

PLANNING COMMISSION AGENDA AUGUST 10, 2023



MEDFORD
OREGON

Commission Members

Rachel Bennett

Larry Beskow

David Culbertson

Bill Mansfield

Mark McKechnie

E. J. McManus

Jared Pulver

John Quinn

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 MEETING AGENDA



MEDFORD
OREGON

August 10, 2023

5:30 p.m.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

10. Roll Call

20. Consent Calendar/Written Communications

20.1 LDS-23-112 Final Order of tentative plat approval for Phase 2 of Hidden Hills Subdivision, a proposed 19-lot (Lots 12-30) residential subdivision, including a 2.74-acre tract of land proposed for reserve acreage (Tract C), and a 0.45-acre tract of land (Tract B) proposed for stormwater detention. The property is located on two parcels totaling approximately 8.36 acres and located south of Delta Waters Road and west of North Foothill Road (Address: 2953 Fairfax Street). The property is contained within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W16BA TL 9000 & 8900). Applicant: CLE Residential, LLC; Agent: Lani Hickey; Planner: Dustin Severs.

30. Approval or Correction of the Minutes from the July 27, 2023, Meeting

40. Oral Requests & Communications from the Audience

The Planning Commission encourages written comments, which may be submitted by regular mail to Planning Commission, 200 S. Ivy Street or by email to planning@cityofmedford.org. Comments must be received by noon on the date of the meeting to be noted in the record. Please include the date of the meeting with your comments.

50. Public Hearings

Continuance Request

50.1 SV-23-169 Consideration of a request to vacate the full 23.5-foot width and 567-foot length of the Newbridge Way street right-of-way, which runs east from its intersection with North Ross Lane. The subject right-of-way runs along the southerly boundary of the Pioneer Market Place Subdivision and is contained within the both C-H (Heavy Commercial) zone (southerly half) and the C-C (Community Commercial) zone (northerly half). Applicant: CBT-BAR, LLC; Agent: CSA Planning Ltd.; Planner: Dustin Severs. (abutting parcels: 372W26AD TL 2400, 2404, and 2600). **This item will be continued to the August 24, 2023 meeting.**

50.2 SV-23-177 Consideration of a request to vacate the northern two sections of the public alley right-of-way running through the center of the block bounded by Myrtle Street, East Main, and Portland Avenue. The alley right-of-way starts at Myrtle Street, approximately 160 feet south of Main Street. Section A is 14-feet wide and runs 162.6 feet east from Myrtle Street; and

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

**Planning Commission Meeting Agenda
August 10, 2023**

Section B of the alley is 19-feet wide and runs south from Section A for 150 feet. The alley is located within the C-S/P (Commercial, Service/Professional) zoning district. Applicant: Rogue Community Health; Agent: CSA Planning Ltd; Planner: Dustin Severs.

50.3 ZC-23-187 Consideration of a request for a change of zone of a single parcel, totaling approximately 0.69 acres (0.74 gross acres). The parcel is located immediately south of the E. McAndrews/N. Foothill off-ramp and is fronted by N. Foothill Road along its westerly boundary. The request is to change the zoning from SFR-00 (Single-Family Residential, one dwelling per lot) to SFR-4 (Single-Family Residential, four dwellings per gross acre) (371W21AB TL 1200). Applicant/Agent: Synergy Planning Group, LLC; Planner: Dustin Severs.

50.4 DCA-23-207 A legislative amendment to modify Article III in Chapter 10 of the Medford Municipal Code to allow cosmetology schools in the Light Industrial zone. Applicant: CSA Planning; Planner: Sarah Sousa.

60. Reports

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

70. Message and papers from the Chair

None.

80. City Attorney Remarks

None.

90. Propositions and Remarks from Commission

None.

100. Adjournment

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR HIDDEN HILLS)
SUBDIVISION PHASE 2 [LDS-23-112]) **ORDER**

ORDER granting approval of a request for tentative plat for *Hidden Hills Subdivision, Phase 2*, described as follows:

Tentative plat approval for Phase 2 of Hidden Hills Subdivision, a proposed 19-lot (Lots 12-30) residential subdivision, including a 2.74-acre tract of land proposed for reserve acreage (Tract C), and a 0.45-acre tract of land (Tract B) proposed for stormwater detention. The property is located on two parcels totaling approximately 8.36 acres and located south of Delta Waters Road and west of North Foothill Road (Address: 2953 Fairfax Street). The property is contained within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W16BA TL 9000 & 8900).

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 tentative plat for *Hidden Hills Subdivision, Phase 2*, as described above, with the public hearing a matter of record of the Planning Commission on June 22, 2023, and July 27, 2023.
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 for *Hidden Hills Subdivision, Phase 2*, as described above 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 *Hidden Hills Subdivision, Phase 2*, stands approved per the Commission Report dated July 27, 2023, 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 Commission Report dated July 27, 2023.

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

Accepted and approved this 10th day of August, 2023.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



STAFF REPORT–REVISED

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

Project Hidden Hills Subdivision–Phase 2
Applicant: CLE Residential, LLC; and Ron and Betty Bechtel
Agent: Lani Hickey

File no. LDS-23-112

To Planning Commission *for July 27, 2023, hearing*

From Dustin Severs, Planner III

Reviewer Kelly Akin, Assistant Planning Director

Date July 20, 2023

UPDATE

At the public hearing held on June 22, 2023, the applicants requested to continue the hearing to provide additional time to meet with the abutting property owners and explore options to develop Phase 3 of the subdivision with single-family homes—as requested by the neighbors who submitted comments—instead of with townhomes as shown on the submitted tentative plat (Exhibits B and C). Per the submittals provided by the applicants (Exhibit OO), they were able to meet with the affected property owners on June 10. At the meeting, the applicants provided a redesigned plat showing the townhomes, originally proposed for Phase 2, replaced with single-family homes. It was explained that for the redesigned plat to be feasible, they would need the neighbors’ consent to have the 30-foot setback easement removed. In the interim, the applicants agreed to submit a revised tentative plat for approval, showing Phase 3 as reserve acreage. With this change, it is the applicants’ hope to work with the neighbors to remove the 30-foot easement and develop a future design that meets the applicants’ vision, meets the housing needs of the community, and addresses the neighbors’ concerns.

With the revised tentative plat (Exhibit QQ), the applicants are now requesting approval for only Phase 2 of the Hidden Hills subdivision, thereby reducing the number of proposed lots from 39 to 19. The remaining tract of land, previously identified as Phase 3, is now proposed as reserve acreage.

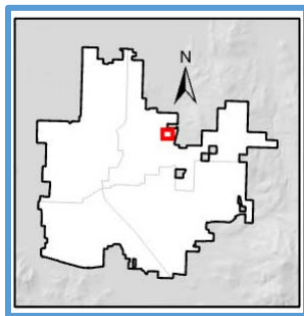
This revised staff report includes all the neighbor letters that were added into the record after the original staff report was published on June 15, 2023; two additional neighbor submittals (Exhibits LL and MM), received after the public hearing held on June 22, 2023; additional submittals by the applicant (Exhibits NN through QQ),

including the revised tentative plat (Exhibit QQ), showing Phase 3 removed and designated instead as reserve acreage; revised staff reports from Public Works (Exhibit G-2); and revised conditions of approval (Exhibit A-1).

BACKGROUND

Proposal & Vicinity Map

Consideration of tentative plat approval for Phase 2 of Hidden Hills Subdivision, a proposed 19-lot (Lots 12-30) residential subdivision, including a 2.74-acre tract of land proposed for reserve acreage (Tract C), and a 0.45-acre tract of land (Tract B) proposed for stormwater detention. The property is located on two parcels totaling approximately 8.36 acres and located south of Delta Waters Road and west of North Foothill Road (Address: 2953 Fairfax Street). The property is contained within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W16BA TL 9000 & 8900).



Subject Site Characteristics

- Zoning: SFR-4 (Single-Family Residential, four dwelling units per gross acre)
- GLUP: UR (Urban Residential)
- Overlay(s): Airport Area of Concern (AC) / RZ (Restrictive Zoning)
- Use(s): One single-family residence

Surrounding Site Characteristics

<i>North</i>	Zone: SFR-4 Use(s): Phase 1 of Hidden Hills, Sterling Hills residential subdivision
<i>South</i>	Zone: SFR-4 & SFR-00 Use(s): Sky Lakes residential subdivision
<i>East</i>	Zone: SFR-4 Use(s): Dream View Estates residential subdivision
<i>West</i>	Zone: SFR-4 Use(s): Royal Greens Estates residential subdivision

Related Projects

PA-20-348, LDS-21-129, ZC-21-260, ZC-22-125

Applicable Criteria

Medford Municipal Code §10.202 – Land Division Approval Criteria

(5) 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:

- (a) 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;*
- (b) 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;*
- (c) 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;*
- (d) 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;

(e) 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;

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

Approval Authority

This is a Type III land use decision. The Planning Commission is the approving authority under MLDC 10.110(4).

Corporate Names

According to the Oregon Secretary of State website, CLE Residential, LLC. was registered on January 28, 2016. Its principal place of business is located at 4003 Crater Lake Highway, in Medford. Its registered agent is listed as Shawn Jewett, and Denis Hickey is listed as a member.

Issues and Analysis

Project Summary

History of the Hidden Hills Subdivision

File #	Date approved	Project Description
PA-20-348	NA	Pre-application conference to discuss the Hidden Hills subdivision
LDS-21-129	July 22, 2021	Hidden Hills Subdivision Phase I, tentative plat approval
ZC-21-260	November 11, 2021	Zone change of Lot 9000 from SFR-00 to SFR-4
LDS-21-129	January 13, 2022	Minor revision to tentative plat
ZC-22-125	July 14, 2022	Zone change of Lot 8900 from SFR-00 to SFR-4

File #	Date approved	Project Description
LDS-21-129	November 17, 2022	Hidden Hills Subdivision Phase I, final plat approval

On July 22, 2021, the applicant received tentative plat approval for Hidden Hills Subdivision Phase I, a 12-lot residential subdivision. Phase I included much of the property north of Viewpoint Drive. During the applicant’s pre-application conference (PA-20-348), Public Works determined capacity constraints existed with the downstream sanitary sewer system, and that a subsequent change of zone for the SFR-00 portion of the site could not be supported without improvements to the sanitary sewer system to alleviate the capacity constraints. Accordingly, the approved tentative plat of Hidden Hills included only those areas within the SFR-4 zone, while the remainder of the property—all of TL 9000, zoned SFR-00; as well as a portion of TL 9100 at the southeast corner—were approved as Reserve Acreage (Tract A) to be developed at a future date, pursuant to MLDC 10. 708(A)(3)(a).

On November 11, 2001, those portions of TL 9000 zoned SFR-00 received approval for zone change to SFR-4. Due to capacity constraint with the downstream sanitary sewer system, a restrictive zoning was applied to the parcel, limiting future development.

On January 13, 2022, the Planning Commission approved a minor revision to the tentative plat for Phase I of the Hidden Hills Subdivision, making slight alterations to the previously approved plat.

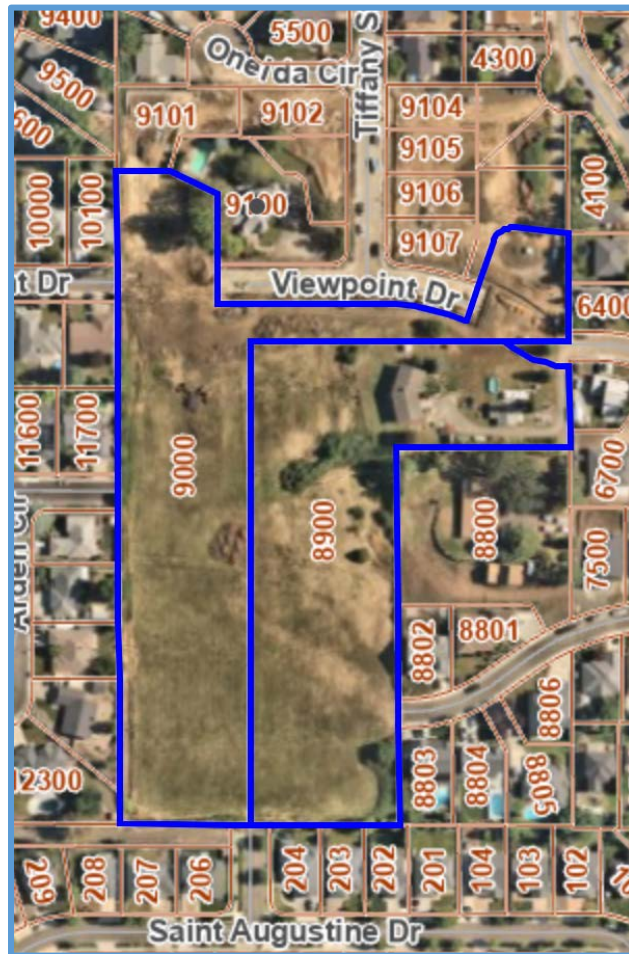
On July 14, 2022, TL 8900, owned by the Bechtels, was approved for a zone change from SFR-00 to SFR-4. Like TL 9000, a restrictive zoning was applied to the site due to capacity constraint with the downstream sanitary sewer system, limiting future development.

In the summer of 2022, the City completed improvements to the “Terminal Spur” sewer system, thereby removing the sewer restrictions for TL 9000, per ZC-21-260, and allowing Hidden Hills–Phase 1 to move forward without limiting the development. The sewer restrictions applied to TL 8900, however, were contingent on both improvements being made to the Terminal Spur and improvements being made on the sewer system at Delta Waters. While the Terminal Spur improvements have been completed, the Delta Waters improvements have not.

On November 17, 2022, the final plat for Hidden Hills Subdivision–Phase 1 was approved. At the time of this writing, construction of the single-family homes within Phase I has begun.

Existing site conditions

The subject site consists of two contiguous parcels—TL 8900 and 9000—totaling 8.36 acres. TL 8900 totals approximately 3.95 acres and is owned by the co-applicants, Ron and Betty Bechtel, and contains a single-family residence, which is proposed to remain with the future development of the site. TL 8900 totals approximately 4.41 acres, is owned by the co-applicant, CLE Residential, LLC., and is currently vacant.

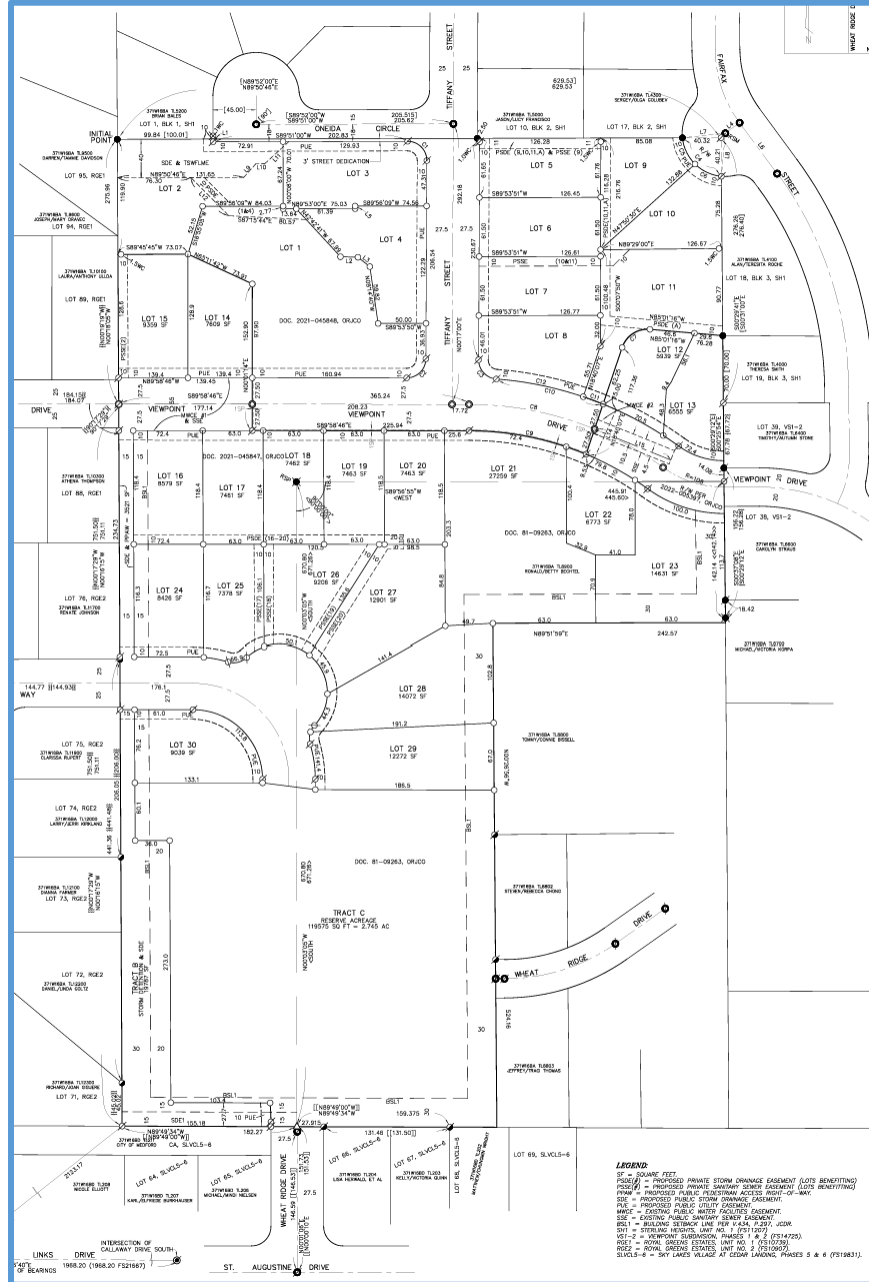


Several public streets abut the subject site. Viewpoint Drive (partially constructed) runs east-west along the site's northerly boundary. Bryson Way is stubbed at the site's westerly boundary, and Wheat Ridge Drive is stubbed at both the site's southerly and easterly boundaries.

No environmental issues—riparian corridors, wetlands, floodplains, etc.—were identified as impacting the site.

Proposal

The applicant is now proposing to develop phase 2 of the Hidden Hills Subdivision with 19 lots (Lots 12-30).



Hidden Hills Subdivision-Phase 2 Tentative Plat (Exhibit QQ)

The plat shows the extension/connection of two existing public streets: Viewpoint Drive, a Minor Residential Street; and Bryson Way, a Minor Residential Street.

Stormwater detention and water quality is proposed to be addressed though an above-grade stormwater facility (pond) to be located on a 19,787 square foot tract of

land located at the southwest of the development and identified on the tentative plat as Tract B.

All public improvements will be required to be completed prior to final plat approval.

Density

Density Tables

Standard Lots

SFR-4 Minimum /Maximum Density	Acres to be developed	Allowed	Shown
2.5 to 4.0 dwelling units per gross acre	5.17	13 min. – 21 max.	19 lots

As shown on the Density Table above, based on approximately 5.17 gross acres of developable land, the creation of 19 lots (Lots 12-30), as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-4 zoning district, as per MLDC 10.709.

