Plat – Stella Estates
Stella RE Investments, LLC: Applicant

- (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.

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;

Discussion; Conclusions of Law: A final decision pertaining to a site within an urban growth boundary that concerns the approval or denial of a tentative subdivision plan is a limited land use decision pursuant to ORS 197.015(12)(a). Pursuant to ORS 197.195, cities and counties – within two years of September 29, 1991 – are required to incorporate all comprehensive plan standards applicable to limited land use decisions within their land use regulations. The statute further provides that if a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision. The Oregon Land Use Board of Appeals (LUBA) has ruled that in order to incorporate a comprehensive plan standard into a local government’s land use regulations within the meaning of ORS 197.195(1) and thus apply that plan standard to a limited land use decision as an approval criterion, the local government must at least amend its land use regulation to identify specific plan policies or provisions that apply to a limited land use decision as approval criteria. A code requirement to “comply with the comprehensive plan” is insufficient to incorporate any comprehensive plan standard under ORS 197.195(1). *Paterson v. City of Bend*, 49 Or LUBA 160 (2005). MLDC Section 10.202(E)(1) does not identify specific comprehensive plan policies or provisions that apply to limited land use decisions and, as such, does not function to incorporate any comprehensive plan standards into the city’s land use regulations as is required by ORS 197.195(1). The application complies with specific standards adopted into the Medford Development Ordinance except as per the modifications authorized by the approved Planned Unit Development for which Final PUD Plans for all phases have already been approved.

Land Division Criterion 2

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

Discussion; Conclusions of Law: All property within the same ownership is proposed for development at this time. The proposed subdivision and street layout has been designed to make possible the future division of adjacent parcels for urban infill in a manner consistent



with Medford land division standards. The street alignments were adjusted after meeting with neighboring property owners to discuss their particular concerns. For example, the initial alignment for Orleans Street was to connect to Thomas Road further north where Lot 2 is now proposed. The owners of property to the east of Thomas Road opposite of the subject property expressed concern that the alignment would be located directly across from the front of their home. The proposed intersection was adjusted to the south to align with their paved drive to the south of the home along the common property line with the parcel to the south. A future residential street or lane could be accommodated to the west along the alignment to connect to a future extension of Tivoli Drive to create an appropriate block pattern. DuBois Lane has been aligned to allow for extension through the enclaved Tax Lot 100 it may be partitioned into two parcels – one fronting on Thomas Road and one on DuBois Lane. A residual area between the future DuBois Lane and Elk Creek would be usable as stormwater treatment area to serve that property. The driveways have been planned to assure that no more than eight homes, including a future east parcel from Mr. Hillman’s property, will take access from the residential lanes between the minor residential Orleans Street and the standard residential Thomas Road when DuBois Lane is linked with Blanche Lane. The arrangement of Stella Drive along the east property line to connect Westwood Drive with Orleans Street will also establish a sensible block pattern to the east side of Elk Creek. The configuration, existing development, and creek/wetland impact for Tax Lots 500 and 600 to the south is not conducive to further division of those properties – and both property owners expressed alarm about the notion of connecting Westwood Drive due west through their narrow parcels to Thomas Road which would necessitate demolition of their homes and an addition creek crossing. Based on the foregoing findings, it is concluded that Land Division Criterion 2 is met.

Land Division Criterion 3

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

Discussion; Conclusions of Law: The name of the project has been confirmed with the Jackson County Surveyor’s office, the approving authority pursuant to ORS Chapter 92, that the proposed name Stella Estates is available and has reserved the same for use by this property.

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;



Findings of Fact and Conclusions of Law

Tentative Subdivision Plat – Stella Estates
Stella RE Investments, LLC: Applicant