Development Standards

Standard Single-Family Lots

Site Development Table (MLDC 10.709)

SFR-4	Lot Area	Minimum Lot Width (Interior)	Minimum Lot Width (Corner)	Minimum Lot Depth	Minimum Lot Frontage
Required	6,500 to 18,750	60 feet	70 feet	90 feet	30 feet
Lot 12	***5,939	60	NA	96	70
Lot 13	6,555	60	NA	125	72
Lot 14	7,609	69	NA	97	66
Lot 15	9,359	69	NA	128	72
Lot 16	10,355	87	NA	118	87
Lot 17	7,461	63	NA	118	63
Lot 18	7,462	63	NA	118	63
Lot 19	7,463	63	NA	118	63
Lot 20	7,363	63	NA	118	63
Lot 21	*27,259	98	NA	203	125
Lot 22	6,773	71	NA	100	79
Lot 23	14,631	100	NA	113	113

SFR-4	Lot Area	Minimum Lot Width (Interior)	Minimum Lot Width (Corner)	Minimum Lot Depth	Minimum Lot Frontage
Lot 24	10,174	87	NA	116	87
Lot 25	7,378	66	NA	106	66
Lot 26	9,206	60	NA	106	50
Lot 27	12,901	60	NA	135	45
Lot 28	14,072	60	NA	191	44
Lot 29	12,272	60	NA	186	44
Lot 30	10,183	72	NA	90	76
Tract B	**19,787	NA	NA	NA	NA
Tract C	**119,575	NA	NA	NA	NA

* Lot 21, proposed to contain the existence single-family home, is shown exceeded the maximum lot area; however, pursuant to MLDC 10.702(3)(a), lots with an existing house and associated yard area may exceed the maximum lot area of the underlying zone by no greater than 100%. Lot 21 is shown at 27,259, which is 45% greater than the maximum lot area of 18,750 square feet for a standard lot within the SFR-4 zone.

** The 19,787 square foot tract of land identified as Tract B is proposed to serve as the site’s storm water facility, while Tract C is proposed as reserve acreage. Both tracts, therefore, are not subject to the dimensional requirements, per MLDC 10.709.

*** The lot area of lots 12 is shown exceeded the maximum lot area for the SFR-4 zone, per MLDC 10.709. The applicant, however, has requested relief pursuant to MLDC 10.702(4).

Per MDLC 10.702(4), the approving authority shall approve a reduction from the required lot dimensions of a parcel (i.e., lot area, lot width, depth) and reductions shall be permitted for the creation of new residential lots proposed for a land division. Additionally, when reductions in lot dimensions are proposed for a land division, reductions may only be permitted on fifteen percent (15%) of the total number of proposed parcels. A minimum of one parcel shall be granted reduction, per land division.

Permitted Reduction Above	Lot Area	Lot Width (Interior & Corner)	Lot Depth
Reduction per 10.702(4)(c) - Subdivision	12% or 900 sq. ft., whichever is smaller	12% or 7 ft., whichever is smaller.	12% or 10 ft., whichever is smaller.

Pursuant to MLDC 10.702(4), the subject subdivision is permitted a total of five lots to have reduced dimensions. The applicant is requesting that one have a decreased lot area. (12% of 6,500 is 780 square feet.) Lot 12 is shown with a reduction of 561 feet, which is less than both 900 square feet and 12%.

The Commission can find that, with the application of the reduced lot dimensions outlined in MDLC 10.702(4), the 19 lots, as identified on the tentative plat, meet all the dimensional standards for standard lots within the SFR-4 zoning districts, as found in MLDC 10.710.

Note: While the applicant’s findings state that the subdivision is proposed for single-family homes, pursuant to MLDC 10.709, each of the 19 lots—except for Lots 12 and 13—will be eligible to be developed with up to four units in any configuration (e.g., one quadplex, four single-family homes, two duplexes, or a cottage cluster.) Lots 12 and 13 will be eligible to be developed with up to three units in any configuration (e.g., one triplex, three single-family homes, two duplexes and one single-family home, etc.).

Sewer capacity

TL 8900 still includes a restrictive zoning administrative overlay, which was applied to the parcel as part of ZC-22-125. The restriction is due to sewer capacity constraints on Delta Waters Road. In their submitted findings, the applicant proposes to move the restricted zoning area from TL 8900 to the future lots proposed for Tract C, identified as reserve acreage. In their report, Public Works takes no objection to the proposal as long as the size of the future phase does not change and that a modification in the restricted zoning be enacted.

As a condition of approval, the property owner will be required to record a restrictive covenant on the subject property in a form acceptable to the City Attorney, pursuant to MLDC 10.204(3)(c), clarifying the proposed transfer areas of the plat subject to the sewer restriction. The document shall be submitted to the Planning Department prior to recordation to allow review by staff. The restriction may be released pursuant to MLDC 10.204(3).

Block length

Per the City of Medford Transportation System Plan, Tiffany Street should be a continuous street between Delta Waters Road and Saint Augustine Drive. The tentative plat does not show Tiffany Street connecting to the north, but rather turning west (with a knuckle) and connecting to Bryson Way. The applicant has requested relief from the Block Length requirements, pursuant to MDLC 10.426(4)(b). The applicant’s supplemental findings (Exhibit F) cite topographic constraints pursuant to MDLC 10.426(4)(b)(i). The applicant’s findings read as the following:

To align Tiffany Street in a north south through connection would require it to cross topography ranging from 15-18% slopes. If Tiffany Street is shifted to the west, there is not enough space for the requirements between road intersections of. The distance requirement is a minimum distance of 200 feet. If Tiffany shifted to the west there would only be 170+/-feet. There are no other alternatives available to the applicants to meet these standards resulting in layouts that will not work for the subdivision. Being an infield subdivision there are constraints that we have had to work with to make this possible.

Per MLDC 10.426(4)(d), when block perimeters exceed the standards in accordance with 10.426(4)(d), 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. The tentative plat shows a 15-foot paved public accessway connecting Bryson Way to Viewpoint Drive, consistent with the routing and design standards outlined in MLDC 10.464 through 10.466.

In their submitted report, Public Works takes no exception to the applicant's findings, nor to their request to provide a public accessway in lieu of a public street connection.

Restrictive Covenant: Building Setbacks

A restrictive covenant applied to the site, recorded in 1956, states that all residences and garages must maintain a 30-foot setback from the exterior boundaries of the site (Exhibit L).

In October 2022, the applicants sought approval from the affected neighbors to have the restrictive covenant removed but were unable to acquire the necessary signatories (Exhibit M).

The 30-foot building setback is identified and notated on the tentative plat. All structures will be prohibited from being constructed within the setback.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits G-2 through J), it can be found that, with the imposition of the conditions of approval contained in Exhibit A, there are adequate facilities to serve the future development of the site.

Other Agency Comments

None

Neighbor Comments

Staff received 24 emails from neighbors, all opposed to the subdivision plat as originally submitted (Exhibits B and C).

Committee Comments

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

FINDINGS AND CONCLUSIONS

Tentative Plat

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles 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 (Hidden Hills), which has been approved by the Jackson County Surveyor's Office; the plat includes the extension of public streets, all of which meet the applicable Code requirements; and criteria 5 and 6 are inapplicable.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-23-112, per the revised staff report dated July 20, 2023, including:

- Exhibits A-1 through RR.
- Granting of the maximum timetable of five years to develop the land division in phases, pursuant to MLDC 10.202(4)(b).
- Approval of relief to exceed the block length standards, allowing a public accessway to be constructed in lieu of public street, pursuant to MLDC 10.426(4)(b)(i).

EXHIBITS (NEW EXHIBITS IN **BOLD**)

A-1 Conditions of Approval (revised), drafted July 20, 2023.

Applicant Submittals

- B Tentative Plat (no topo) (**superseded**), received June 12, 2023.
- C Tentative Plat (with topo) (**superseded**), June 12, 2023.
- D Grading, Stormwater, and Utility Plan, received April 11, 2023.
- E Applicant's Findings of Fact & Conclusions of Law, received April 11, 2023.
- F Supplemental findings, received June 8, 2023.

Agency Reports

G-2 Public Works Staff Report, received July 20, 2023.

- H Medford Water Commission memo & associated map, received May 31, 2023.
- I Medford Fire Department Report, received May 31, 2023.
- J City Address Technician memo, received May 31, 2023.

Neighbor Comments

- K Neighbor email (Daniel and Linda Goltz, 2874 Arden Circle), June 12, 2023.
Miscellaneous
- L Deed Restriction, dated November 2, 1956.
- M Modification of restrictive covenant document, received June 9, 2023.
- N Hidden Hills Subdivision–Phase 1, final plat, approved November 17, 2022.
- O Neighbor email (Daley), received June 18, 2023.
- P Neighbor email (Chong), received June 19, 2023.
- Q Neighbor email (Bissell), received June 20, 2023.
- R Neighbor email (Bullock), received June 20, 2023.
- S Email correspondence between applicant (Denis Hickey) and the Chongs, received June 20, 2023.
- T Neighbor email (Nielsen), received June 20, 2023.
- U Neighbor email (Refsnider 1), received June 20, 2023.
- V Neighbor email (Refsnider 2), received June 20, 2023.
- W Neighbor email (Edwards), received June 20, 2023.
- X Neighbor email (Holbert), received June 21, 2023.
- Y Neighbor email (Anderson), received June 21, 2023.
- Z Neighbor email (Soliday), received June 21, 2023.
- AA Neighbor email (Anderson), received June 21, 2023.
- BB Neighbor email (Hawkins), received June 21, 2023.
- CC Neighbor email (Thompson), received June 22, 2023.
- DD Neighbor email (Wilbur), received June 21, 2023.
- EE Neighbor email (Herald), received June 21, 2023.
- FF Neighbor email (Cook), received June 21, 2023.
- GG Neighbor email (Ferrell), received June 21, 2023.
- HH Neighbor email (Nielson), received June 22, 2023.
- II Neighbor email (Quinn), received June 22, 2023.
- JJ Neighbor email (Wilbur), received June 22, 2023.
- KK Applicant response to neighbor emails, received June 22, 2023.
- LL Neighbor email (Kile), received June 26, 2023.**
- MM Email correspondences between neighbors and Denis Hickey, submitted by Chongs on June 22, 2023.**
- NN Letter from applicant (Denis Hickey) to Planning Commission, received July 18, 2023.**
- OO Applicant submittal addressing meeting with neighbors, received July 12, 2023.**
- PP Applicant updated findings, received July 12, 2023.**
- QQ Revised tentative plat, received July 12, 2023.**
- RR Minutes from June 22 hearing (page 8 of 8).**
Vicinity map

PLANNING COMMISSION AGENDA:

**JUNE 22, 2023
JULY 27, 2023**

EXHIBIT A-1
Hidden Hills Subdivision-Phase 2
LDS-23-112
Conditions of Approval
July 20, 2023

The Planning Commission approves the maximum five-year approval period for phased subdivisions. No extensions of time are allowed per MLDC 10.202(4)(b).

The Planning Commission approves relief to exceed the block length standards, allowing a public accessway to be constructed in lieu of public street, pursuant to MLDC 10.426(4)(b)(i).

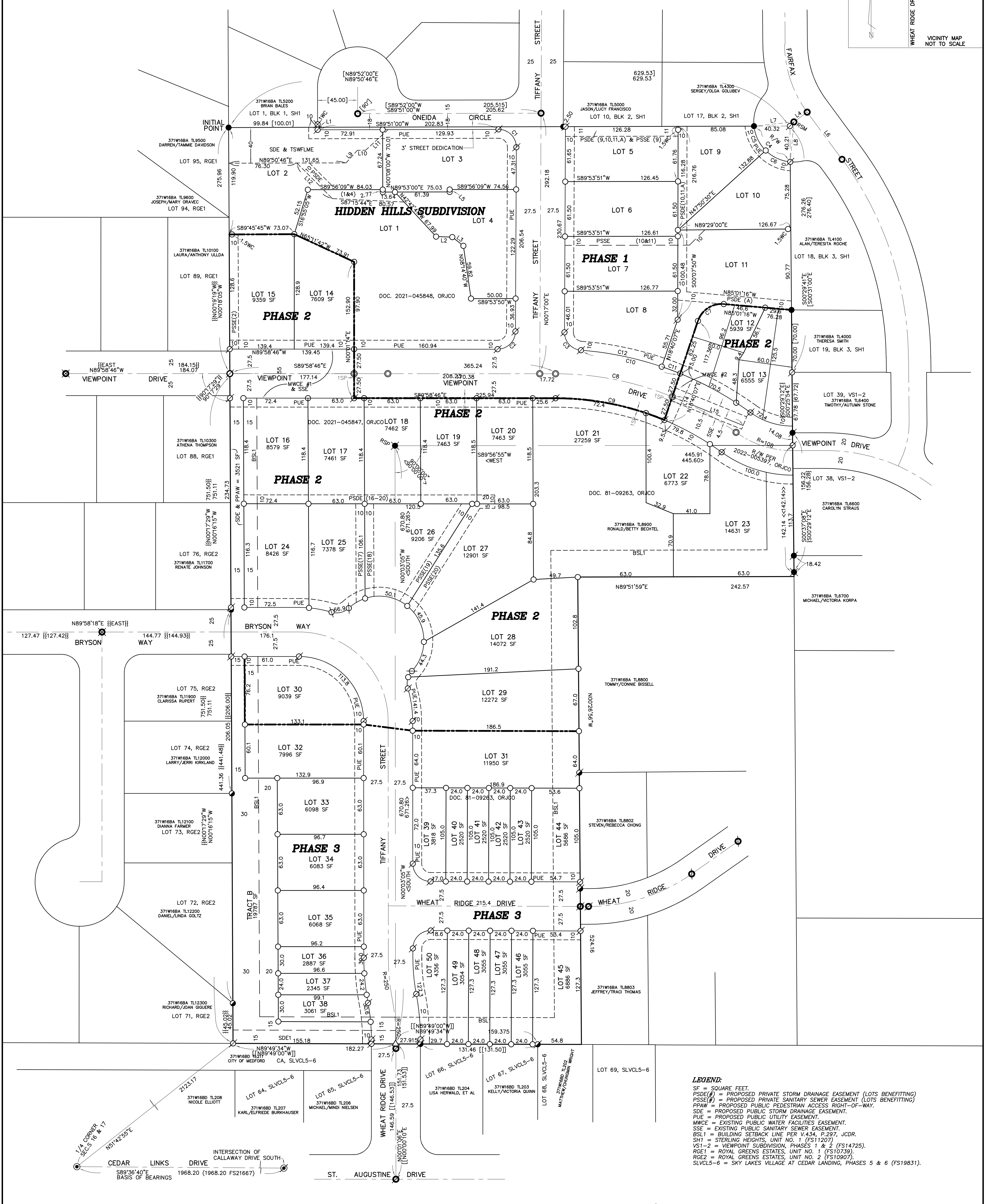
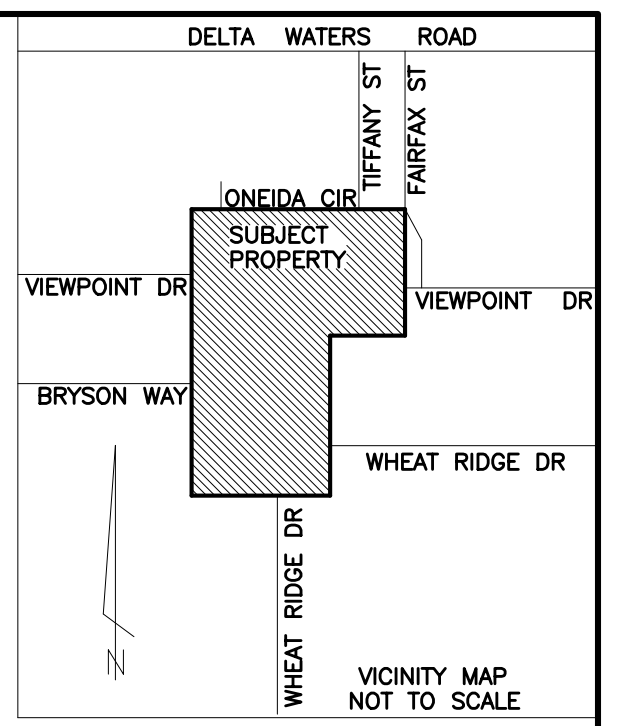
CODE REQUIRED CONDITIONS

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

1. Comply with all applicable requirements of the Medford Public Works Department (Exhibit G-2).
2. Comply with all applicable requirements of the Medford Water Commission (Exhibit H).
- 3.) Comply with all applicable requirements of the Medford Fire Department (Exhibit I).
- 4.) Record a restrictive covenant on the subject property in a form acceptable to the City Attorney, pursuant to MLDC 10.204(3)(c), clarifying the proposed transfer areas of the plat subject to the sewer restriction. The document shall be submitted to the Planning Department prior to recordation to allow review by staff. The restriction may be released pursuant to MLDC 10.204(3).



**TENTATIVE PLAT OF
HIDDEN HILLS SUBDIVISION, PHASE 2 & 3**
Located in the N.W. 1/4 of Sec. 16,
T37S, R1W, W.M. and in the
City of Medford Jackson County, Oregon



LEGEND:
 SF = SQUARE FEET.
 PSDE(1) = PROPOSED PRIVATE STORM DRAINAGE EASEMENT (LOTS BENEFITTING)
 PSSE(1) = PROPOSED PRIVATE SANITARY SEWER EASEMENT (LOTS BENEFITTING)
 PPAW = PROPOSED PUBLIC PEDESTRIAN ACCESS RIGHT-OF-WAY.
 SDE = PROPOSED PUBLIC STORM DRAINAGE EASEMENT.
 PUE = PROPOSED PUBLIC UTILITY EASEMENT.
 MWCE = EXISTING PUBLIC WATER FACILITIES EASEMENT.
 SSE = EXISTING PUBLIC SANITARY SEWER EASEMENT.
 BSL1 = BUILDING SETBACK LINE PER V.434, P.297, JCDR.
 SH1 = STERLING HEIGHTS, UNIT NO. 1 (FS11207).
 VS1-2 = VIEWPOINT SUBDIVISION, PHASES 1 & 2 (FS14725).
 RGE1 = ROYAL GREENS ESTATES, UNIT NO. 1 (FS10739).
 RGE2 = ROYAL GREENS ESTATES, UNIT NO. 2 (FS10907).
 SLVCL5-6 = SKY LAKES VILLAGE AT CEDAR LANDING, PHASES 5 & 6 (FS19831).

NOTES REGARDING TRACT B
 1) TRACT B WILL BE DEEDED TO CITY AFTER RECORDING OF FINAL PLAT WHICH CREATES IT.
 2) TRACT B WILL ALSO BE A SDE.
 3) A PUBLIC PEDESTRIAN ACCESS PATH IS TO BE CONSTRUCTED THROUGH TRACT B FROM BRYSON WAY TO TIFFANY WAY.

BASIS OF BEARINGS:
 CENTERLINE OF CEDAR LINKS DRIVE PER FS21667.
 UNIT OF MEASUREMENT = FEET SCALE: 1" = 50'

ELEVATION DATUM:
 NGVD 1929 (UNADJUSTED) BASED ON CITY OF MEDFORD BM # A448. BRASS CAP AT CURB INLET IN WEST CURB OF FARMINGTON AVE. @ N.E. COR OF VIEWPOINT DR. ELEV. 1497.678.