Discussion; Conclusions of Law: The planned streets as depicted on the adopted Southwest Medford Circulation Plan will be accommodated by the proposed development plan except for an adjustment as discussed to consolidate two creek crossings to a single crossing and thereby avoid further disturbance to the natural area and the existing homes adjacent and south of the subject property. The creek crossing will be provided by way of Orleans Street which will intersect with Thomas Road 440 feet north of its intersection with Westwood Drive at Anjou Estates. Dubois Lane and Blanche Lane, each approximately 300 feet in length, will connect south of Orleans Street and east of Thomas Road to form a small residential block to the west of Elk Creek. Blanche Lane will intersect with Thomas Road 140 feet north of the Westwood Drive intersection that will serve the Anjou Estates subdivision. The minimum distance between intersections for offset streets, pursuant to MLDC Section 10.426(D), is 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 reduction to 140 feet was previously approved by the Planning Commission for this project as necessary to economically develop the subject Tax Lot 400 which is divided by Elk Creek and otherwise juxtaposed between two 70-foot wide parcels in separate ownership. The proposed plan will provide for access to approximately one acre (net) of buildable land situated between Thomas Road and Elk Creek which will yield six residential lots, accommodate the future partition of Tax Lot 100 to the north, and make possible a blocked street system and direct residential lane access along the creek.

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;

Discussion; Conclusions of Law: The streets will all be city streets dedicated to the public. To the extent the proposed shared driveway easements are construed to be streets, the same are distinguished on the tentative plan and will be reserved for private access to serve the adjoining lots in accordance with Land Division Criterion 5.

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.

Discussion; Conclusions of Law: There are no adjoining agricultural lands within the EFU zoning district. Land Division Criterion 6 does not apply.



VI

ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, it is ultimately concluded that the Subdivision Tentative Plan for Land Division is consistent with all of the relevant approval criteria as addressed hereinabove.

VII

STIPULATIONS OFFERED BY APPLICANT

If made conditions attached to the approval of any of these land use permit applications, applicant herewith agree to stipulate:

1. The project will be constructed in accordance with the application herein provided, subject to reasonable conditions that the City may require in its final action.
2. Dedication of rights-of-way for streets will be provided as indicated on the land division plan. Dedication of right-of-way for a future extension of Cunningham Lane as a City arterial street is offered subject to SDC credits or other fair compensation.
3. Applicant will provide copies of all state and federal permits related to wetland impacts prior to commencing development activities within these areas.

Respectfully submitted on behalf of Applicant:

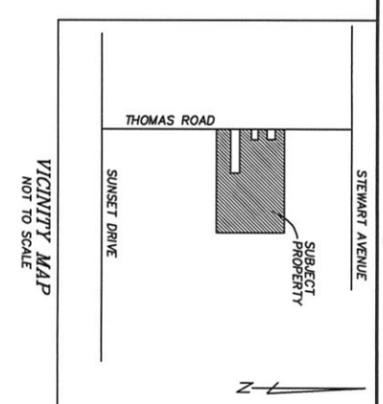
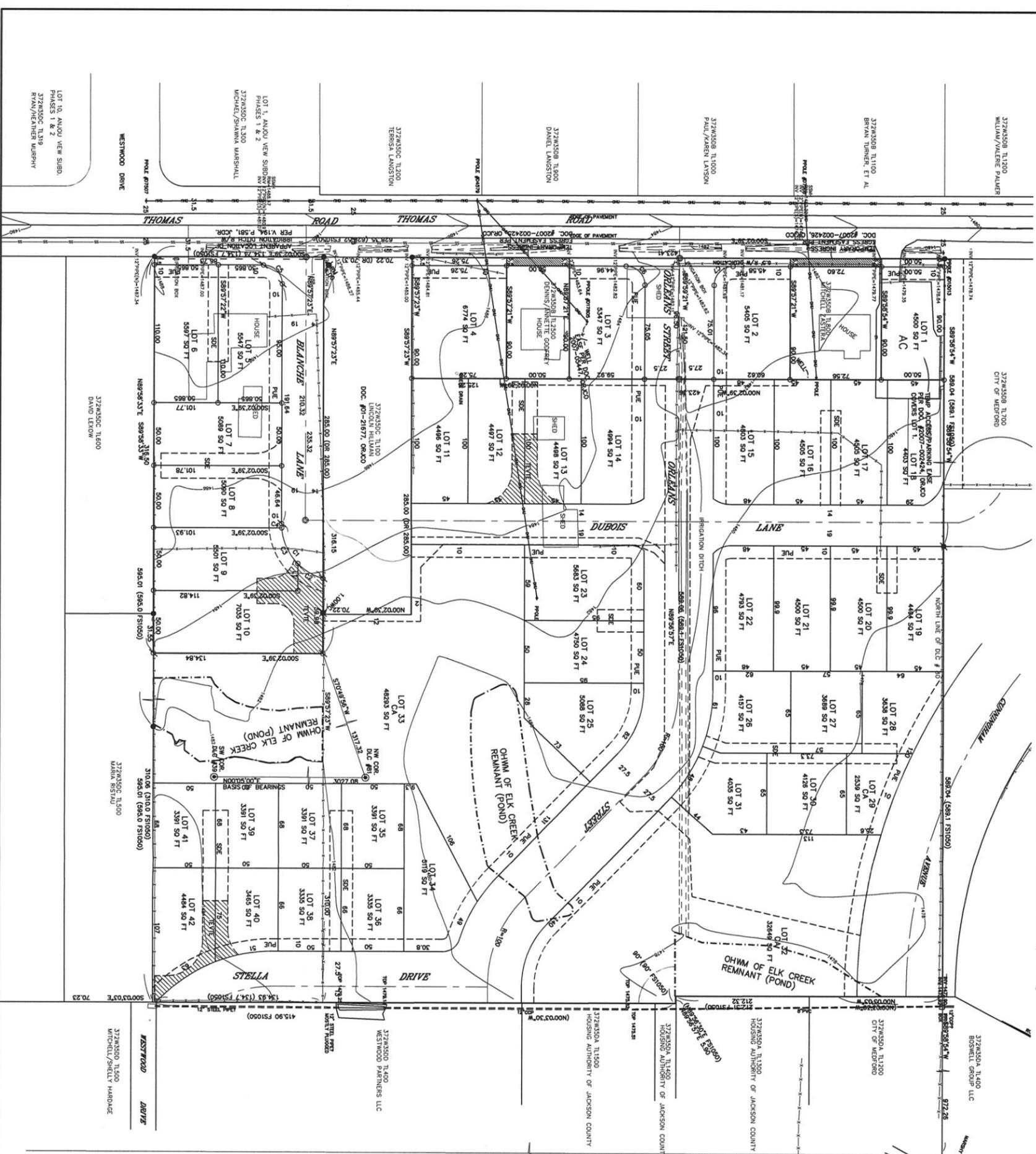
CSA Planning, Ltd.



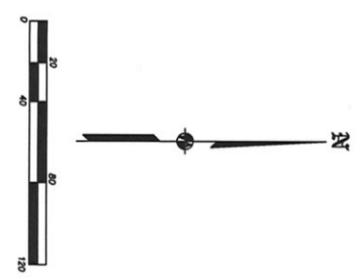
Raul Woerner
Consulting Planner

September 11, 2020

REVISED TENTATIVE PLAT
STELLA ESTATES, PHASES 1-4
 A PLANNED COMMUNITY
 Located in the SE 1/4 of Sec. 35, T37S, R2W, W.M.
 & in the City of Medford, Jackson County, Oregon



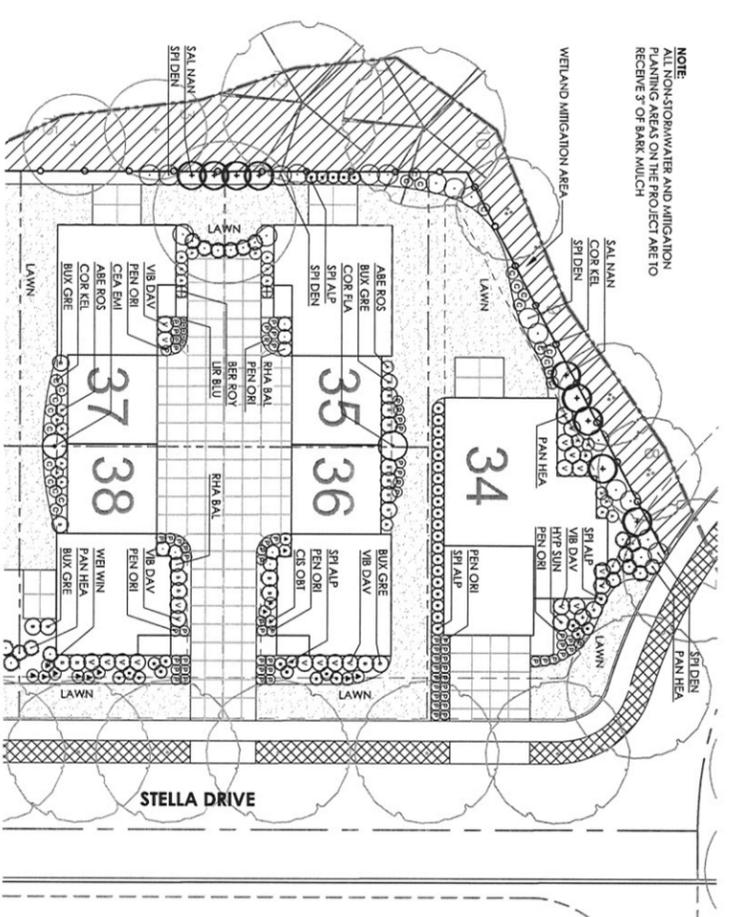
FILE NO. _____ DATE _____
 EXHIBIT **11 A**
 ASSessor's PARCEL NO. 2370000 375 807/000 & 3002 3400
 ZONING DISTRICT: SR 1 B
 MIN. LOT SIZE: 4000 SQ FT MAX. LOT SIZE: 10000 SQ FT
 NO. OF LOTS: 38 RESIDENTIAL LOTS & 3 COMMON TRACTS
 THIS PLAT: _____
 COMP. PLAN COPIES: _____
 RECEIVED BY: _____ DATE: _____
 RETURNED BY: _____ DATE: _____