PHASING NOTES:
 PHASE 2: LOTS 12-30
 PHASE 2: LOTS 31-50

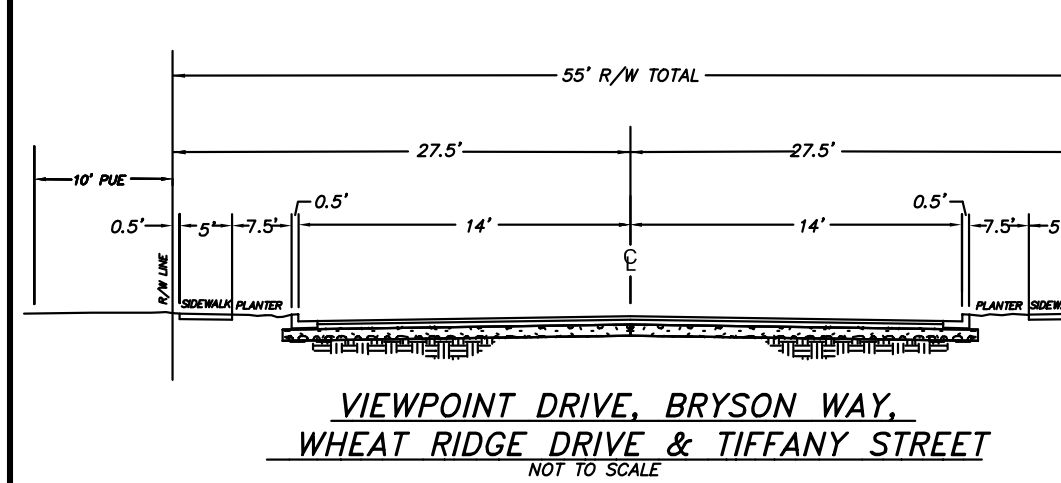


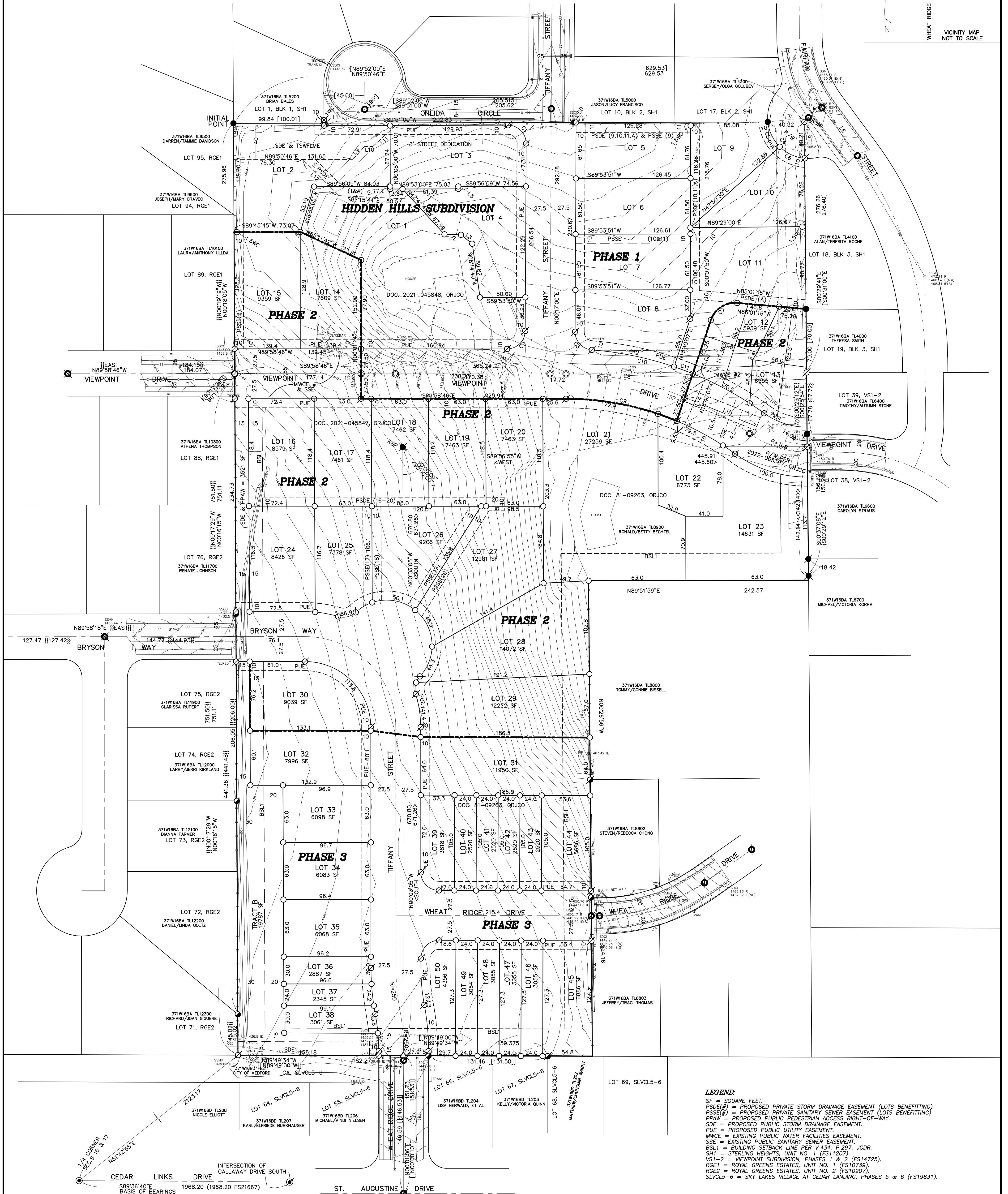
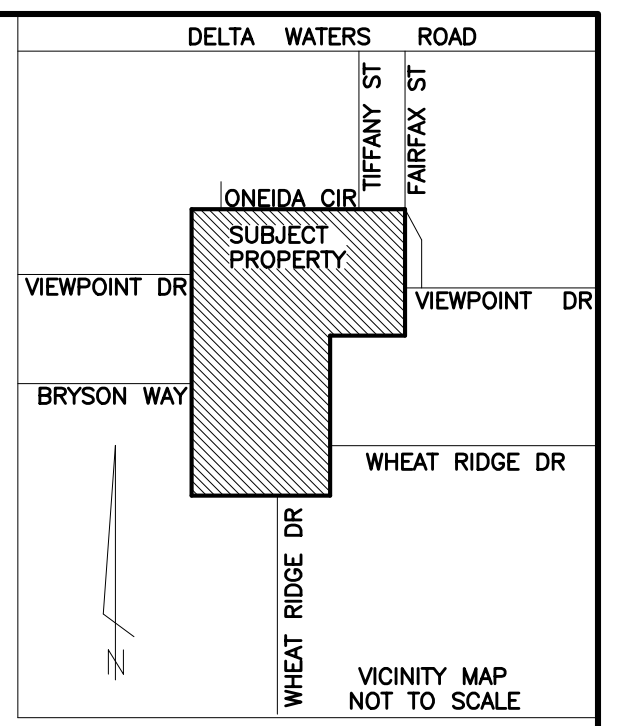
EXHIBIT B

RECORD OWNERS:
 TL9000: CLE RESIDENTIAL, LLC
 TL8900: RONALD & BETTY BECHTEL

REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
 OREGON
 JULY 17, 1986
 JAMES E. HIBBS
 2234
 RENEWAL DATE: 6-30-25

TITLE: TENTATIVE SUBDIVISION PLAT ASSESSOR'S MAP #: 371W16BA TL'S 8900 & 9000 FOR: CLE RESIDENTIAL, LLC 4003 CRATER LAKE HWY. MEDFORD, OR 97504	DATE: 12 JUN 2023 SCALE: 1 inch = 50 feet DRAWN BY: JEH CHK BY: ORIGIN: ROTATION: 0° JOB#: 21110FM Sheet 1 of 1.
L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS P.O. Box 1947, Medford, OR 97535 Phone: (541) 772-7782 Email: lfriar@associates@charter.net	

TENTATIVE PLAT OF
HIDDEN HILLS SUBDIVISION, PHASE 2 & 3
 Located in the N.W. 1/4 of Sec. 16,
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 - SSE = EXISTING PUBLIC SANITARY SEWER EASEMENT.
 - BSL1 = BUILDING SETBACK LINE PER V.434, P.297, JCDR.
 - SH1 = STERLING HEIGHTS, UNIT NO. 1 (FS1207).
 - VS1-2 = VIEWPOINT SUBDIVISION, PHASES 1 & 2 (FS14725).
 - RGE1 = ROYAL GREENS ESTATES, UNIT NO. 1 (FS10739).
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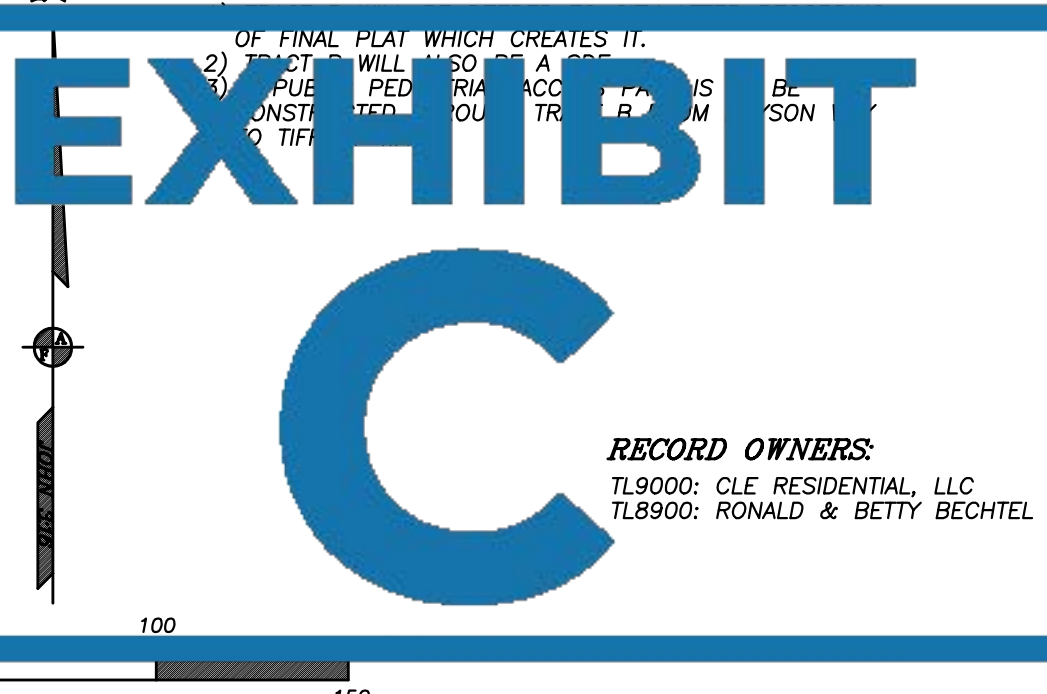
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OF FINAL PLAT WHICH CREATES IT.
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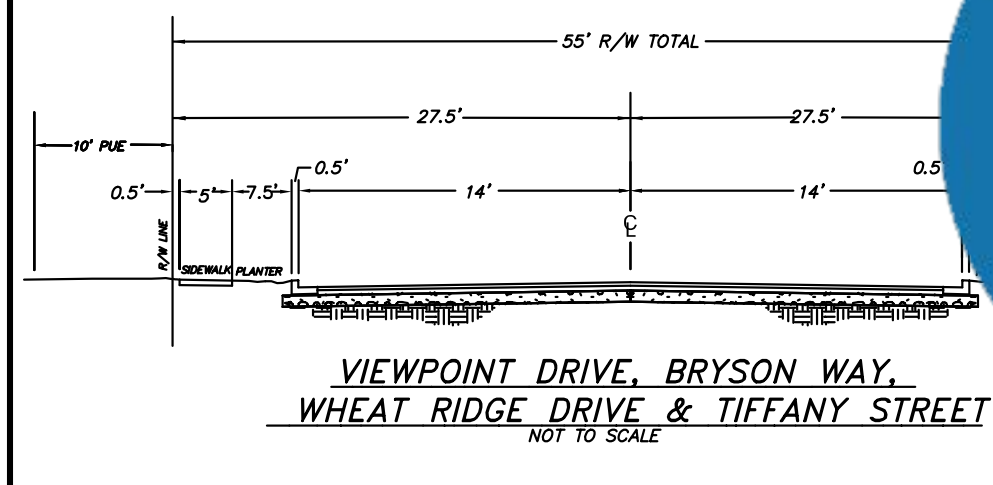
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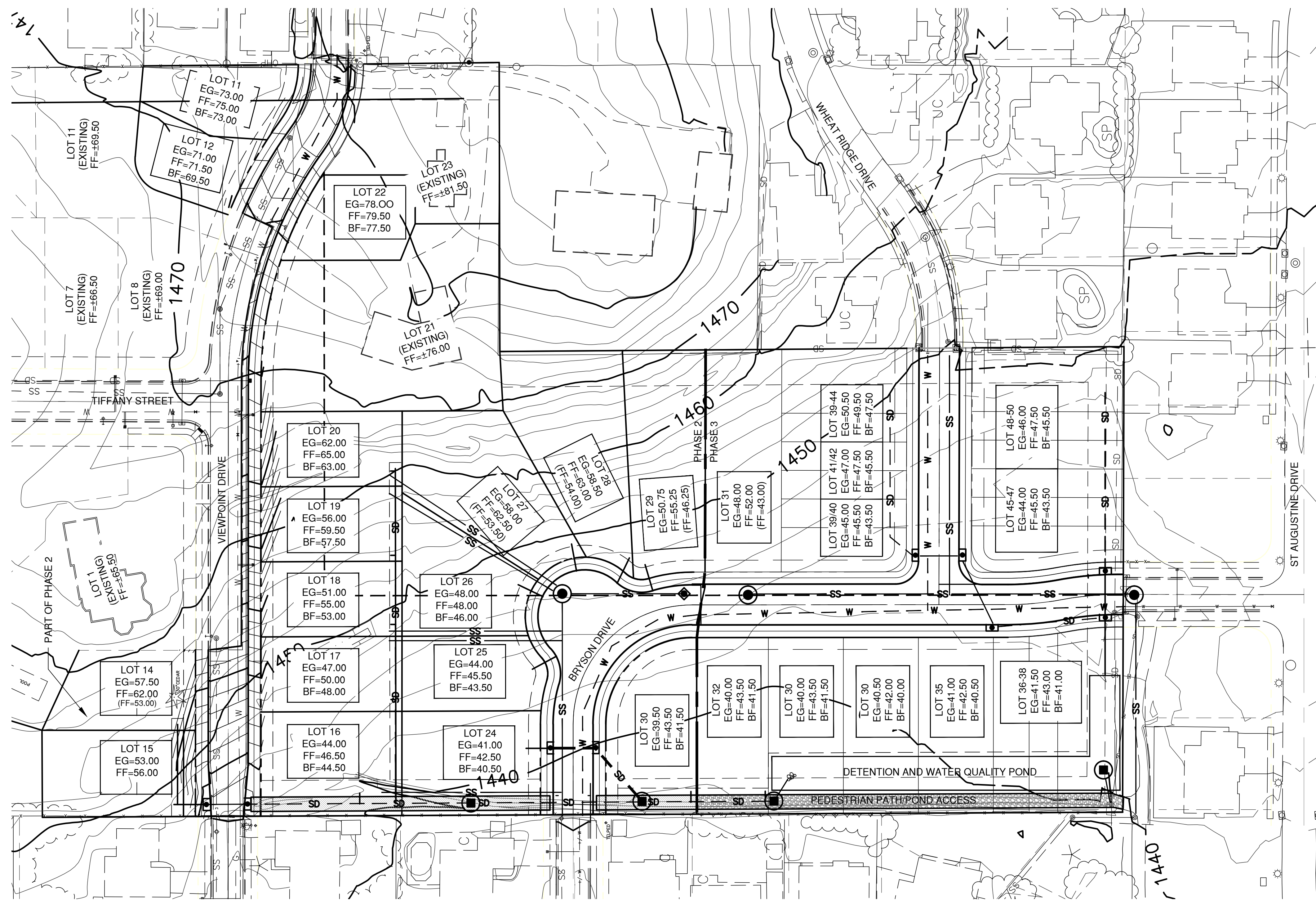
REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hills
 OREGON
 JULY 17, 1986
 JAMES E. HILLS
 2234
 RENEWAL DATE: 6-30-25

TITLE: TENTATIVE SUBDIVISION PLAT
 ASSESSOR'S MAP #: 371W16BA TL'S 8900 & 9000
 FOR: CLE RESIDENTIAL, LLC
 4003 CRATER LAKE HWY.
 MEDFORD, OR 97504

L.J. FRIAR & ASSOCIATES P.C.
 CONSULTING LAND SURVEYORS
 P.O. Box 1947, Medford, OR 97535
 Phone: (541) 772-2782
 Email: lfriar@associates@charter.net

DATE: 12 JUN 2023
 SCALE: 1 inch = 50 feet
 DRAWN BY: JEH
 CHK BY:
 ORIGIN:
 ROTATION: 0
 JOB#: 21110FM
 Sheet 1 of 1.





PLAN LEGEND

		UTILITIES	
		EXISTING	PROPOSED
WATER LINE	---	W	W
SEWER LINE	---	SS	SS
STORM DRAIN	---	SD	SD
GRAVITY SEWER MH	○	●	●
SEWER CLEAN-OUT /SERVICE	◇	◆	◆
STORM DRAIN MH	□	■	■
CURB INLET	■	■	■
		STREET AND CURB	
		EXISTING	PROPOSED
CURB, GUTTER AND SIDEWALK	---	---	---
		SITE SURVEY	
		EXISTING	PROPOSED
RIGHT-OF-WAY	---	---	---
CENTERLINE	---	---	---
EASEMENT	---	---	---
PROPERTY LINE	---	---	---

CONCEPT UTILITY & GRADING PLAN

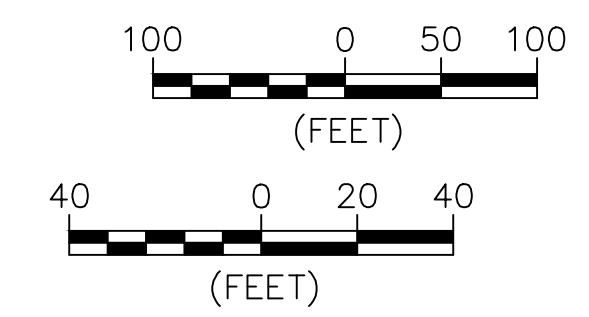


EXHIBIT D

No.	REVISION	DATE	BY

DATE:	04/23
PROJECT:	S-22-105
FILE:	-
DESIGNED BY:	MJZ
DRAWN BY:	MJZ
CHECKED BY:	MJZ

THIS LINE IS 1" INCH AT FULL SCALE. VERIFY AND ADJUST SCALE AS NEEDED.

CIVIL CONSULTANTS
Public Works+Land Development+Engineering+Bridge

345 Mary Bee Lane - Medford, OR 97504
(T) 541.890.8924

GREEN HILLS PHASE 2 AND 3
CONCEPT PLAN
GRADING, DETENTION, AND UTILITY PLAN

SHEET NO. **C1**

2.
***FINDINGS OF FACT ADDRESSING
APPROVAL CRITERIA***

***HIDDEN HILLS SUBDIVISION
PHASES 2 & 3
371W16BA
TAX LOTS 9000 & 8900***



**EXHIBIT
E**

**IN THE MATTER OF AN APPLICATION
FOR THE TENTATIVE PLAT APPROVAL
OF HIDDEN HILLS SUBDIVISION PHASES 2 & 3**

**FACTS AND FINDINGS
HIDDEN HILLS SUBDIVISION (PHASES 2 & 3)
371W16BA
TAX LOTS 9000 and 8900**

**APPLICANT: CLE RESIDENTIAL, LLC
DENIS J. HICKEY / MEMBER
4003 CRATER LAKE HIGHWAY
MEDFORD, OREGON 97504**

**APPLICANT: RONALD AND/OR BETTY BECHTEL
3370 VIEWPOINT DRIVE
MEDFORD, OREGON 97504**

**AGENT: LANI HICKEY
PO BOX 785
MERRILL, OREGON 97633
(541) 591-0211**

PROJECT DESCRIPTION

A. BACKGROUND INFORMATION

The subject property is located South of Delta Waters Road, North of St. Augustine Drive, East of Leonard Avenue, West of Fairfax Street, Viewpoint Drive and Wheat ridge Drive. (Jackson County Assessor's map 37 1 W 16, Tax Lots 9000, and 8900). According to the City of Medford Zoning Map tax lot 9100 is zoned SFR 04 which includes Phase I. Phases 2 and 3 are being submitted with this application. Tax lot 9000 has been through a zone change to SFR 04 and was approved contingent upon the Terminal Spur sewer capacity constraint being resolved. The sewer constraint is resolved with tax lot 9000 having full sewer entitlement. Tax lot 8900 went through a zone change and was approved based on the Springbrook and Terminal Spur sewer constraints being resolved. The Terminal Spur construction is completed leaving the Springbrook sewer constraint yet to be resolved.

The applicants are proposing Phases 2 and 3 of Hidden Hills Subdivision containing both Tax Lots 8900 and Tax Lot 9000. While both properties are zoned SFR-4, only Tax Lot 9000 has full entitlement for development based on sewer capacity (4-acres). However, there are two existing properties on Tax Lot 8900 that already have sewer service that should be included in the entitlement review (41,890 sq.ft.) While Phase 2 and 3 encompasses approximately +/-7.95 acres total area, only 4 acres would be considered entitled to sewer service (with consideration of the existing lots in TL 8900). The development proposed for Phase 2 (Tax Lots 9000 and 8900) is +/-3.6 acres and proposed development for Phase 3 (Tax Lots 9000 and 8900) is +/- 3.1 acres. The applicants are proposing to transfer approximately one half of the sewer capacity entitlement from Phase 3 (tax lot 9000) to Phase 2 (Tax Lot 8900) and defer Phase 3 until additional sewer capacity is available. This transfer will allow Phase 2 for development (Tax Lots 8900 and 9000) while staying under the 4 acres of allowable sewer capacity available.

Tax lot 9000 is currently open space land without structures. Tax lot 9100 has been approved for the Subdivision Hidden Hills Phase 1 (LDS-21-129). North and northeast of the subject site (tax lots 9100, 9000, 8900) is the developed subdivision Sterling Heights Unit No 1. To the West is the developed subdivision Royal Green Estates Unit I and Unit II. To the South is the developed subdivision Sky Lake Village at Cedar Landing Phases 5 & 6. Tax lot 8900 is located to the east of tax lot 9100 and is bordered by Sky Lakes Village at Cedar Landing Phases 5 & 6 to the south, Dream View Estates and Viewpoint Subdivision Phases 1 & 2 to the east.

This project proposal is being submitted as Phase 2 and 3 of the Subdivision Hidden Hills. The proposed Hidden Hills Phase 2 and 3 includes portions of tax lots 9000 and 8900 (Lots 12-50 as shown on the tentative plat). Zone changes have been approved on Tax lots

9000 and 8900. Tax lot 9000 approval (ZC-21-260) was contingent on the sewer capacity called “Terminal Spur” being upgraded. This was completed by the City of Medford summer 2022. Tax lot 8900 approval (ZC-22-125) was contingent of two sewer capacity issues, the “Terminal Spur” and “Springbrook Road”. The Terminal Spur sewer capacity improvements have been completed. Springbrook sewer capacity has not been completed with the submittal of this application.

Proposed Phase 2 will be built with Viewpoint Drive connecting to the east and west Viewpoint Drive providing a through connection. Wheat Ridge Drive on the south side of tax lot 8900 will be built in Phase 3 and connect to the Phase 3 portion of Tiffany Street (to be built with Phase 3). This section of roadway is proposed to connect to Bryson Way which will be built in Phase 2 to the Phase 3 line.

The proposed subdivision will add an additional 19 buildable lots (Phase 2) and 20 lots (Phase 3) within the City of Medford. The proposed layout will provide connectivity for 3 local streets that are currently dead ends with street plugs located at the terminus of these streets.

Street circulation design and connectivity will be established under 10.426 (4)(b)(vi) *“Future development on adjoining property or reserve acreage can feasibility satisfy the block or perimeter standards”*.

SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION

The purpose of this application is for the approval of a Tentative Plat for Hidden Hills Subdivision Phases 2 and 3, Lots 12-50.

MEDFORD LAND DEVELOPMENT CODE SECTION 10.170(E), SUBDIVISION APPROVAL CRITERIA

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

CRITERION NO. 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 Article IV and V*

FINDINGS AND FACT

The proposed use and development are consistent with the Comprehensive Plan, and the existing/approved residential surrounding uses.

Phase 2 and 3 are consistent with the Comprehensive Plan. Lands zoned SFR-04 are in residential areas and zoned for residential use. Tax lots 9000 and 8900 are also located within the (GLUP) Map Designation as Urban Residential (UR) complying with the zoning and Comp Plan designations for permitted development within SFR-4. Tax lot 9000 has been approved for SFR-4 zoning and tax lot 8900 is approved through zone change (ZC-22-125) for SFR-4 with sewer constraints.

The proposed subdivision meets the requirements for design standards set forth in Article IV and V and. Upon research on the internet there does not appear to be a circulation plan for the project location.

According to the City of Medford Local Wetland Local Wetland Inventory Map Number 3, dated September 2002, there are no wetlands located on the subject property tax lots 9000 or 8900.

The subject property does have slopes that exceed 15% per the Jackson County Interactive Map for Development Overlays and an Engineers assessment and shall meet all applicable design standards under the Medford Municipal Code upon the submission of building permits for the lots affected.

CRITERION NO. 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;*

FINDINGS AND FACT

The proposed subdivision application proposes to develop portions of tax lots 9000, and 8900. Therefore, the application will not prevent development of the remainder of the property under the same ownerships. Tax lot 9000 and 8900 will be partially developed in Phase 2 of Hidden Hills if approved. The remainder of tax lots 9000 and 8900 are proposed for Phase 3 development upon sewer constraints being resolved. With the development of the two tax lots, adjoining lands will benefit from the connectivity of Viewpoint, Wheat Ridge Drive, Tiffany Street, and Bryson Way eliminating dead end roads.

The subject property provides a means of connectivity by extending the existing streets Viewpoint Drive, Wheat Ridge Drive, Tiffany Street, and Bryson Way to adjacent lands. All four sides of the subject property are surrounded by existing subdivisions and as a result, approval of the proposed phasing contained herein will not prevent the development of the remainder of the property under the same owners, or the adjoining lands. All surrounding adjoining lands are currently developed.

CRITERION NO. 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;*

FINDINGS AND FACT

Per the Jackson County Surveyor's Office plat names are approved at the time of review. Hidden Hills Subdivision was approved with the final subdivision plat approval for Phase 1. The proposed subdivision name *Hidden Hills Subdivision* is used for Phase 1 and shall also be applied to Phase 2 and 3.

CRITERION NO. 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 approving authority determines it is in the public interest to modify the street pattern;*

FINDINGS AND FACT

The subject property is not located within an Adopted Circulation Plan Area. Viewpoint Drive, Wheat Ridge Drive, Tiffany, Street, and Bryson Way are consistent with the existing streets surrounding the subject property to the west, east, and south. It is apparent that all streets within the proposed subdivision were designed to be extended through the subject properties for adjoining property circulation and street connectivity. Viewpoint Drive, Wheat Ridge Drive, and Bryson Way all have street plugs bordering the subject properties which will need to be released.

The development of the tax lots which includes the creation of streets provides a layout consistent with existing streets and with the plats of land divisions already approved and built for adjoining properties.

No alleys are proposed in this development.

CRITERION NO. 5

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

FINDINGS AND FACT

There are no private streets or alleys that are proposed to be held for private use.

CRITERION NO. 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;*

FINDINGS AND FACT

According to MLDC Chapter 10.801(B) agricultural buffering, "...applies to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve (see Regional Plan Element) and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA),"

This proposed phase 2 and 3 of Hidden Hills Subdivision will not cause any interference with EFU grounds, all surrounding land is zoned residential. N/A

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MEDFORD MUNICIPAL CODE

Chapter 10 PLANNING

10.005 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare of all residents of the City of Medford through the regulation and management of the use and development of land within the city. It is the specific intent of this chapter to:

- (1) Implement and supplement the Comprehensive Plan.*
- (2) Comply with all applicable Oregon Revised Statutes as pertains to the development and use of land.*
- (3) Manage the growth and physical development of the city consistent with its ability to provide adequate and cost effective public services.*
- (4) Designate, regulate and restrict the development, location and use of land and buildings for commercial, industrial, residential and other uses.*
- (5) Provide standards for the development of residential lands as necessary to assure that all people may have access to decent, sound and sanitary housing.*
- (6) Protect residents of the city from identifiable adverse impacts resulting from development, insofar as it is practical to do so.*
- (7) Establish street standards that will effectively serve all areas and residential neighborhoods of the City and that will minimize congestion, safety hazards, and other adverse traffic impacts.*

FINDINGS OF FACT: The applicant acknowledges all the above and will address applicable Municipal Codes, Oregon Revised Statutes, and Comprehensive Plan areas that pertain to this application submittal.

10.008 Scope and Compliance.



Land may be used, developed by division or improvement, and a structure may be constructed, reconstructed, or materially altered as to use or appearance only as this chapter permits. Each development proposal shall comply with the applicable provisions of this chapter. The requirements of this chapter shall apply to the applicant for a development permit and to the applicant's successors in interest in the development of any portion thereof as set forth in this chapter.

FINDINGS OF FACT: The applicant acknowledges all the above and will comply with the applicable provisions of this chapter.

10.009 Consistency with the Comprehensive Plan and Law.

Except where specific reference is made to the Comprehensive Plan, this chapter shall be deemed to contain all criteria and requirements necessary for compliance with the Comprehensive Plan.

10.106 Procedural Types.

10.140(7).

(3) Type III Quasi-judicial Procedures.

(a) Quasi-judicial decisions require the application of clear, objective approval criteria and standards, and a degree of discretion to determine compliance with approval criteria and the impact(s) of development on adjacent properties and the surrounding vicinity, public infrastructure and services, and the health, welfare, and safety of the community at-large. If necessary to mitigate such impacts, conditions may be imposed to bring the proposed land use into compliance and/or to mitigate impacts.

(b) Decisions are made by the designated approving authority.

(c) Public notice, a public comment period, and a public hearing are required according to Section 10.124 of this Chapter.

(d) Requested action may be initiated by City Council, the Planning Commission, or an applicant.

(e) Appeals of Type III decisions are heard by the City Council per Section 10.140(8).

FINDINGS OF FACT: Applicant acknowledges (a) through (e) above.

10.108 LAND USE REVIEW PROCEDURE TYPES				
LAND USE REVIEW TYPE	PROCEDURAL TYPE	APPLICABLE STANDARDS	APPROVING AUTHORITY	SUBJECT TO 120 DAY RULE (ORS 227.178)?
Tentative Plat, Subdivision	III	10.202	Planning Commission	Yes

FINDINGS OF FACT: The application is for subdivision review and is a procedural type III which will be reviewed and presented in front of the Planning Commission for approval or denial.

10.118 Findings of Fact.

Findings of Fact are statements of the criteria, facts, and conclusions used in making a decision. In order for the approving authority to approve a land use application, it must find that the proposal complies with the approval criteria and standards listed in this chapter. The findings must demonstrate and lead

to the conclusion, based on the facts, that the criteria are being met. Findings which address applicable criteria shall accompany all actions required of this chapter for land use review. At a minimum, the findings of fact shall include:

- (1) The approval criteria applicable to the specific land use application.
- (2) A complete description of the project including all facts about the proposal which support approval.
- (3) An analysis and rationale of how the facts demonstrate that the project meets each of the criteria.

10.202 Subdivision Tentative Plat

Zoning Districts

10.309 SFR-4, Single-Family Residential - 4 dwelling units per gross acre.

This urban residential district is representative of historical low density, large lot single-family development. New SFR-4 zoning should be located in areas where slopes exceed five percent (5%) but are less than fifteen percent (15%) to prevent excessive grading.

In SFR-4, 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) 2.5 to 4.0 DU/gross acre

FINDINGS OF FACT: The applicant is proposing subdivision development on two tax lots zoned SFR-4. Former tax lot 9100 is currently zoned SFR-4 and is approved for Hidden Hills Subdivision Phase 1. Tax lot 9000 has been approved for SFR-4 zoning (ZC-21-260) with tax lot 8900 approved for SFR-4 zoning (ZC-22-125) with sewer constraints. Minimum and maximum densities for tax lots 9000 and 8900 meet the standards of 2.5 to 4.0 DU/gross Residential Density and Townhomes 2.5-16 DU/gross acre.

FINDINGS OF FACT: The proposed Hidden Valley Phase 2 and 3 consists of +/-7.95 acres including. The minimum density dwelling units allowed is 2.5/acre with the maximum density dwelling 4/acre for detached Single Family Dwellings.

**Single Family Detached Dwelling-Minimum dwelling units/acre 6.13 acres x 2.5 = 15 dwelling units
Single Family Detached Dwelling-Maximum dwelling units/acre 6.13 acres x 4 = 24
PROPOSED = 24**

The minimum density dwelling units for Townhomes allowed is 2.5/acre with the maximum density 16 dwelling units/acre.

**Proposed
Townhomes – Minimum dwelling units/acre 1.8 acres x 2.5/acre = 4
Townhomes – Maximum dwelling units/acre 1.8 acres x 16 = 28
PROPOSED =15**

The proposed lot development for 24 Single Family Detached Dwellings and 15 Townhomes meets the criteria for density under SFR-04 zoning.

Table 10.709-1. Residential Zones – Land Division Standards

	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
Min/Max Density (per gross acre)								
Detached SFR	Dividing land only	0.8 – 2.0	2.5 – 4.0	4.0 – 6.0	6.0 – 10.0	X	X	X
Duplex	allowed per Section	0.8 – 2.0	2.5 – 4.0	4.0 – 6.0	6.0 – 10.0	10.0 – 15.0	15.0 – 20.0	20.0 – 30.0
Townhouse	10.202(7)	X	2.5 – 16.0	4.0 – 24.0	6.0 – 25.0	10.0 – 25.0	15.0 – 25.0	X

Public Improvement Standards and Criteria

10. 425 Street Access and Dedication Requirements.

Prior to the issuance of a development permit, land shown on any development proposal and intended for vehicular use shall have access to a paved street. Land intended for vehicular and accessway use by the general public shall be offered for dedication.

FINDINGS OF FACT: The proposed subdivision provides access to paved roads. The roads will be dedicated as public roads and include Wheat Ridge Drive, Viewpoint Drive, Bryson Way, Tiffany Street, and Wheat Ridge Drive (north-south section may need to be renamed certainly a City decision). All are intended for vehicular and accessway use by the general public and will be offered for public dedication.

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.

(1) *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:

(a) 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.

(b) 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.

FINDINGS OF FACT: The proposed streets, Viewpoint Drive, Bryson Way, and Wheat Ridge Drive, and Tiffany Street shall be constructed with pedestrian pathways running parallel to the access drive consisting of concrete. All proposed pedestrian pathways shall have a minimum of five feet width. Pedestrian pathways crossing intersecting vehicular drive aisles will be demarcated for the crossing.

(2) *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:

FINDINGS OF FACT: The proposed subdivision is surrounded by Minor Residential Streets. Bryson Way on the west side, Wheat Ridge Drive on the east and south side, and Viewpoint Drive on the west and east side. These streets do not provide connectivity through the subject property, and each terminates at the subject property boundaries. With the development of Phase 2 and 3 of the subdivision these streets will be extended to existing streets providing connectivity. Applicant acknowledges the approving authority shall approve or disapprove street arrangement.

(a) *Adopted neighborhood circulation plans where provided; and*

FINDINGS OF FACT: The subject property is not located within a neighborhood circulation plan.

(b) *Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and*

FINDINGS OF FACT: The subject property is called an in-field site which resulted in the stubbed streets of Viewpoint Drive, Bryson Way, and Wheat Ridge Drive at the project property boundaries. The proposed subdivision will extend these streets providing connectivity for improved traffic circulation, pedestrian circulation, and emergency vehicle access.

(c) *Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and*

FINDINGS OF FACT: The subject property is an in-field site which resulted in the stubbed streets of Viewpoint Drive, Bryson Way, and Wheat Ridge Drive at the project property boundaries. The proposed subdivision will extend these streets providing connectivity for improved traffic circulation, pedestrian circulation, and emergency vehicle access.

(d) *Compatibility with existing natural features such as topography and trees; and*

FINDINGS OF FACT: The proposed project will be compatible with existing natural features, topography. Tax lot 9000 is vacant and will not impact any trees, tax lot 8900 has two existing homes and no vegetation is proposed to be removed from those lots. No public trees will be impacted by this project.

(e) *City or state access management standards applicable to the site.*

FINDINGS OF FACT: City access management standards will be complied with this application where applicable.

(3) *Street Connectivity and Formation of Blocks Required.*

FINDINGS OF FACT: Street connectivity and formation of blocks will be completed by connecting Viewpoint Drive to the west and east existing Viewpoint Drive. Bryson Way will connect to Wheat Ridge Drive on the south side of the subject property with Wheat Ridge Drive on the east side of tax lot 8900 connecting to Wheat Ridge Drive to the west. Additionally, the 30 foot easement on the west side of tax lot 9000 will have a pedestrian pathway connecting Viewpoint Drive to Wheat Ridge Drive on the south.

(a) *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.*

FINDINGS OF FACT: The project site is not located within an adopted neighborhood circulation plan. The project will conform to MC 10.427 Street Classification System as addressed in this document.

(b) *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(4)(b) 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.*

FINDINGS OF FACT: The applicants are not proposing any cul-de-sacs or flag lots in Phase 2 of Hidden Hill Subdivision. Proposed streets and accessways shall connect to other streets within the development and to existing streets adjoining the subject property.

(c) *Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.*

FINDINGS OF FACT: The subject property is not located close to any transit stops. Sidewalk connectivity does provide pedestrians a safe means of commuting to and from project area.

(d) *Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.*

FINDINGS OF FACT: The street pattern around the subject property has Viewpoint Drive stubbed on the east and west side. Bryson Way extends to the west boundary of the

subject property; Wheat Ridge Drive extends to the east and south boundaries of the subject property. All the above streets will be extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks. The extension of these streets is what was intended to provide connectivity upon development of the project tax lots.

(4) *Maximum Block Length and Block Perimeter Length.*

(a) *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(4)(b).*

Table 10.426-1. Maximum Block Length and Perimeter Length

ZONE OR DISTRICT	BLOCK LENGTH	BLOCK PERIMETER LENGTH
i. Residential	660'	2,100'

FINDINGS OF FACT: The applicants are proposing a minimum 5-foot pedestrian path on the west side of tax lot 9000 from Viewpoint Drive connecting to Wheat Ridge Drive south. The pathway will provide safe and convenient pedestrian and bicycle access within and from the new proposed subdivision. 10.464 Accessways provides a well-connected street network for situations where street connections are infeasible or inappropriate. The proposed pedestrian pathway provides the means to allow the block length between Viewpoint to exceed the 660' as required above.

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

FINDINGS OF FACT: The applicants are proposing streets intersecting other streets that shall be directly opposite each other or are offset by at least 200 feet.

10.427 Street Classification System.

(1) *Purpose.* This chapter establishes a street classification system, as determined in the Transportation System Plan (TSP), applicable to all streets within the City and used to determine right-of-way improvement design standards unless alternative standards are provided by an adopted Neighborhood Circulation Plan or other special area plan. It is the intent of the street classification system to:

(a) *Promote the safety and convenience of vehicular, pedestrian, and bicycle traffic;*

(b) *Protect the safety of neighborhood residents;*

(c) *Protect the residential character of neighborhoods by limiting traffic volume, speed, noise and fumes; and*

(d) Encourage the efficient use of land.

(2) *Applicability.* 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 Functional Classification Map in the City of Medford Transportation System Plan (TSP), as amended. All streets (existing or proposed) intended to be within the City of Medford’s jurisdiction shall adhere to the street classifications identified below unless alternative standards are provided by an adopted Zoning Overlay, Neighborhood Circulation Plan, the legacy street standards as established per 10.427(4) and (5) or other special area plan(s), including, but not limited to, plans contained in the Comprehensive Plan. 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 designs, including sidewalk widths, planter strip use, and lane widths, may be adjusted through an adopted plan or modified code standard.