NOTES:
 SCHOOL DISTRICT: MEDFORD 549C
 IRREGULAR DISTRICT: M.D./NOT BEING ASSESSED)
 GROSS ACREAGE = 418 AC
 ALL STRUCTURES TO BE REMOVED UNLESS NOTED.
 10' PUE ALONG ALL PUBLIC STREETS.
 10' PUE ALONG ALL PUBLIC DRIVEWAYS.
 1' STREET PLUG ALONG ALL R/W THAT ADJACENT PROPERTY.

<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p><i>James E. Hibbs</i></p> <p>DATE: JUL 17, 1988 JAMES E. HIBBS</p>	<p>TENTATIVE SUBDIVISION PLAT</p> <p>OWNER: ANNUOU INVESTMENTS, LLC 3725500 T.L. 801 & 2801/3500 T.L. 400</p> <p>STELLA RE INVESTMENTS, LLC 3725500 T.L. 801 & 2801/3500 T.L. 400</p> <p>STELLA RE INVESTMENTS, LLC 3725500 T.L. 801 & 2801/3500 T.L. 400</p> <p>STELLA RE INVESTMENTS, LLC 3725500 T.L. 801 & 2801/3500 T.L. 400</p> <p>STELLA RE INVESTMENTS, LLC 3725500 T.L. 801 & 2801/3500 T.L. 400</p>	<p>DATE: 1 JUL 2009</p> <p>DRAWN BY: JEH</p> <p>CHECKED BY: JEH</p> <p>DATE: 1 JUL 2009</p> <p>DATE: 1 JUL 2009</p>
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NOTE
 ALL NOTATION WATER AND IRRIGATION
 PLANTINGS ARE ON PROJECT ARE TO
 RECEIVE 3" OF BARR. MITCH



A TYPICAL CLUSTER HOUSING PLANTING
 Scale: 1" = 20'-0"