Street Classification

Highway

County, or state facility

Higher-Order Street System

Arterial, Regional, Major or Minor

Collector, Major, or Minor

Lower-Order Street System – Commercial/Industrial

Commercial

Industrial

Lower-Order Street System - Residential

Standard Residential

Minor Residential

Residential Lane

Non-Street Alternatives

Minimum Access Easement (Minor or Major)

Alley

(2) *Minor Residential Street Description.* A street which provides direct access to immediately adjacent residentially zoned land, provides neighborhood street connectivity and which serves up to 100 dwelling units. On-street parking is provided on both sides of the street. Design requirements for a minor residential street include two 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 edge of the sidewalk, and shall be planted with trees identified on the City-approved street tree list. Those minor residential streets that are not through streets shall terminate in a standard cul-de-sac that complies with Section 10.450. In order to ensure that there is at least 20 feet of unobstructed clearance for fire apparatus, the applicant shall choose from one of the following design options in coordination with the Fire Department:

FINDINGS OF FACT: All proposed streets within the subdivision will be Minor Residential Streets as described in the Medford Land Development Code (MLDC), Section 10.430 which will provide direct access to immediately adjacent residentially zoned lands. The proposed streets will provide neighborhood connectivity. Each new street will be dedicated for public right-of-way with sufficient width which is 55-feet. All new streets will follow design requirements for a minor residential streets which includes sidewalks and planter strips on both sides planted with trees identified on the City-approved street tree list.

(a) *Clustered, offset (staggered) driveways (for an example see 10.430(3)), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet shall be provided. The Fire Department shall approve the design of offset/staggered driveways.*

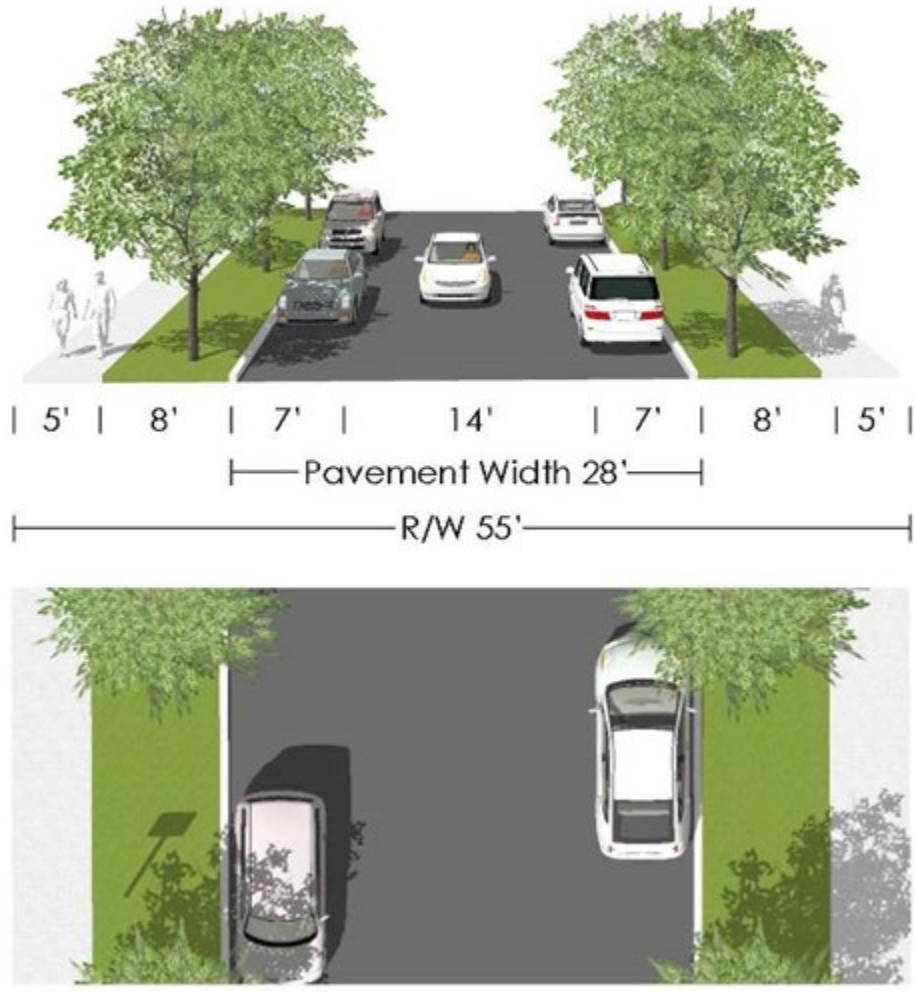
FINDINGS OF FACT: Applicants acknowledge the above.

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

FINDINGS OF FACT: Applicants for the proposed subdivision acknowledge the above and will adhere to the specified requirements.

(c) *Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.*

FINDINGS OF FACT: The applicants acknowledge (c) above.



(3) *Minor Residential Street Driveway Clustering/Staggering.* To ensure a minimum 20-foot clearance for access of a fire apparatus (i.e., fire-truck) along minor residential streets, and allow for the ability to have a setup area in an emergency event, driveways shall be clustered and/or staggered. The image below represents how clustering/staggering can be accomplished. Lots 1 and 2, 3 and 4, 5 and 6, 8 and 9, and 10 and 11 are clustered together. The clustered driveways are offset on the opposite side of the street; in other words, driveways shall not be directly across from one another.

FINDINGS OF FACT: The applicants acknowledge the above standards.

10.700 Lot Design Standards.

Lot design standards shall be as set forth in this Article. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the requirements of this Code. To maximize the potential for solar energy access, each lot should be oriented along a north-south axis. Building orientation can vary up to 30 degrees from this north-south axis. The side property lines for a lot shall be within 30 degrees of perpendicular to the street upon which the lot has frontage, except on a curved street where the side property lines shall be within 30 degrees of radial to the curve.

FINDINGS OF FACT: The proposed Hidden Hills Subdivision Phase 2 and 3 is designed for lot arrangement for no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the requirements of this Code. To the maximum extent possible for potential solar energy access, each lot is oriented along a north-south axis. The curved bulb-out on Wheat Ridge Drive is designed to achieve the 30 degrees allowed from the north-south axis requirement. The applicants acknowledge that the City may place conditions on the lots with areas exceeding 15% slopes if approved.

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:

(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 an oversize lot may be created to be no more than twice the maximum lot area for the subject zoning unless existing circumstances necessitate a larger configuration which can be approved at the discretion of the review authority; 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.

(c) When a unit of land is being divided into developer tracts or reserve acreage as per Section [10.202\(6\)](#) or [\(7\)](#).

FINDINGS OF FACT: Each of the proposed lots meet the maximum lot area with the exception of Lot 21. Lot 21 is proposed at 27,259 sq.ft. exceeding the maximum of 18,750 sq.ft. The applicants are asking to utilize (3)(a) above where the existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area. The oversize lot is no more than twice the maximum lot area for the subject zoning which is 37,500 sq.ft. This criterion is met with the proposed Lot 21.

(4) The approving authority shall approve a reduction from the required lot dimensions of a parcel (i.e. lot area, lot width, depth) and reductions shall be permitted upon determination that the below conditions exist. These reductions shall be permitted at the option of the applicant for land use review. The conditions for lot dimension reductions are as follows:

FINDINGS OF FACT: The applicants are asking the approving authority for a lot reduction on Lot 12 in Phase 2. The lot reduction request is based on a-c below and meets all the criteria.

(a) *The parcel is within a residential zoning district; and*

FINDINGS OF FACT: The parcels (Tax Lots 9000 and 8900) are located within a residential zoning district. Zoning on both parcels is SRF-4.

(b) *The parcel is proposed for land division, per the MLDC;*

FINDINGS OF FACT: The proposed parcel is being submitted as Phase 2 and 3 of Hidden Hills Subdivision.

(i) *When reductions in lot dimensions are proposed for a land division, reductions may only be permitted on fifteen percent (15%) of the total number of proposed parcels. A minimum of one parcel shall be granted reduction, per land division.*

FINDINGS OF FACT: Hidden Hills Phase 2 is comprised of 19 lots of which 15% would be 2.85. The applicants are submitting for a lot reduction on one (1) lot meeting this criterion.

(c) *Reductions of lot dimensions shall be permitted as displayed in Table 10.702-1.*

FINDINGS OF FACT: Lot 12 is proposed at 5939 square feet. Based on Table 10.702-1 the allowable square footage for a reduction is 780 feet. The request for Lot 12 is 561 square feet meeting this criterion. No other reductions are being requested. Lot 12 meets lot depth (+/-96.2 feet) and lot width (+/-70.5 feet).

Table 10.702-1. Lot Dimension Reductions

Table 10.702-1. Lot Dimension Reductions

Permitted Reduction Above	Lot Area	Lot Width (Interior & Corner)	Lot Depth
Reduction per 10.702(4)(c) – Subdivision	12% or 900 sq. ft., whichever is smaller	12% or 7 ft., whichever is smaller.	12% or 10 ft., whichever is smaller.

FINDINGS OF FACT: The applicants are asking for a reduction in lot dimensions on Lots 12 for a reduction in square footage of 561 square feet meeting the above criteria.

10.708 Residential Density.

The minimum and maximum number of dwelling units permitted shall be determined by multiplying the project’s gross acreage, less non-development areas (NDAs), by the zoning district minimum and maximum density factor, consistent with subsections (1), (2), and (3) of this section.

(d) *Minimum Density Factor (min. df).* Minimum number of dwelling units per gross acre allowed for the zoning district, as defined in Sections 10.710 – 10.714.

(e) *Maximum Density Factor (max. df).* Maximum number of dwelling units per gross acre allowed for the zoning district, as defined in Sections 10.710 – 10.714.

(2) *Calculations.* The minimum and maximum number of dwelling units permitted shall be determined by multiplying the project's gross area, less NDAs (at the option of the developer), by the zoning district minimum and maximum density factor.

(a) *Examples:*

(i) *Minimum Density Calculation.* The project site lies within the SFR-4 district and contains six gross acres (GA). The developer intends to retain two acres of reserved acreage (NDA). The minimum number of dwelling units and/or lots permitted is calculated as follows:

$$(GA-NDA) \text{ min. df.} = (6-2)2.5 = 10$$

(ii) *Maximum Density Calculation.* The project site contains six gross acres (GA) of land within the SFR-4 district. The developer intends to retain two acres of reserved acreage (NDA). The maximum number of dwelling units permitted is calculated as follows:

$$(GA-NDA) \text{ max. df.} = (6-2)4 = 16$$

Detached Single-Family Dwellings

One detached dwelling unit per lot.

FINDINGS OF FACT: The proposed Hidden Valley Phase 2 and 3 consists of +/-7.95 acres. The minimum density dwelling units allowed is 2.5/acre with the maximum density dwelling 4/acre for detached Single Family Dwellings.

Single Family Detached Dwelling-Minimum dwelling units/acre 6.13 acres x 2.5 = 15 dwelling units

Single Family Detached Dwelling-Maximum dwelling units/acre 6.13 acres x 4 = 24 PROPOSED = 24

The minimum density dwelling units for Townhomes allowed is 2.5/acre with the maximum density 16 dwelling units/acre.

Proposed

Townhomes – Minimum dwelling units/acre 1.8 acres x 2.5/acre = 4

Townhomes – Maximum dwelling units/acre 1.8 acres x 16 = 28

PROPOSED = 15

The proposed lot development for 24 Single Family Detached Dwellings and 15 Townhomes meets the criteria for density under SFR-04 zoning.

10.709 Residential Land Division Standards by Housing Type.

□

The following standards apply to the division of land within the various residential districts by housing type. For cottage cluster standards, see Section 10.818A. See Article III, Sections 10.308 through 10.312, for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

Table 10.709-1. Residential Zones-Land Division Standards

Development Standards	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
Minimum and Maximum Density Factor Range(per gross acre)					
Detached SFR			2.5 to 4.0		
Townhomes			2.5-16.0		
Lot Area Range (Square Feet)					
Detached SFR			6,500 to 18,750		
Townhomes			1,500 - 4,500		
Minimum Interior Lot Width					
Detached SFR			60 feet		
Townhomes			20 feet		
Minimum Corner Lot Width					
Detached SFR			70 feet		
Townhomes			30 feet		
Minimum Lot Depth					
Detached SFR			90		
Townhomes			90		
Minimum Lot Frontage					
Detached SFR			30 20 for flag lots		
Townhomes			20		

	Lot area sq. ft. SFR 6500- 18750 Townhomes- 1500-4500	Min. Interior Lot Width SFR-60 Townhomes- 20	Min. Corner Lot Width SFR-70 Townhomes- 30	Min. Lot Depth SFR-90 Townhomes- 90	Min. Lot Frontage SFR- 30 20 for flag lots Townhomes-20
PROPOSED					
Lot 12 SFR	5939	60	NA	96.2	70.5
Lot 13 SFR	6555	60	NA	125.5	72.4
Lot 14 SFR	7609	+/-69.7	NA	97.9	66.9
Lot 15 SFR	9359	+/-69.7	NA	128.9	72.6
Lot 16 SFR	10355	87.4	NA	118.4	87.4
Lot 17 SFR	7461	63	NA	118.4	63
Lot 18 SFR	7462	63	NA	118.2	63
Lot 19 SFR	7463	63	NA	118.4	63
Lot 20 SFR	7363	63	NA	118.5	63
Lot 21 SFR	27259	98	NA	203.3	125.4
Lot 22 SFR	6773	71.54	NA	100.5	79.8
Lot 23 SFR	14631	100	NA	113.7	113.7
Lot 24 SFR	10174	87.5	NA	116.3	87.5
Lot 25 SFR	7378	66.9	NA	106.1	66.9
Lot 26 SFR	9206	60+	NA	106.1	50.1
Lot 27 SFR	12901	60+	NA	135.6	45.9
Lot 28 SFR	14072	60+	NA	191.2	44.3
Lot 29 SFR	12272	60+	NA	186.5	44.3
Lot 30 SFR	10183	72	NA	90+	76
Lot 31 SFR	11950	64	NA	186.5	64
Lot 32 SFR	8897	60.1	NA	147.9	60.1
Lot 33 SFR	9310	63	NA	147.6	63
Lot 34 SFR	9295	63	NA	147.4	63
Lot 35 SFR	9280	63	NA	147.4	63
Lot 36 Townhome	4417	30	NA	147.2	30
Lot 37 Townhome	3569	24	NA	147.6	24
Lot 38 Townhome	8412	54.5	NA	150.1	56.5
Lot 39 Townhome	3618	37.3	37.3	105	37.3
Lot 40 Townhome	2520	24	NA	105	24
Lot 41 Townhome	2520	24	NA	105	24
Lot 42 Townhome	2520	24	NA	105	24
Lot 43 Townhome	2520	24	NA	105	24
Lot 44 Townhome	5686	47.4	NA	105	54.7
Lot 45 Townhome	6886	53.4	NA	127.3	53.4
Lot 46 Townhome	3055	24	NA	127.3	24
Lot 47 Townhome	3055	24	NA	127.3	24
Lot 48 Townhome	3055	24	NA	127.3	24
Lot 49 Townhome	3054	24	NA	127.3	24
Lot 50 Townhome	4356	35.9	34.1	127.3	38.5

FINDINGS OF FACT: The proposed lots for Phase 2 and 3 of Subdivision Hidden Hills are all conforming lots for width and depth with the exception of Lots 12 requesting a lot area reduction of 561 square feet. Lot 12 is below the required square footage of 6,500 but is utilizing *MLDC 10.702(4)(b)(i)* *When reductions in lot dimensions are proposed for a land division, reductions may only be permitted on 15% of the total number of proposed parcels. A minimum of one parcel shall be granted reduction, per land division.*

Only one parcel (Lot 12 - 5,939 sq.ft.) requests a reduction of 12% or 900 sq. ft., whichever is smaller. The requested reduction by using the 12% reduction allowance results in 712 sq.ft. allowing the lot to be reduced to 5,788 sq.ft. Lot 12 meets this reduction allowance and is proposed at 5,939 sq.ft. No other reductions are being requested for this subdivision.

10.773 Pedestrian Walkway Connections and Routing.



A pedestrian walkway shall be provided:

(1) To each street abutting the property, and for every 300 feet of street frontage not including limited access freeways.

(2) To connect with walkways, sidewalks, bikepaths, and other bicycle or pedestrian connections on adjacent properties.

(3) To connect building entrances to one another, to existing or planned transit stops and to connect the pedestrian circulation system to other areas of the site such as parking lots, children's play areas, required outdoor areas and any pedestrian amenities such as plazas, resting areas and viewpoints.

[Added Sec. 19, Ord. No. 7629, May 5, 1994; Amd. Sec. 24, Ord. No. 2009-207, Sep. 17, 2009.]

FINDINGS OF FACT: The proposed Phases 2 and 3 will construct 5' sidewalks on both sides of Viewpoint Drive, Bryson Way, Tiffany Street, and Wheat Ridge Drive connecting to the existing sidewalks on all the streets for pedestrian circulation to other areas outside of the project area. An additional pedestrian pathway is proposed along the west side of tax lot 9000 between Viewpoint Drive south to Wheat Ridge Drive.

10.775 Pedestrian Walkway Design Standards.



Pedestrian walkways shall be:

(1) At least five feet in paved unobstructed width, except walkways bordering parking spaces which shall be at least seven feet wide unless concrete bumpers, bollards or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Vehicle encroachment is permitted into the walkway when a minimum of seven feet is maintained.

(2) Separated from parking area by grade, different paving materials, speed bumps or landscaping.

(3) Provided with stairs and ramps where necessary to provide a direct route.

(4) Provided with parking lot or pedestrian scale lighting.

(5) As direct as possible and avoid unnecessary meandering.

(6) Designed to minimize driveway crossings.

(7) Located so that the pedestrian has a minimum distance to walk between a transit stop or a street with a transit stop and the entrance to a building.

[Added Sec. 20, Ord. No. 7629, May 5, 1994; Amd. Sec. 10, Ord. No. 2014-161, Dec. 22, 2014.]

FINDINGS OF FACT: Proposed pedestrian walkways meet the required five feet paved width along Viewpoint Drive, Wheatridge Drive, Tiffany Street, and Bryson Way. Applicants acknowledge and shall apply 1-7 above in pedestrian pathway design.

PART 3
COMPLIANCE WITH THE
MEDFORD COMPREHENSIVE PLAN

A. CITIZEN INVOLVEMENT ELEMENT

GOAL Statewide Planning Goal 1: Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process. City of Medford Strategic Plan 2014-2019: Objective: Provide adequate opportunities for public input. Action: Provide and promote various methods of communication to enhance opportunities for citizen education and interaction. The City understands that citizen involvement is an on-going process rather than a one-time project. The methods used to outreach, communicate, and interact with the citizens will evolve CITIZEN INVOLVEMENT ELEMENT 3 especially as technology changes over time. A variety of techniques will be used to provide opportunities for citizens to be involved in all phases of the planning process and City governance. The City will provide for a consistent and responsible citizen-involvement program to serve all its citizens:

Findings and Fact: The application process put forth by the City of Medford ensures that the surrounding landowners within 200 feet are notified of the proposed subdivision project thus allowing them the opportunity for input fulfilling the requirements set forth under this Goal.

B. ENVIRONMENTAL ELEMENTS:

Wetlands In the past, few standards regulated the planning, development, or preservation of wetlands in Oregon’s urban areas.

Findings and Fact: No wetlands are on the subject property.

C. POPULATION ELEMENT

Oregon’s land use planning program is based on forecasts of future population. These forecasts are used in determining the amount and type of housing needed to accommodate the projected population growth for 20 years, as well as in ensuring that sufficient land is available for 20 years of economic growth.

Findings and Fact: The proposed project can help satisfy housing needs in an area that is suitable for the development of a phased subdivision.