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
TREES				STORMWATER FACILITY			
ACE MAC	Acier macrophyllum	Riparian Maple	1.5' cal	Comptosia arifolia	Sandbarberry	1' gal	
AIN RUB	Ainus rubra	Western Red Alder	1.5' cal	Cornus sericea Thiboutoni	Yellow Dogwood	1' gal	
BET RUB	Betula nigra Duru Hoarf	Downland Blue Birch	1.5' cal	Juniperus horizontalis	Ground Juniper	1' gal	
FRALAT	Fraxinus latifolia	Oregon Ash	1.5' cal	Spiraea douglasii	Douglas Spiraea	1' gal	
PIS CHI	Pinus chionensis	Chinese Pinyon	7' cal	Solidago nemoralis	DMR/ALICE Willow	1' gal	
QUE RUB	Quercus rubra	Red Oak	7' cal				
TIL EUC	Tilia eucliora	Crimson Linden	7' cal				
ULM PAR	Ulmus parvifolia	Locustbark Elm	7' cal				
SHRUBS				GROUND COVER & TURF			
ABE ROS	Azalea x Rose Creek	Rose Creek Azalea	5 gal	Colocynthis callicaulis	Repenant	1 gal	
BER ROY	Berberis x Royal Burgundy	Royal Burgundy Berbery	3 gal	Gentio lida	Vancouver Gold	42' oc	
BUX GRE	Buxus x Green Mountain	Green Mountain Boxwood	5 gal			36' oc	
CEA EMI	Ceanothus x Emily Brown	Emily Brown Calif. Libc	2 gal			36' oc	
CIS OBT	Cistus obtusifolius	White Rockrose	5 gal			36' oc	
COR KEI	Cornus sericea 'Kelsey'	Kelsey Dogwood	1 gal				
COR FIA	Cornus sericea 'Floraem'	Yellow Dogwood	1 gal				
HYP SUN	Hypoxis montanum 'Sunburst'	Sunburst Hipoxis	3 gal				
LYR BLU	Lythrum x Big Blue	Big Blue Lythrum	1 gal				
PAN HEA	Panicum virgatum 'Heavy Metal'	Heavy Metal Switchgrass	1 gal				
PAN ORI	Panicum obtense	Heiend Fountain Grass	1 gal				
RHA BAL	Rhaphanistrum 'Soleil'	Balding Horitikon	5 gal				
SAL NAN	Salix purpurea 'Nand'	DMR/ALICE Willow	1 gal				
SPI ALP	Spiraea japonica 'Alpine'	Alpine Spiraea	1 gal				
SPI DEN	Spiraea densiflora	Mountain spiraea	1 gal				
VIB DAV	Viburnum davidii	David Viburnum	2 gal				
WIB WIN	Wibegia florida	Wine and Roses Weigala	5 gal				

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
	Colocynthis callicaulis	Repenant	1 gal
	Gentio lida	Vancouver Gold	42' oc
		Vancouver Gold Bloom	36' oc
		Toil Fescue Blend	36' oc

IRRIGATION AREA
 All irrigation wetland areas are to planted per the Compendium Wetland Mitigation Plan as prepared by Scott and Associates, dated December 2018.



NOTE
 LOT #29 TO BE LANDSCAPED TO MEET
 THE CITY OF MEDFORD MUNICIPAL CODE
 10.746
 ULM PAR
 8' TALL SOLID WOOD FENCE
 ENGINEERED TO STAND STRAIGHT