D. ECONOMIC ELEMENT

The purpose of the Economic Element of the Medford Comprehensive Plan is to determine the City’s economic goals, policies and land needs concerning commercial and industrial development within the City limits and the Urban Growth Boundary.

Findings and Fact: With the growth of Medford’s commercial and industrial development, housing needs will be elevated and subdivisions such as the one being proposed are essential for providing homes for future expansion.

E. HOUSING ELEMENT

Because Medford has a need for housing of all types, future development is assumed to occur similarly to past development; the mix of housing is expected to continue with 65% single-family types and 35% multi-family types. Between 2000 and 2008 housing became less affordable because home prices increased by 68%, while household income increased by only 10 percent. The Housing Needs Analysis indicates that there is a need for 996 total gross acres of additional residential land in the General land Use Plan designations depicted below. 426 16 49 39 465 0 100 200 300 400 500 Public and semi-public lands Group quarters Urban High Density Urban Medium Density Urban Residential Acres Lastly, this Housing Element includes Conclusions, Goals, Policies and Implementation Strategies that will guide the City's policy and decision-making related to residential development over the next twenty years.

Findings and Fact: The proposed phased subdivision will help satisfy the need for additional housing.

F. BUILDABLE LAND INVENTORY

Vacant Land: The City's vacant land inventory utilizes "vacant" property classes but excludes vacant parcels under .08 acre (3,485 square feet) in size.

Findings and Fact: The proposed phased subdivision is being proposed on two tax lots that are surrounded by subdivisions, ideally situated for this proposed development.

G. PUBLIC FACILITIES ELEMENT

WATER SERVICE—GOALS, POLICIES, AND IMPLEMENTATION MEASURES

Goal 1: To provide the City of Medford with high quality domestic water for consumption and fire protection, consistent with state, federal and industry standards.

Findings and Fact: Domestic water is available at the subject site.

Sanitary Sewage Collection

Goal 2: To provide appropriate sanitary sewage collection facilities to serve the Medford Urban Growth Boundary.

Findings and Fact: Sewer collection facilities for tax lot 8900 is contingent upon Springbrook sewer constraint being updated as a capital improvement. The applicants are proposing a balanced sewer capacity exchange to complete Phase 2. The proposed sewer capacity exchange will move a portion of tax lot 9000 entitlement to 8900 within Phase 2. Phase 3 will be developed when sewer capacity is available on the remaining portions of tax lots 9000 and 8900, or an independent professional sewer capacity study provides evidence that capacity exists.

Goal 3: Protect the security and longevity of the sewer collection system. Policy 2-A: The City shall make reasonable attempts to protect the security of its sewer collection system.

Findings and Fact: This goal is n/a to this application.

Goal 4: Ensure a sanitary sewer collection system that is environmentally sound and adaptive to a changing environment. Policy 3-A: On a regular basis, the City shall update an Emergency Response Plan that focuses on problems created by major disasters (such as earthquakes, floods or windstorms).

Findings and Fact: The applicants acknowledge the role of the City to update an Emergency Response Plan for major disasters.

Sanitary Sewage Treatment Goal 4: To provide appropriate sanitary sewer treatment facilities to serve the Medford Urban Growth Boundary.

Findings and Fact: Tax lot 9000 and 8900 have both been through a zoning change that the City of Medford approved. Tax Lot 9000 has full sewer capacity entitlement with Tax Lot 8900 sewer capacity contingent upon the Springbrook constraint being upgraded through capital improvements. The applicants acknowledge the sewer constraints at Springbrook and are proposing a balanced sewer capacity exchange between the phases to complete Phase 2 on tax lots 8900 and 9000.

Sanitary Sewage Service Goal 5: Coordinate with other agencies and municipalities to provide adequate sewer service when applicable. Policy 5-A: The City shall support and participate in regional planning of sewer service with neighboring jurisdictions and sewer districts. Policy 5-B: The City shall work closely with adjacent jurisdictions to coordinate sewer service issues related to regional growth, regulatory requirements and changes, and opportunities for regional projects.

Findings and Fact: Adequate sewer service is available for Tax Lot 9000. The proposed phasing of Hidden Hills development will leave the southerly portions of tax lots 8900 and 9000 (phase 3) until the sewer capacity is available.

Statewide Planning Goals The Statewide Planning goals that affect stormwater management planning include

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces;

Goal 6 - Air, Water and Land Resources Quality;

Goal 7 – Hazards; and

Goal - 11 Public Facilities Planning;

Findings and Fact: The proposed subdivision will follow all Land Development Code requirements that implement management of the applicable Goals above.

H. GENERAL LAND USE PLAN (GLUP) ELEMENT

GENERAL LAND USE PLAN (GLUP) MAP INTRODUCTION The General Land Use Plan (GLUP) Map graphically represents the present and future land use patterns within the City of Medford, and the future patterns within the Urban Growth Boundary (UGB). Medford’s GLUP Map is maintained in a larger sized format and is a part of this element by reference. The purpose of the GLUP Map is to project the probable land uses in the city at the end of the planning period, based on the needs analyses in the other elements of the Medford Comprehensive Plan.

Findings and Fact: The additional need for housing is being addressed by this application and subdivision.

I. TRANSPORTATION SYSTEM PLAN ELEMENT

The Plan was developed through extensive coordination between local and state agencies and the involvement of local stakeholders and summarizes the City's priorities to meet existing and future transportation needs.

Findings and Fact: The proposed subdivision will provide connectivity for Viewpoint Drive, Wheat Ridge Drive, Tiffany Street, and Bryson Way (local streets in the Transportation System Plan).

J. URBANIZATION ELEMENT

STATEWIDE PLANNING GOAL 14: URBANIZATION The purpose of the Urbanization Element of the Comprehensive Plan is to identify the policies and procedures that the City of Medford, in **cooperation with Jackson County, has adopted to comply with Statewide Planning Goal 14: Urbanization**, the purpose of which is: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Findings and Fact: The applicants acknowledge the purpose of the Urbanization Element.

K. REGIONAL PLAN ELEMENT

1. INTRODUCTION The Greater Bear Creek Valley Regional Plan is the product of a comprehensive regional land-use planning effort undertaken by the cities of Ashland, Central Point, Eagle Point, Medford, Phoenix, Talent, and Jackson County to address long-term urbanization needs of the region, including the establishment of goals and policies.

Findings and Fact: This goal is addressed in the Comprehensive Plan.

3.
***ADDITIONAL FINDINGS AS REQUIRED SUCH
AS HILLSIDE ORDINANCE, RIPARIAN
ORDINANCE, OR ADOPTED
NEIGHBORHOOD CIRCULATION PLAN***

***HIDDEN HILLS SUBDIVISION
PHASES 2 & 3
371W16BA
TAX LOTS 9000 & 8900***



ADDITIONAL FINDINGS:

The application for Hidden Hills Subdivision Phases 2 & 3 does not have any additional required information which includes:

- Hillside Ordinance
- Riparian Ordinance
- Adopted Neighborhood Circulation Plan
- Wetlands
- Vernal Pools

No overlays of the above listed items exist on the subject property.

10.
***LEGAL DESCRIPTION OF PROJECT SITE
DEEDS***

***HIDDEN HILLS SUBDIVISION
PHASES 2 & 3
371W16BA
TAX LOTS 9000 & 8900***

Account Sequence	Map TL Sequence	Assessment Year 2022 ▾	Print Window	Close Window
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Assessment Info for Account 1-042366-8 Map 371W16BA Taxlot 9000
Report For Assessment Purposes Only Created April 08, 2023

Account Info		Tax Year 2022 Info		Land Info	
Account	1-042366-8	Pay Taxes Online		Tax Code	49-01
Map Taxlot	371W16BA 9000	Tax Report	Details	Acreage	4.00
Owner	CLE RESIDENTIAL LLC	Tax Statement	Details	Zoning	
Situs Address	2953 FAIRFAX ST MEDFORD MS	Tax History	Details	Land Class	
Mailing Address	CLE RESIDENTIAL LLC 2953 FAIRFAX ST MEDFORD OR, 975045816	Tax Details	Details	UNK 4.00 Ac	
<input type="checkbox"/> Associated Taxlots 1 Acct		Tax Rates	Details	Property Class	190
49-01 MS	3-000830-0 371W16BA 9000 PURGED			Stat Class	000
Appraiser	141			Unit ID	145266-1
				Maintenance Area	6
				Neighborhood	000
				Study Area	11
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 220,000	Dec 02, 2020	2020-45847	Details

Value Summary Detail (For Assessment Year 2022)

Market Value Summary (For Assessment Year 2022)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	4.00	\$ 606,370	\$ 606,370	\$ 151,210	\$ 151,210
Value History Details			Total:	\$ 606,370	\$ 606,370	\$ 151,210

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal
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Appraisal Maintenance

2006 - VALID RESIDENTIAL R.T. (T-LANDSCAPE ONLY)
2008 - INVENTORY REVIEW

Account Comments

(1) SAME OWNER AS TL 200 (2) MOBILE HOME 3-000830-0 X-060881 <<<8/31/04 APPRAISAL UPDATE TO MATCH STUDY AREA AND PROPERTY CLASS CHANGE. NO EXCEPTION. PER #136>>><<< 8-3-05 CORRECTED THE 2004 TREND TABLES THAT WERE INCORRECT FOR THE PERIOD 2-05 THROUGH 8-05 PER #23 >>>09/20/05 REMOVE RT, SHOULD BE ON TL-9100>>> 11/23/07 NAC #141>>> 2/19/2010: Changed to SA 11 and PCL 190, Removed MS site and added all acreage to Rural Tract sue to East Medford Recalculation #148>>>

Exemptions / Special Assessments / Notations / Potential Liability

Notations				
Description	Tax Amount	Year Added	Value Amount	
POT'L ADD'L TAX LIABILITY ORS 308A.083	5		\$2,090.06	

Location Map



[Close Window](#) [Print Window](#)



After recording return to:
CLE Residential, LLC
2953 Fairfax Street
Medford, OR 97504

Until a change is requested all tax
statements shall be sent to the
following address:
CLE Residential, LLC
2953 Fairfax Street
Medford, OR 97504

File No.: 7161-3614616 (RT)
Date: November 10, 2020

Jackson County Official Records **2020-045847**
R-WD
Stn=16 MORGANSS **12/04/2020 11:14:44 AM**
\$10.00 \$10.00 \$11.00 \$11.00 \$60.00 **\$102.00**
I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

THIS SPACE RE

STATUTORY WARRANTY DEED

Timothy R. Driver and Kay Driver, Trustees of The Timothy R. Driver, M.D., P.C Profit Sharing Plan and Trust, Grantor, conveys and warrants to **CLE Residential, LLC**, 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:

Commencing at the quarter corner to Sections 9 and 16 in Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence North 89°42' West along the north boundary of said Section 16, a distance of 350.16 feet; thence South 00°30' East 564.18 feet to a 3/4" iron bolt at the northwest corner of the tract described in Volume 228, page 126 of the Deed Records of Jackson County, Oregon, for the true point of beginning; thence continue South 00°30' East 81.86 feet to a 5/8" iron pin; thence West 445.60 feet to a 5/8" iron pin; thence South 671.26 feet to intersect the North boundary of the tract described in Volume 223 page 484, said Deed Records, at a 5/8" iron pin; thence North 89°49'54" West (Record North 89°50' West) along said North boundary 181.54 feet to a 3/4" iron bolt; thence North 00°18'03" West 751.46 feet (Record North 00°18'50" West 751.59 feet) to a 2" iron pipe found to be set for the most easterly southeast corner of the tract described in Volume 223 page 340, said Deed Records; thence North 89°53'50" East 630.37 feet (Record North 89°53'30" East 630.5 feet) to the true point of beginning.

NOTE: This legal description was created prior to January 1, 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.

The true consideration for this conveyance is **\$220,000.00**. (Here comply with requirements of ORS 93.030)



Business Name Search

[New Search](#)

[Printer Friendly](#)

Business Entity Data

04-08-2023
10:53

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1182448-96	DLLC	ACT	OREGON	01-28-2016	01-28-2024	
Entity Name CLE RESIDENTIAL , LLC						
Foreign Name						

[New Search](#)

[Printer Friendly](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	4003 CRATER LAKE HWY					
Addr 2						
CSZ	MEDFORD	OR	97504	Country	UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	12-16-2021	Resign Date
Name	SHAWN	JEWETT			
Addr 1	4003 CRATER LAKE HWY				
Addr 2					
CSZ	MEDFORD	OR	97504	Country	UNITED STATES OF AMERICA

Type	MAL	MAILING ADDRESS
Addr 1	4003 CRATER LAKE HWY	
Addr 2		
CSZ	MEDFORD	OR 97504 Country UNITED STATES OF AMERICA

Type	MEM	MEMBER	Resign Date
Name	DENIS	J HICKEY	
Addr 1	4003 CRATER LAKE HWY		
Addr 2			
CSZ	MEDFORD	OR 97504	Country UNITED STATES OF AMERICA

[New Search](#)

[Printer Friendly](#)

Name History









Business Entity Name	Name Type	Name Status	Start Date	End Date
CLE RESIDENTIAL , LLC	EN	CUR	01-28-2016	

Please [read](#) before ordering [Copies](#).

[New Search](#)

[Printer Friendly](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	12-13-2022		FI		
	AMENDED ANNUAL REPORT	12-16-2021		FI	Agent	
	AMENDED ANNUAL REPORT	12-28-2020		FI		
	AMENDED ANNUAL REPORT	12-30-2019		FI	Agent	
	AMENDED ANNUAL REPORT	12-20-2018		FI		
	AMENDED ANNUAL REPORT	01-02-2018		FI		
	AMENDED ANNUAL REPORT	01-04-2017		FI		
	ARTICLES OF ORGANIZATION	01-28-2016		FI	Agent	

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For comments or suggestions regarding the operation of this site, please contact : corporation.division@sos.oregon.gov

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Account Sequence	Map TL Sequence	Assessment Year 2022 ▼	Print Window	Close Window
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Assessment Info for Account 1-068748-8 Map 371W16BA Taxlot 8900
Report For Assessment Purposes Only Created January 03, 2022

Account Info		Tax Year 2021 Info		Land Info	
Account	1-068748-8	Pay Taxes Online		Tax Code	49-01
Map Taxlot	371W16BA 8900	Tax Report	Details	Acreage	4.00
Owner	BECHTEL RONALD L/BETTY R	Tax Statement	Details	Zoning	
<input type="checkbox"/> Situs Address		Tax History	Details	Land Class	
3370 VIEWPOINT DR MEDFORD R		Tax Details	Details	UNK 4.00 Ac	
3380 VIEWPOINT DR MEDFORD R		Tax Rates	Details	Property Class	191
Mailing Address	BECHTEL RONALD L/BETTY R 3370 VIEWPOINT DR MEDFORD OR, 975045094			Stat Class	143
Appraiser	141			Unit ID	145267-1
				Maintenance Area	6
				Neighborhood	000
				Study Area	11
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (AS 400)

Value Summary Detail (For Assessment Year 2022 - Subject To Change)

Market Value Summary (For Assessment Year 2022 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	4.00	\$ 776,420	\$ 776,420	\$ 176,550	\$ 176,550
49-01	IMPR	0.00	\$ 262,120	\$ 262,120	\$ 287,350	\$ 287,350
Value History Details		Total:	\$ 1,038,540	\$ 1,038,540	\$ 463,900	\$ 463,900

Improvements

Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete	
1	49-01	1981	1981	143	One story with basement	Residence	3104	100 %	Details
2	49-01	1981	1981	121	One story	Residence	910	100 %	Details

Photos and Scanned Documents

Type	Item Number	Image Files	
APEX DRAWINGS	1	1	PDF
SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal

Improvement Comments

Appraisal Maintenance

2007 - IN HOUSE ONLY
2008 - INVENTORY REVIEW

Account Comments

(1) SECOND UNIT BEING RENTED 2 HOME SITES.
07/07/98: ANNEXATION BY CODE CHANGE, NO EXCEPTION JV98-6005A <<< 8-3-05 CORRECTED THE 2004 TREND TABLES THAT WERE INCORRECT FOR THE PERIOD 2-05 THROUGH 8-05 PER #23 >>> 11/23/07 NLC #141>>>

Exemptions / Special Assessments / Notations / Potential Liability

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That GEORGE ROBERT FRASIER, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto RONALD L. BECHTEL and BETTY R. BECHTEL, husband and wife, hereinafter called grantees, and unto grantees' heirs, successors and assigns, all that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Jackson, State of Oregon, described as follows, to-wit:

Commencing at the quarter corner to Sections 9 and 16 in Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence North 89°42' West along the North boundary of said Section 16, a distance of 350.16 feet; thence South 00° 30' East 564.18 feet to a 3/4 inch iron bolt at the Northwest corner of the tract described in Volume 228, Page 126, of the Deed Records in Jackson County, Oregon; thence continue South 00°30' East 81.86 feet to a 5/8 inch iron pin for the TRUE POINT OF BEGINNING; thence West 445.60 feet to a 5/8 inch iron pin; thence South 671.26 feet to intersect the North boundary of the tract described in Volume 223, page 484, said Deed Records, at a 5/8 inch iron pin; thence South 89°49'54" East (Record South 89°50' East) 209.03 feet to a 3/4 inch iron bolt; thence North 00°30'00" West 524.28 feet (Record 524.47 feet) to a 3/4 inch iron bolt; thence North 89°53' 30" East 242.44 feet to a point that bears South 00° 30' 00" East from the true point of beginning; thence North 00°30' 00" West 147.16 feet to the true point of beginning. Containing 4.00 acres, more or less.

TO HAVE AND TO HOLD the same unto the said grantees and grantees' heirs, successors and assigns forever.

The true and actual consideration paid for this transfer stated in terms of dollars, is \$NONE.

However, grantor and grantees have heretofore been tenants in common to certain real property and this deed is executed in exchange for reciprocal deeds for the purpose of separating and partitioning the interests of the parties in said real property.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 17th day of April, 1981.

May

George Robert Frasier (SEAL)
George Robert Frasier

STATE OF OREGON)
County of Jackson) ss.

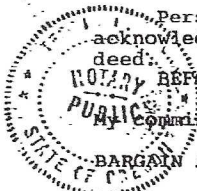
May
April 6th, 1981

Personally appeared the above named George Robert Frasier and acknowledged the foregoing instrument to be his voluntary act and deed.

BEFORE ME:

Therese L. Glover
Notary Public for Oregon

My commission expires: 10-24-84



BARGAIN AND SALE DEED-1.

State of Oregon, County of Jackson--SS.
The within instrument received and filed at 11:30 o'clock
A m. the 18 day of May 19 81
Recorded in Official Records for Jackson County
Oregon. W. Deane Timp County Clerk.
By Atty X Deputy

**IN THE MATTER OF THE APPLICATION
FOR THE TENTATIVE PLAT APPROVAL
OF HIDDEN HILLS SUBDIVISION PHASES 2 & 3**

**SUPPLEMENTAL
FACTS AND FINDINGS
HIDDEN HILLS SUBDIVISION (PHASES 2 & 3)
371W16BA
TAX LOTS 9000 and 8900**

**APPLICANT: CLE RESIDENTIAL, LLC
DENIS J. HICKEY / MEMBER
4003 CRATER LAKE HIGHWAY
MEDFORD, OREGON 97504**

**APPLICANT: RONALD AND/OR BETTY BECHTEL
3370 VIEWPOINT DRIVE
MEDFORD, OREGON 97504**

**AGENT: LANI HICKEY
PO BOX 785
MERRILL, OREGON 97633
(541) 591-0211**

PROJECT DESCRIPTION

A. BACKGROUND INFORMATION

The subject property is located South of Delta Waters Road, North of St. Augustine Drive, East of Leonard Avenue, West of Fairfax Street, Viewpoint Drive and Wheat ridge Drive. (Jackson County Assessor's map 37 1 W 16, Tax Lots 9000, and 8900). According to the City of Medford Zoning Map tax lot 9100 is zoned SFR 04 which includes Phase I. Phases 2 and 3 are being submitted with this application. Tax lot 9000 has been through a zone change to SFR 04 and was approved contingent upon the Terminal Spur sewer capacity constraint being resolved. The sewer constraint is resolved with tax lot 9000 having full sewer entitlement. Tax lot 8900 went through a zone change and was approved based on the Delta Waters and Terminal Spur sewer constraints being resolved. The Terminal Spur construction is completed leaving the Delta Waters sewer constraint yet to be resolved.

The applicants are proposing Phases 2 and 3 of Hidden Hills Subdivision containing both Tax Lots 8900 and Tax Lot 9000. While both properties are zoned SFR-4, only Tax Lot 9000 has full entitlement for development based on sewer capacity (4-acres). However, there are two existing properties on Tax Lot 8900 that already have sewer service that should be included in the entitlement review (41,890 sq.ft.) While Phase 2 and 3 encompasses approximately +/-7.95 acres total area, only 4 acres would be considered entitled to sewer service (with consideration of the existing lots in TL 8900). The development proposed for Phase 2 (Tax Lots 9000 and 8900) is +/-3.6 acres and proposed development for Phase 3 (Tax Lots 9000 and 8900) is +/- 3.1 acres. The applicants are proposing to transfer approximately one half of the sewer capacity entitlement from Phase 3 (tax lot 9000) to Phase 2 (Tax Lot 8900) and defer Phase 3 until additional sewer capacity is available. This transfer will allow Phase 2 for development (Tax Lots 8900 and 9000) while staying under the 4 acres of allowable sewer capacity available.

Tax lot 9000 is currently open space land without structures. Tax lot 9100 has been approved for the Subdivision Hidden Hills Phase 1 (LDS-21-129). North and northeast of the subject site (tax lots 9100, 9000, 8900) is the developed subdivision Sterling Heights Unit No 1. To the West is the developed subdivision Royal Green Estates Unit I and Unit II. To the South is the developed subdivision Sky Lake Village at Cedar Landing Phases 5 & 6. Tax lot 8900 is located to the east of tax lot 9100 and is bordered by Sky Lakes Village at Cedar Landing Phases 5 & 6 to the south, Dream View Estates and Viewpoint Subdivision Phases 1 & 2 to the east.

This project proposal is being submitted as Phase 2 and 3 of the Subdivision Hidden Hills. The proposed Hidden Hills Phase 2 and 3 includes portions of tax lots 9000 and 8900 (Lots 12-50 as shown on the tentative plat). Zone changes have been approved on Tax lots 9000 and 8900. Tax lot 9000 approval (ZC-21-260) was contingent on the sewer capacity called "Terminal Spur" being upgraded. This was completed by the City of Medford summer 2022. Tax lot 8900 approval (ZC-22-125) was contingent of two sewer capacity issues, the "Terminal Spur" and "Delta Waters". The Terminal Spur sewer capacity improvements have been completed. Delta Waters sewer capacity has not been completed with the submittal of this application.

Proposed Phase 2 will be built with Viewpoint Drive connecting to the east and west Viewpoint Drive providing a through connection. Wheat Ridge Drive on the south side of tax lot 8900 will be built in Phase 3 and connect to the Phase 3 portion of Tiffany Street (to be built with Phase 3). This section of roadway is proposed to connect to Bryson Way which will be built in Phase 2 to the Phase 3 line.

The proposed subdivision will add an additional 19 buildable lots (Phase 2) and 20 lots (Phase 3) within the City of Medford. The proposed layout will provide connectivity for 3 local streets that are currently dead ends with street plugs located at the terminus of these streets.

Street circulation design and connectivity will be established under 10.426 (4)(b)(vi) *"Future development on adjoining property or reserve acreage can feasibility satisfy the block or perimeter standards"*.

SUPPLEMENTAL FINDINGS OF FACT

STORMWATER FACILITY EASEMENT

Findings of Fact: Public Works provided comments with concerns regarding the proposed stormwater facility easement crossing multiple lots. The stormwater facility is proposed as an above ground pond. The applicant has redesigned the site plan to place the stormwater facility on a separate tract of land. The placement of the stormwater facility on its own tract of land will result in adjustments to lot sizes. The stormwater facility would then be placed under the City of Medford jurisdiction for operations and maintenance.

MEDFORD LAND DEVELOPMENT CODE

10.426(4)(b) STREET CIRCULATION DESIGN AND CONNECTIVITY

Findings of Fact: Under maximum block length and block perimeter length Public Works provided comments that they would not support Hidden Hills Phases 2 & 3 due to Tiffany Street not connecting between Delta Water Road and Saint Augustine Drive. The applicants shall address MLDC 10.426(4)(b) showing the constraints and conditions that exist preventing Tiffany Street from a through connection between Delta Water Road and Saint Augustine Drive.

(4) *Maximum Block Length and Block Perimeter Length.*

(a) 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(4)(b).

Table 10.426-1. Maximum Block Length and Perimeter Length

Zone or District	Block Length	Block Perimeter Length
i. Residential Zones	660'	2,100'
ii. Central Business Overlay District	600'	1,800'
iii. Transit Oriented Districts	600'	1,800'
iv. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones	720'	2,880'
v. Regional Commercial and Industrial Zones	940'	3,760'

(4)

(b) 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:

(i) 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(4)(a),

(ii) Environmental constraints including the presence of a wetland or other body of water,

(iii) 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(4)(a)(v) 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,

(iv) Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,

(v) The subject site is in SFR-2 zoning district,

(vi) Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,

(vii) The proposed use is a public or private school, college or other large institution,

(viii) The proposed use is a public or private convention center, community center or arena,

(ix) The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.

(x) When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.

Findings of Fact: The applicants are asking the approving authority for an exceedance to the maximum block length and/or perimeter and an exception to the *City of Medford Transportation System Plan that Tiffany Street should be a continuous street between Delta Water Road and Saint Augustine.*

The reason for the request to this requirement is:

(i) Topographic constraints, including the presence of slopes of 10% or more located within the boundary of the block area that would be required by subsection 10.426(4)(a).

Finding of Fact: To align Tiffany Street in a north south through connection would require it to cross topography ranging from 15-18% slopes. If Tiffany Street is shifted to the west, there is not enough space for the requirements between road intersections of. The distance requirement is a minimum distance of 200 feet. If Tiffany shifted to the west there would only be 170+/- feet. There are no other alternatives available to the applicants to meet these standards resulting in layouts that will not work for the subdivision. Being an infield subdivision there are constraints that we have had to work with to make this possible. (Please refer to the attached slope analysis map)

(X) When strict compliance with other provisions of the Medford Land Development Code produce conflict with provision in this section.

Findings of Fact: As stated above the project exhibits slopes exceeding 10% and is also an infield project that has resulted in numerous adjustments to meet code requirements. The applicant is proposing a public right-of-way pedestrian connection from Viewpoint to the south portion of Wheat Ridge Drive (to be renamed by the City) for the required connectivity.

10.702 LOT AREA AND DIMENSIONS

(4) The approving authority shall approve a reduction from the required lot dimensions of a parcel (i.e. lot area, lot width, depth) and reductions shall be permitted upon determination that the below conditions exist. These reductions shall be permitted at the option of the applicant for land use review. The conditions for lot dimension reductions are as follows:

FINDINGS OF FACT: The applicants initially asked the approving authority for a lot reduction on Lot 12 in Phase 2. The lot reduction request is based on a-c below and meets all the criteria. With the new layout and the stormwater pond being placed within its own Tract, the applicant is now asking for lot area reductions on Lots 33, 34, and 35 within Phase 3. The request for 4 lot area reductions meets the criteria within the Medford Land Development Code as noted in (i) below.

(a) The parcel is within a residential zoning district; and

FINDINGS OF FACT: The parcels (Tax Lots 9000 and 8900) are located within a residential zoning district. Zoning on both parcels is SRF-4.

(b) The parcel is proposed for land division, per the MLDC;

FINDINGS OF FACT: The proposed parcel is being submitted as Phase 2 and 3 of Hidden Hills Subdivision.

(i) When reductions in lot dimensions are proposed for a land division, reductions may only be permitted on fifteen percent (15%) of the total number of proposed parcels. A minimum of one parcel shall be granted reduction, per land division.

FINDINGS OF FACT: Hidden Hills Phase 2 and 3 is comprised of 39 lots of which 15% would be 5.85. The applicants are now submitting for lot reductions on four (4) lots meeting this criterion.

(c) Reductions of lot dimensions shall be permitted as displayed in Table 10.702-1.

FINDINGS OF FACT: Lot 12 is proposed at 5939 square feet. Based on Table 10.702-1 the allowable square footage for a reduction is 780 feet. The request for Lot 12 is 561 square feet meeting this criterion. No other reductions are being requested. Lot 12 meets lot depth (+/-96.2 feet) and lot width (+/-70.5 feet).

Lot 33 is proposed at 6098 square feet. Based on Table 10.702-1 the allowable the allowable square footage reduction is 780 feet. The request for Lot 33 is 402 square feet meeting this criterion. No other reductions are being requested. Lot 33 meets lot depth (+/-96.2) and lot width (63 feet).

Lot 34 is proposed at 6083 square feet. Based on Table 10.702-1 the allowable the allowable square footage reduction is 780 feet. The request for Lot 34 is 417 square feet meeting this criterion. No other reductions are being requested. Lot 34 meets lot depth (+/-96.4) and lot width (63 feet).

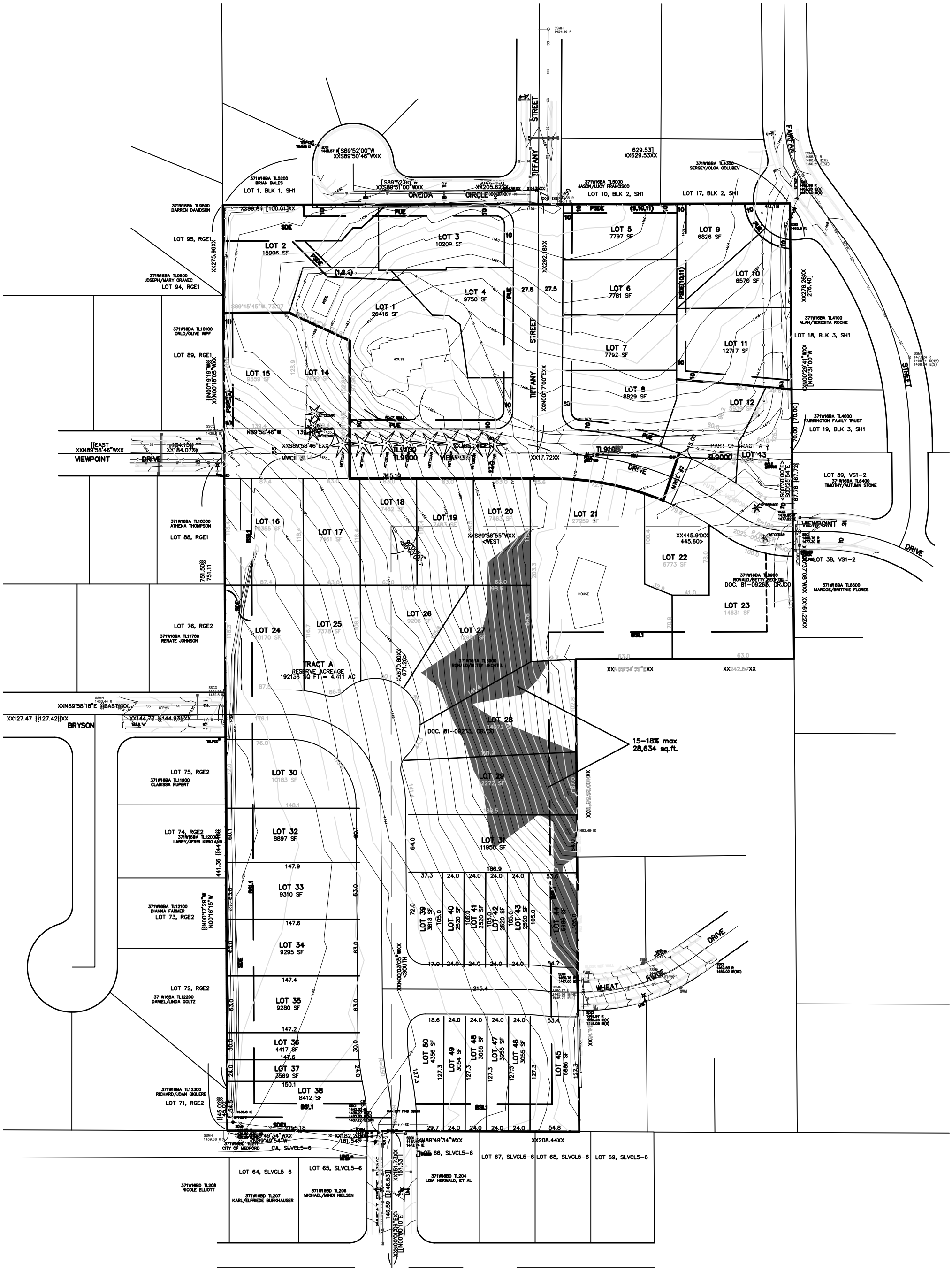
Lot 35 is proposed at 6068 square feet. Based on Table 10.702-1 the allowable the allowable square footage reduction is 780 feet. The request for Lot 35 is 432 square feet meeting this criterion. No other reductions are being requested. Lot 35 meets lot depth (+/-96.4) and lot width (63 feet).

Table 10.702-1. Lot Dimension Reductions

Table 10.702-1. Lot Dimension Reductions

Permitted Reduction Above	Lot Area	Lot Width (Interior & Corner)	Lot Depth
Reduction per 10.702(4)(c) - Subdivision	12% or 900 sq. ft., whichever is smaller	12% or 7 ft., whichever is smaller.	12% or 10 ft., whichever is smaller.

Thank you for your consideration of these supplemental findings to address comments provided by Medford Public Works Department.





PUBLIC WORKS DEPARTMENT STAFF REPORT

Hidden Hills Subdivision – Phase 2 19 – Lots (TLs 9000 & 8900)

Project: Consideration of tentative plat approval for Phases 2 of Hidden Hills Subdivision, a proposed 19-lot (Lots 12–30) residential subdivision. Lots 12–30 are proposed as standard lots.

Location: The property is located on two parcels totaling approximately 8.36 acres and located south of Delta Waters Road and west of North Foothill Road (Address: 2953 Fairfax Street). The property is contained within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W16BA TL 9000 & 8900).

Applicant: Applicant: CLE Residential, LLC; Agent: Lani Hickey; Planner: Dustin Severs.

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

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

A. STREETS

1. Dedications

Bryson Way and View Point Drive are proposed as Minor Residential streets within the Medford Land Development Code (MLDC), Section 10.430. The Developer



shall dedicate for public right-of-way, sufficient width of land along the respective frontages to comply with the full width of right-of-way, which is 55-feet.

North-South Street (to be renamed) 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 respective frontages to comply with the full width of right-of-way, which is 55-feet. The Developer shall also dedicate adequate right-of-way for the knuckle/bulb at the intersection with the Bryson Way.

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 Accessway and Storm Drain Access, 15-feet in width, shall be dedicated along the frontage of Lots 16 and 24.

Public Utility Easements (PUE), 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

Bryson Way and View Point Drive shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430.

North-South Street (to be renamed) shall be constructed to Minor Residential street standards in accordance with MLDC 10.430. The Developer shall also construct the knuckle/bulb at the intersection to City of Medford standards with a minimum paved section radius of 37-feet.

Public Accessway and Storm Drain Access shall be constructed to public accessway standards in accordance with MLDC 10.466 except that it shall be 12-feet in width and the pavement section shall accommodate maintenance vehicles.

b. Streetlights 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 streetlights and signage will be required:

Street Lighting & Signage – Developer Provided & Installed:

- A. 7 – Type R-100 (LED)

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

- A. 2 – Street Name Sign

Numbers are subject to change if changes are made to the plans. All streetlights 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 streetlights 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 Department to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

There is a no pavement cutting moratorium currently in effect along this development’s respective frontages. Once phase 1 (P21-00289) is accepted by the city, Viewpoint Drive will be under moratorium for 3 years.

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

Public Works takes no exception to the applicant's block length findings. Due to the presence of slopes in excess of 10%, the applicant proposes to end the north-south street extension (called Tiffany Street on the preliminary plat but expected to be renamed) will terminate at Bryson Way on the north end. As required by MLDC 10.426(4)(d), the applicant proposes a public accessway between Bryson Way and Viewpoint Drive along the west side of Lots 24 and 16.

The applicant also proposes a public pedestrian accessway (PPAW) running north-south within Tract B to connect to the existing multi-use path on City-owned map lot 371W16BD211. This is not an access or circulation requirement because the north-south street extension will provide adequate access to the existing multi-use path. Public Works recommends that the Tract B access be for maintenance only which would allow Public Works the option to block public access to the parcel in the future if needed. Alternatively, Planning Commission can approve it as a PPAW.

Driveway shall comply with MLDC 10.550.

f. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes 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 for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an applicant dedicate land for public use or

provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

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

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

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

1. Nexus to a legitimate government purpose

The purposes for these dedications 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.

Bryson Way, Tiffany Street and Viewpoint Drive:

In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square footage of right-of-way per dwelling unit for dedications. The proposed development has 39 dwelling units and will improve approximately 1,120 lineal feet of roadway which equates to 28 lineal feet per dwelling unit. Also, the development will dedicate approximately 37,520 square feet of

right-of-way, which equates to approximately 962 square feet per dwelling unit.

To determine proportionality, a neighborhood with similar characteristics was used. Previously developed phases of Summerfield Subdivision located between Stanford Avenue and Lone Oak Drive and Cherry Lane and Shamrock Drive consisted of a sum of 152 dwelling units. This previous development improved approximately 7,530 lineal feet of roadway and dedicated approximately 425,230 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 50 lineal feet of road per dwelling unit and approximately 2,800 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 39 new Lots within the City of Medford and increase vehicular traffic by approximately 368 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

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. **NOTE: The utility plan submitted with the application shows sewer laterals connected to the public manhole on Bryson Drive. Those laterals need to be relocated to connect to the public main, not the manhole.**

Public sanitary sewer mains shall be extended on their courses to the exterior boundaries of this subdivision, such that future development can extend service without having to excavate back into the improvements provided by this subdivision.

Sanitary Sewer Capacity Comments:

The application documents state, in multiple locations, that tax lot 8900 has a zoning restriction for sewer capacity issues located on Springbrook. However, that is incorrect. The Public Works Staff Report for the tax lot 8900 zone change (ZC-22-125) states that the restriction is for a capacity issue on Delta Waters Road.

The application proposes to move the restricted zoning area from tax lot 8900 to the lots proposed for Hidden Hills Phase 3. Public Works has no objection with that proposal as long as the size of phase 3 does not change and that a change in the restricted zoning be enacted by the Planning Department.

C. STORM DRAINAGE

1. Hydrology

The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division.

2. Stormwater Detention, Retention, and Water Quality Treatment

This development shall provide stormwater detention, retention, and water quality treatment as required and in accordance with MLDC, Section 10.486 and 10.729 and the Rogue Valley Stormwater Quality Manual. **NOTE:** As identified in the latest Stormwater Master Plan, the storm drain system downstream of this development has restricted capacity, specifically near Delta Waters Rd and Springbrook Rd. Therefore, the detention design will need to use the current standard for predevelopment condition or the "Lewis and Clark" predevelopment condition, whichever is more conservative and requires the most detention.