REG. # 409
 REVIEW
 JAGGELLIVE
 ARCHITECT
 OREGON

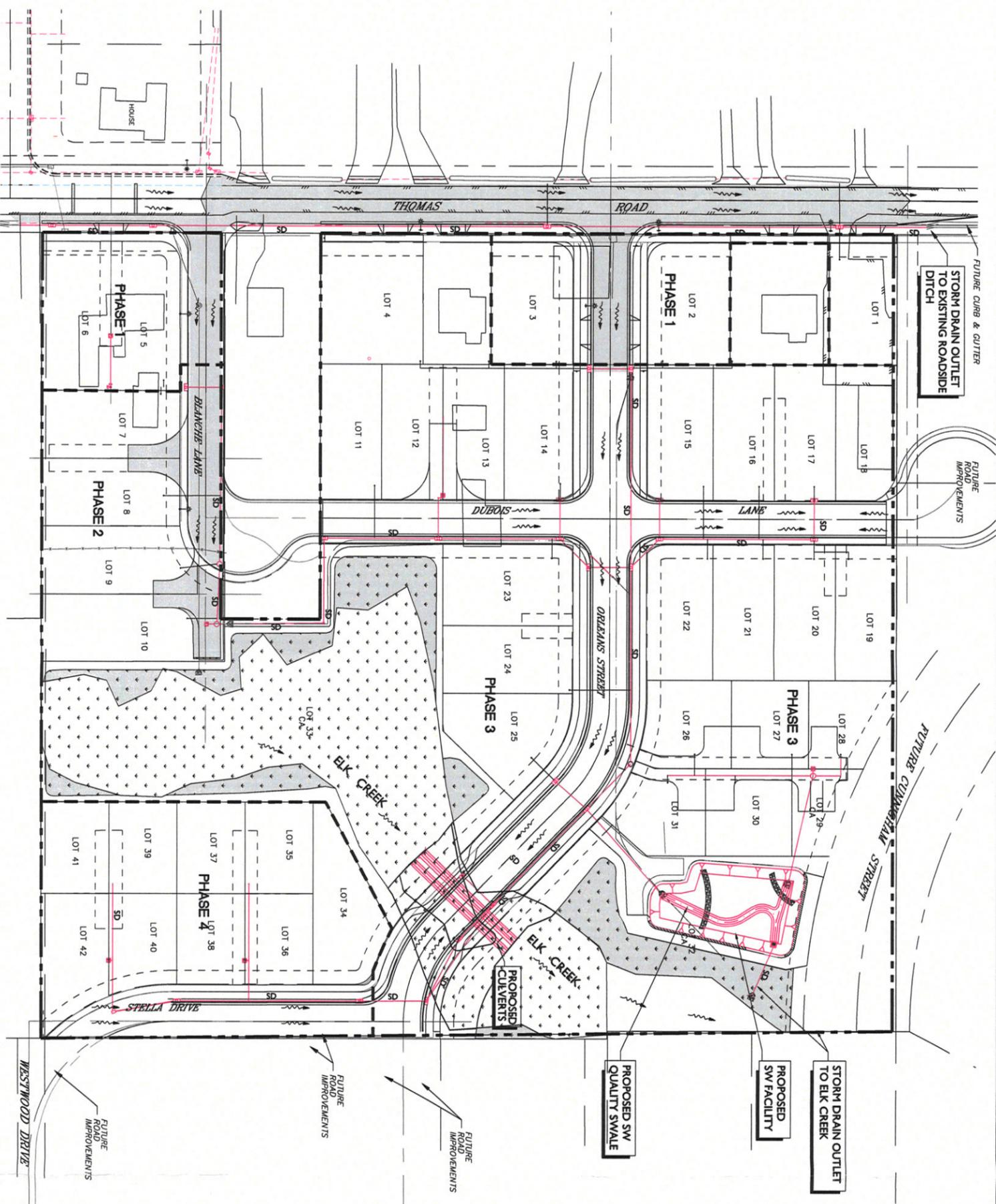
STELLA ESTATES
 Thomas Road
 Medford, Oregon

REVISIONS
 # DATE DESCRIPTION

PUD
 FINAL
 LANDSCAPE
 PLAN
L 1.0

PROJECT NO. 2022
 05.28.20
 TEAM: JCL

TERRAIN
 LANDSCAPE ARCHITECTURE
 174 Hidden Lane - Ashland, OR
 541.433.1111
 TERRAINARCH.COM



- LEGEND**
- SURFACE DRAINAGE DIRECTION
 - PROPOSED STORM MAIN
 - EXISTING STORM MAIN
 - PROPOSED STORM INLET
 - PROPOSED SD MANHOLE
 - EXISTING SD MANHOLE
 - EXISTING CONTOUR (2' INTERVAL)

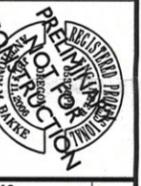


EXHIBIT C.1



DRAWN BY:	TAM	DATE:	08/14
CHECKED BY:	MWK	DATE:	08/14
DATE:		DATE:	
DATE:		DATE:	
DATE:		DATE:	

NO.	REVISION	DATE	BY



CITY OF MEDFORD
STELLA SUBDIVISION
CONCEPTUAL GRADING AND
STORMWATER DRAINAGE FACILITY PLAN
DRAWING NO. 1 of 3



Know what's Below.
Call before you dig.



P.O. BOX 1294, MEDFORD, OR 97501
TEL: (541) 779-5880

DRAWN BY: TAM
CHECKED BY: MAM

NO. REVISION

DATE BY

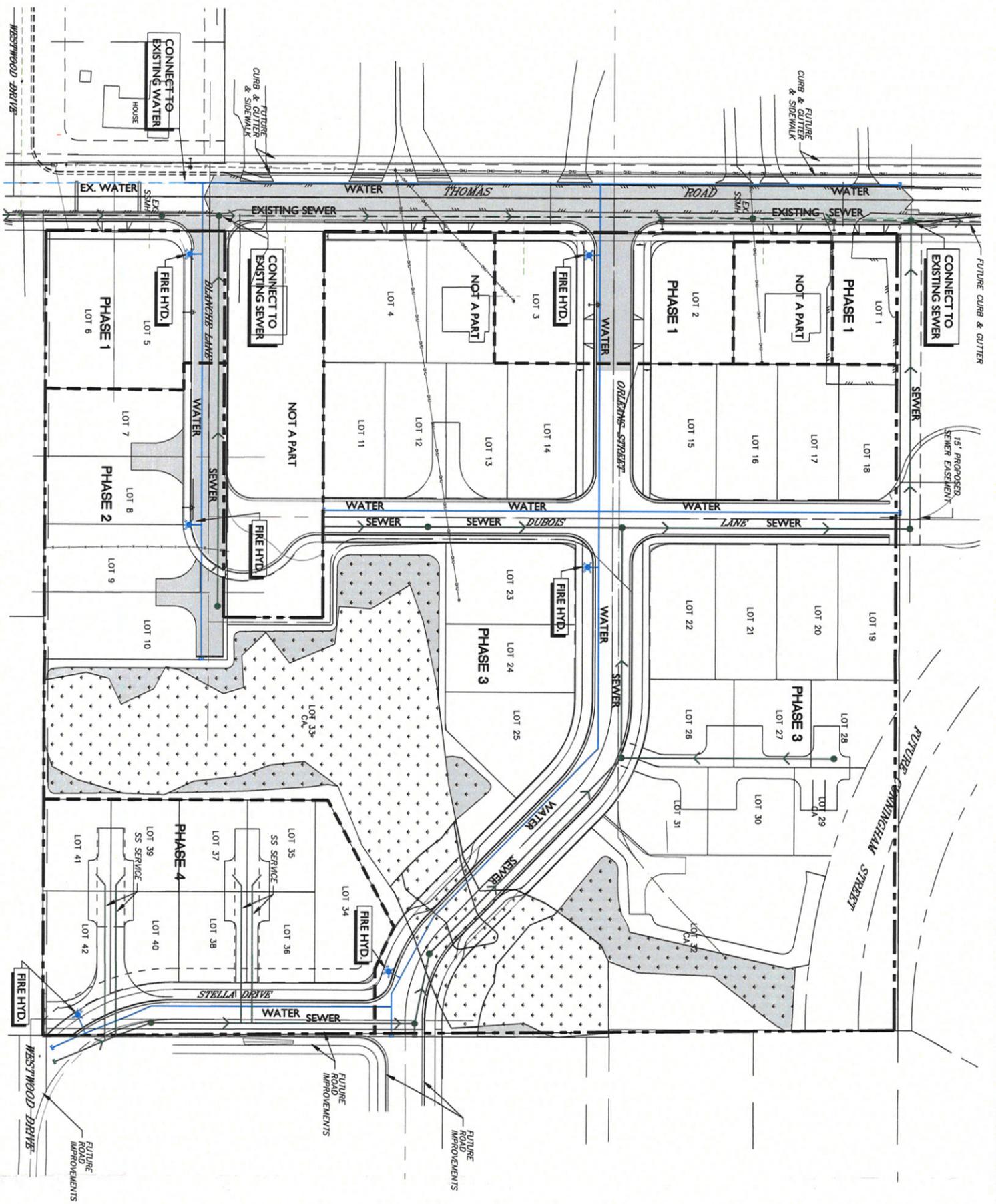


EXHIBIT C.2

CITY OF MEDFORD
STELLA SUBDIVISION
CONCEPTUAL
SEWER AND WATER PLAN

PROJECT NO.
DRAWING NO.
2 of 3

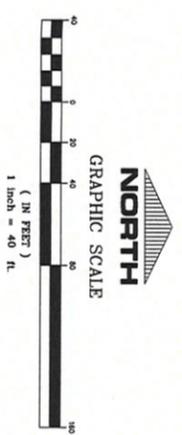
NAME: Concept-Utility PROJ: 14-05 PLOT DATE: 06/22/20

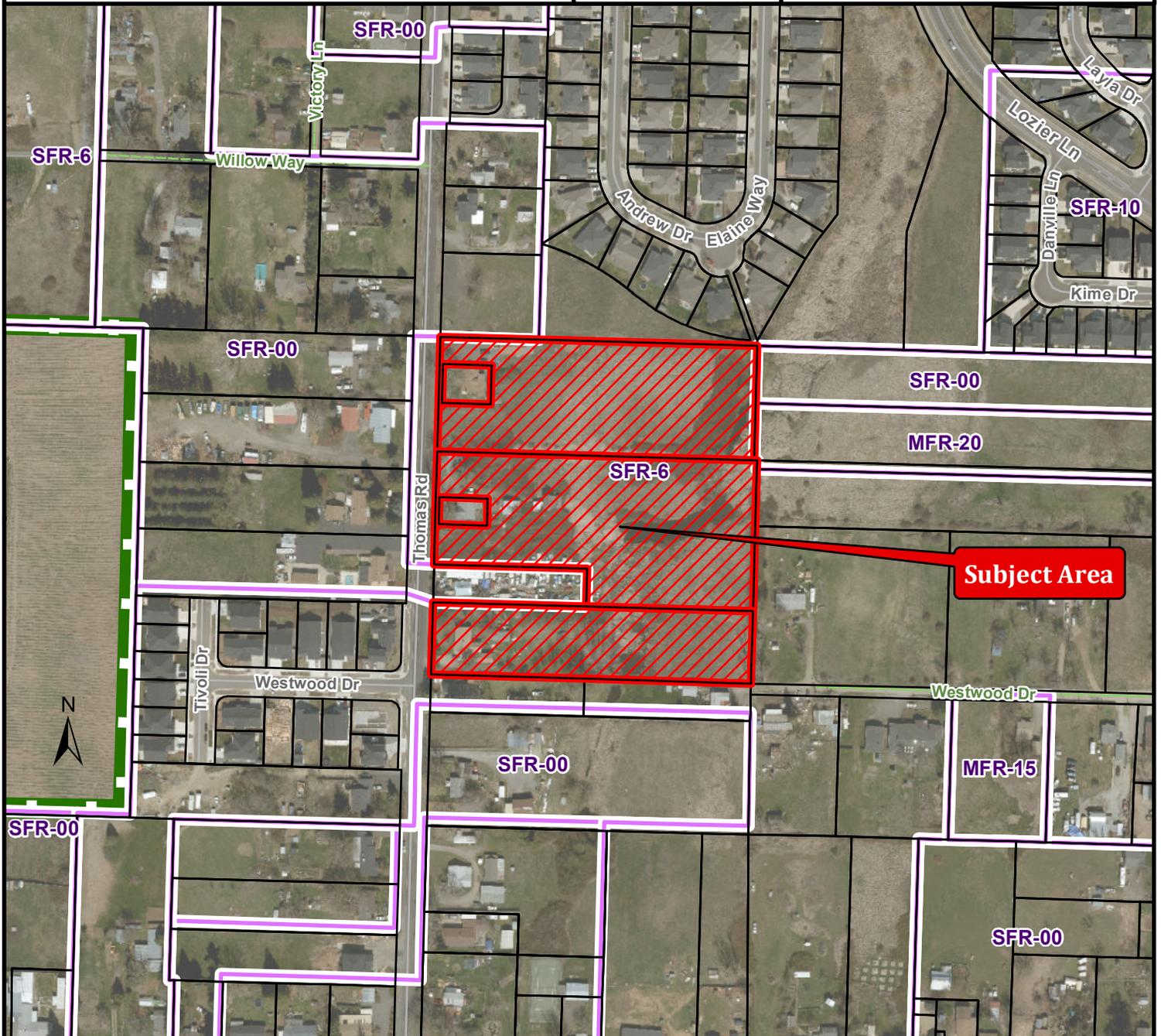


NOTE
FIRE HYDRANT PLACEMENT SHALL BE COORDINATED WITH
CITY OF MEDFORD FIRE DEPARTMENT REQUIREMENTS.

LEGEND

- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- PROPOSED SEWER MANHOLE
- EXISTING SEWER MANHOLE
- PROPOSED SANITARY SEWER MAIN
- EXISTING SANITARY SEWER MAIN
- ★ PROPOSED FIRE HYDRANT



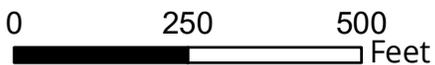


Project Name:
Stella Estates Subdivision

Map/Taxlot:
372W35DB TL 801, 2501
372W35DC TL 400

Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts



Date: 10/6/2020