For developments over five acres, that include publicly maintained streets, Section 10.486 (3)(h) requires that the development set up to 2% of the net area to be developed as ponds or other above-ground stormwater facilities as needed for the runoff from the publicly maintained streets. The Developer has identified multiple surface stormwater facilities that treat runoff from public streets. The locations of the stormwater facilities may vary but their

total area needs to be above 0.54 acres (based on the net development acreage of 26.98 acres), unless less area is needed for above-ground detention/retention/treatment of the runoff from the public streets.

Prior to acceptance of the public improvements, the developer's design engineer shall provide verification that the stormwater quality and detention system is constructed per plan. Verification shall be provided to the Engineering Division on a form provided by the Engineering Division.

The City is responsible for operational maintenance of the public storm water facility. Irrigation and maintenance of landscape components shall be the responsibility of the Developer during the three year vegetation establishment period. The Developer shall establish vegetation per the Rogue Valley Stormwater Quality Design Manual. The Developer's engineer shall submit a draft agreement to this effect (provided by the City or in a form acceptable to the City) during plan review and shall execute the agreement prior to final plat.

A 12-foot wide paved access road shall be provided to the control structure and forebay of any publicly maintained stormwater facility.

Note: The paved maintenance access road to the stormwater facility shall extend to the southern property line and a turning radius shall be provided so that maintenance equipment can access the facility and road from the existing path off Wheat Ridge Drive.

3. Grading

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

4. Mains and Laterals

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

In the event the lot drainage should drain to the back of the lot, the developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat.

Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

5. Erosion Control

Subdivisions of one acre and greater require a construction stormwater discharge permit from DEQ. Documentation of an approved permit shall be submitted to the Engineering Division prior to public improvement plan approval. The approved erosion prevention and sediment control plan sheets shall be included as part of the public improvement plan set and shall include a plan for site stabilization at the time of public improvement acceptance.

D. SURVEY MONUMENTATION

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

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 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 "as-constructed" record drawings to the Engineering Division for review 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 Tentative Plat shows that this subdivision will be developed in phases. Although, phase 3 will now be considered reserve acreage, any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

4. Draft of Final Plat

The Developer shall submit the preliminary draft of the final plat at the same time the public improvement plans 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. 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.

6. 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.

7. Construction and Inspection

Contractors proposing to do work on public streets (including street lights), 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 Department requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the Developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

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

**SUMMARY CONDITIONS OF APPROVAL
Hidden Hills Subdivision – Phase 2
19 – Lots (TLs 9000 & 8900)**

LDS-23-112

A. Streets

1. Street Dedications to the Public:

- **Bryson Way and Viewpoint Drive** – Dedicate full width right-of-way (55').
- **Tiffany Street** – Dedicate full width right-of-way (55'), including knuckle.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- Construct **Bryson Way and Viewpoint Drive** full width, to Minor Residential street standards.
- Construct **Tiffany Street** full width, to Minor Residential street standards (including the knuckle).

Lighting and Signing

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

Access and Circulation

- See Public Works conditions under Access and Circulation above within the report.

Other

- No pavement moratorium currently in effect along this developments respective frontages. Viewpoint Drive will be under moratorium once accepted by the City.
- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer:

- Provide a private lateral to each lot.
- Provide easements as necessary.
- The Public Works Staff Report for ZC-22-125 states that the restriction on TL 8900 is for capacity issues on Terminal Spur and DELTA WATERS.
- The application presents a scheme for swapping the sewer restriction areas from Taxlot 8900 to 9000. Public Works has no objection with a swap, basically from TL 8900 to Phase 3, as long as there is a mechanism to track the swap.

C. Storm Drainage:

- Provide an investigative drainage report along with hydrology and hydraulic calculations.
- Comply with "Stormwater Detention and Water Quality Treatment" requirements outlined above within the Staff Report.
- Comply with "Storm Drainage Conditions" outlined above within the Staff Report.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each lot and extend storm drain mains for future development.
- Provide erosion prevention and sediment control plans and permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.

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.



TO: Planning Department, City of Medford

FROM: Wendy Williams, P.E., Staff Engineer

SUBJECT: LDS-23-112 – Hidden Hills Subdivision Phases 2 and 3

PARCEL ID: 371W16BA TL 9000 & 8900; 2953 Fairfax Street

PROJECT: Consideration of tentative plat approval for Phases 2 and 3 of Hidden Hills Subdivision, a proposed 39-lot (Lots 12–50) residential subdivision. Lots 12–38 are proposed as standard lots, and Lots 39–50 are proposed as townhouse lots. The property is located on two parcels totaling approximately 8.36 acres and located south of Delta Waters Road and west of North Foothill Road. The property is contained within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. Associated files:

Agent contact: Lani Hickey (lrhickey@gmail.com)

City Planner: Dustin Severs

Associated Files: PA-20-348, LDS-21-129, ZC-21-260, ZC-22-125

MEMO DATE: 5/30/2023

LAND DEVELOPMENT COMMITTEE DATE: 5/31/2023

I have reviewed the above project application as requested. Comments are as follows:

CONDITIONS

1. All parcels/lots of proposed property divisions are required to have metered water service prior to recordation of final plat, unless otherwise arranged with MWC. Water meters shall not be located in driveways.
2. The water facility planning/design/construction process will be done in accordance with the current Medford Water Commission “Regulations Governing Water Service” and “Standards for Water Facilities/Fire Protection Systems/Backflow Prevention Devices.”
3. This project must connect the existing 8” water main within Viewpoint Drive (constructed with Phase 1) to the existing 8” stub in Viewpoint Drive at its eastern boundary.
4. Applicant’s plans, easement documents and other relevant documents shall be submitted directly to MWC for review at EngineeringReview@MedfordWater.org. For the best possible coordination, it is suggested that you submit to MWC at the same time as you submit the utility site plans to the City.
5. The applicant’s Civil Engineer shall coordinate with MWC Engineering staff for approval of water

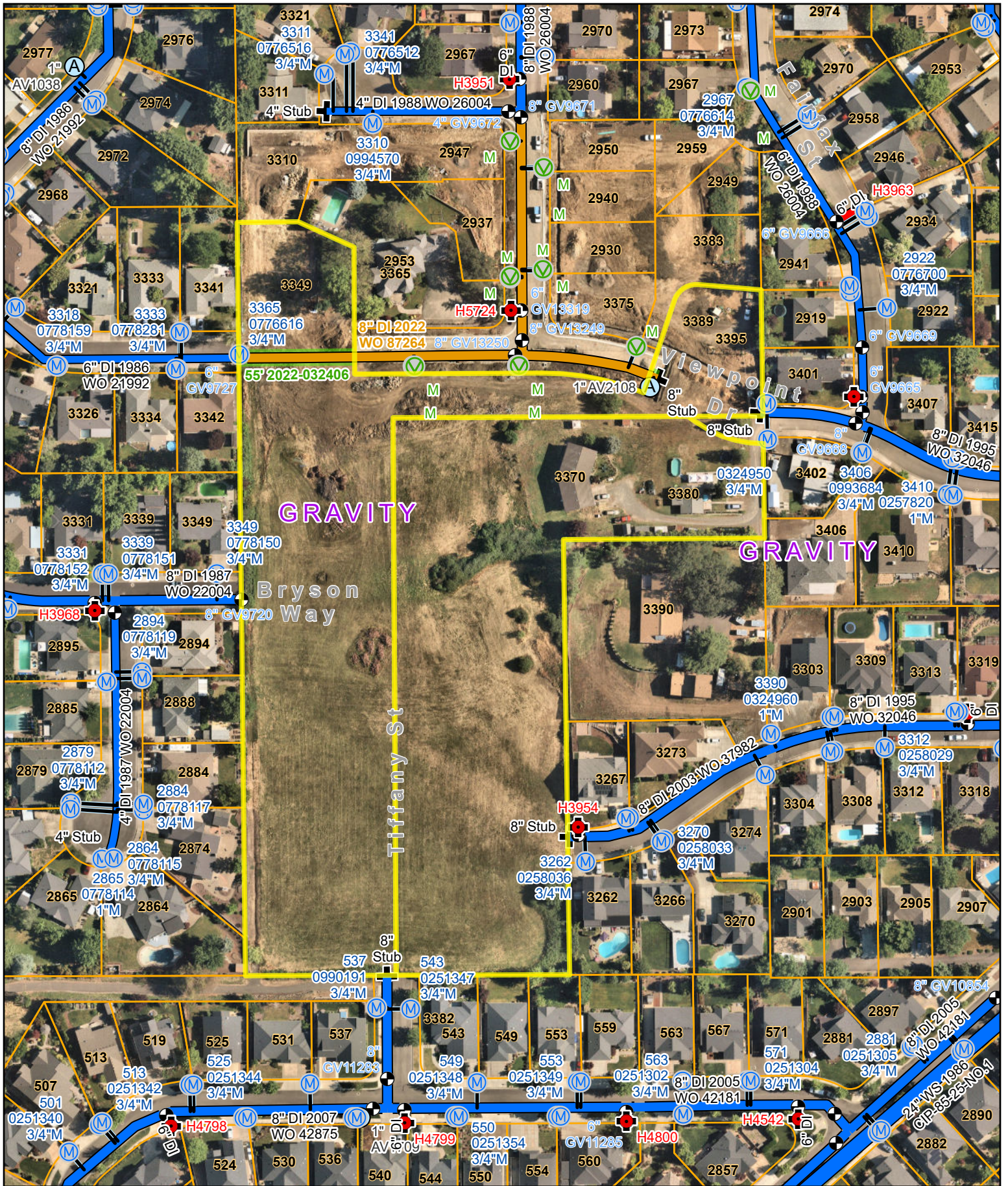


facility plans. Expect additional comments once water construction plans are submitted. The project may be further “Conditioned” at time of future development applications.

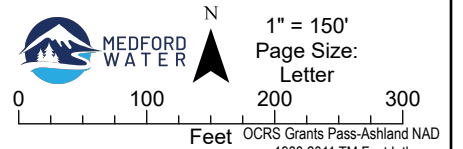
6. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments for all water services (domestic, irrigation, fire) or when a secondary water source (such as a well) exists and will remain active on the property. New backflow prevention devices shall be tested by an Oregon-certified backflow assembly tester. See the Oregon Health Authority’s website for list of certified testers at the following web link:
<https://www.oregon.gov/oha/PH/healthyenvironments/drinkingwater/crossconnection/pages/publiclist.aspx>.

COMMENTS

1. Medford Water Commission (MWC) has no objection to the proposed partition.
2. Applicant must request a separate water service (or services) for each parcel. Applicant’s Civil Engineer shall coordinate with MWC Engineering staff for size and location of the water meter(s) and payment of any installation and SDC fees.
3. Installation of Pressure Reducing Valves (PRV) is required per Uniform Plumbing Code when the static water supply pressure exceeds 80psi. Pressure Reducing Valves, if necessary, shall be installed on the “private” side of the water meter as close as possible to the water meter. Please note on the plan sets the location(s) of existing or proposed PRVs.



Medford Water Facilities
 371W16BA8900, 9000





Medford Fire Department Land Development Report

Review/Project Information

Reviewed By: Farrington, Tanner

Review Date: 05/19/2023
Meeting Date: 05/31/2023

LD File #: LDS23-00112

Associated File #1: PA20-00348

Associated File #2: ZC22-00125

Planner: Dustin Severs

Applicant: Lani Hickey | lrhickey@gmail.com

Site Name: Hidden Hills Subdivision - Phases 2 and 3

Project Location: 2953 Fairfax Street

ProjectDescription: Consideration of tentative plat approval for Phases 2 and 3 of Hidden Hills Subdivision, a proposed 39-lot (Lots 12–50) residential subdivision. Lots 12–38 are proposed as standard lots, and Lots 39–50 are proposed as townhouse lots. The property is located on two parcels totaling approximately 8.36 acres and located south of Delta Waters Road and west of North Foothill Road (Address: 2953 Fairfax Street). The property is contained within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W16BA TL 9000 & 8900).

Specific Development Requirements for Access & Water Supply

Reference	Comments	Conditions	Description
OFC 503.2.1	Fire Apparatus Access shall meet the requirements of OFC 503, Appendix D and, Medford Municipal Code Chapter 10, including 10.430. An apparatus access road with a minimum clear width of 20 ft. shall be provided within 150 ft. of all portions of the property. The required clear width of 20 ft. may result in parking restrictions. A minimum required inside turning radius of 28 ft. Outside turning radius shall be a minimum of 38 ft. and a maximum of 48 ft. Alternates may be submitted for approval with supporting turning templates. Paved street widths shall be 33 ft (option c) as 28 ft. streets do not provide adequate emergency access width.		Fire apparatus access roads and fire lanes shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road or fire lane shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road or fire lane shall be constructed as asphalt, concrete or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds. (See also OFC 503.4; D102.1) The turning radius on fire department access roads and fire lanes shall meet the following Medford Fire Department requirements: Minimum Inside Turning Radius: 25 feet Minimum Outside Turning Radius: 35 feet (OFC 503.2.4)
507.1	An adequate firefighting water supply shall be provided in accordance with OFC 507, Appendices B & C and Medford Municipal Code Section 7.023. Additional hydrant will be required near the south side of the tear drop along Bryson Way		Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. See Appendix D108 x201c; Uniform Alternate Construction Standard for One and Twofamily Dwellings.x201d;



EXHIBIT

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 adopted Fire, Building, Mechanical Codes and applicable referenced NFPA Standards.

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

(2) *Minor Residential Street Description.* A street which provides direct access to immediately adjacent residentially zoned land, provides neighborhood street connectivity and which serves up to 100 dwelling units. On-street parking is provided on both sides of the street. Design requirements for a minor residential street include two 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 edge of the sidewalk, and shall be planted with trees identified on the City-approved street tree list. Those minor residential streets that are not through streets shall terminate in a standard cul-de-sac that complies with Section 10.450. In order to ensure that there is at least 20 feet of unobstructed clearance for fire apparatus, the applicant shall choose from one of the following design options in coordination with the Fire Department:

FINDINGS OF FACT: All proposed streets within the subdivision will be Minor Residential Streets as described in the Medford Land Development Code (MLDC), Section 10.430 which will provide direct access to immediately adjacent residentially zoned lands. The proposed streets will provide neighborhood connectivity. Each new street will be dedicated for public right-of-way with sufficient width which is 55-feet. All new streets will follow design requirements for a minor residential streets which includes sidewalks and planter strips on both sides planted with trees identified on the City-approved street tree list.

(a) *Clustered, offset (staggered) driveways (for an example see 10.430(3)), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet shall be provided. The Fire Department shall approve the design of offset/staggered driveways.*

FINDINGS OF FACT: Applicants acknowledge the above.

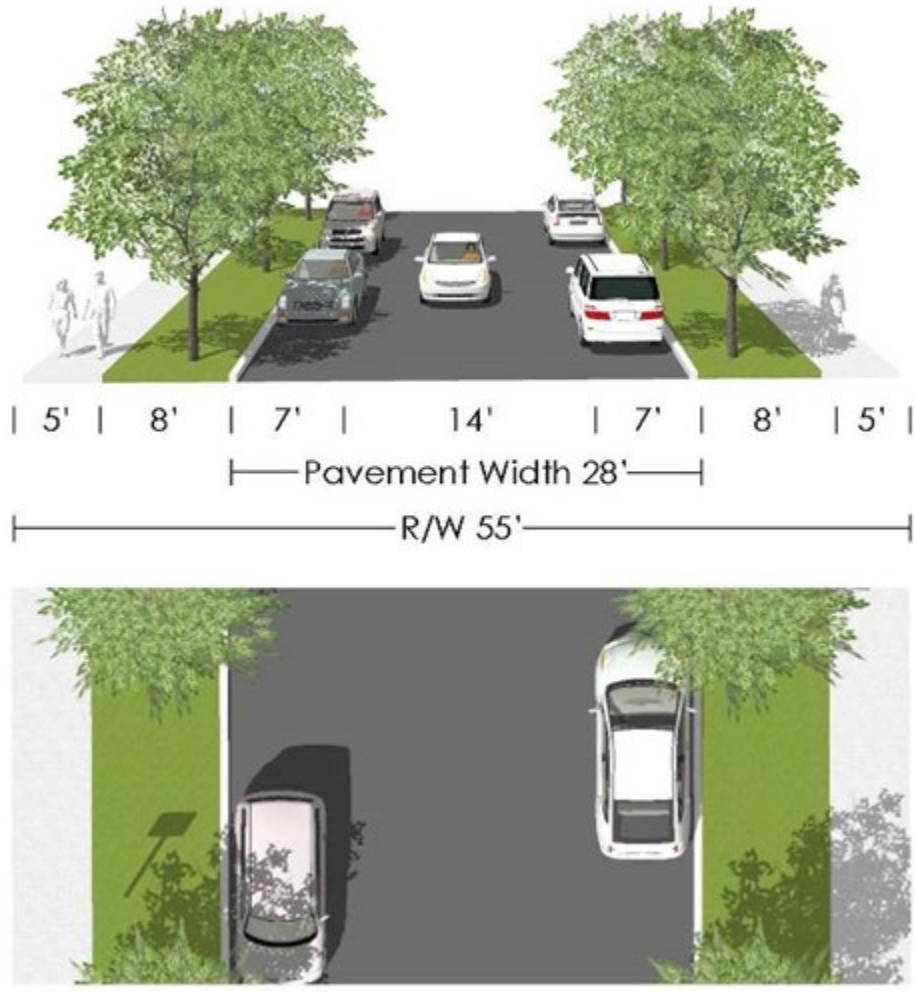
(b) *All dwellings that front and take access from minor residential streets shall be equipped with a residential (NFPA 13D) fire sprinkler system and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 500-feet.*

FINDINGS OF FACT: Applicants for the proposed subdivision acknowledge the above and will adhere to the specified requirements.

(c) *Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.*

FINDINGS OF FACT: The applicants acknowledge (c) above.

Option C will be required as Options A and B do not provide sufficient fire apparatus access



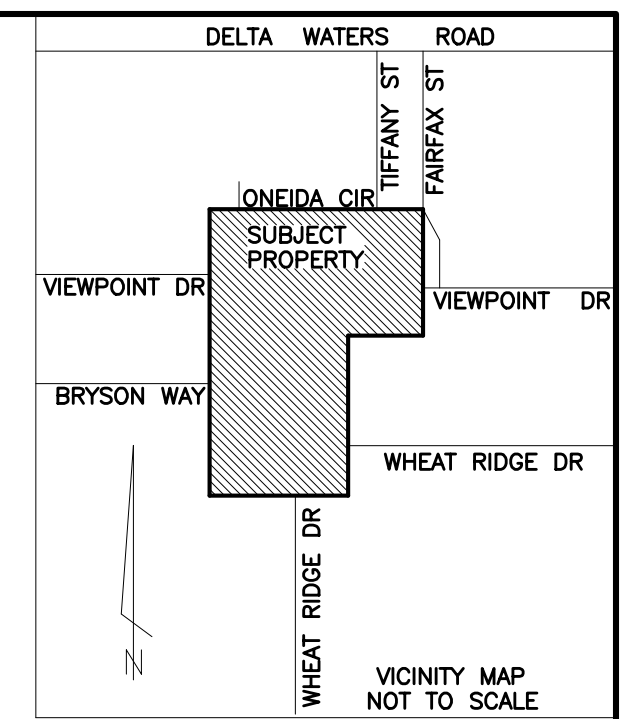
(3) *Minor Residential Street Driveway Clustering/Staggering.* To ensure a minimum 20-foot clearance for access of a fire apparatus (i.e., fire-truck) along minor residential streets, and allow for the ability to have a setup area in an emergency event, driveways shall be clustered and/or staggered. The image below represents how clustering/staggering can be accomplished. Lots 1 and 2, 3 and 4, 5 and 6, 8 and 9, and 10 and 11 are clustered together. The clustered driveways are offset on the opposite side of the street; in other words, driveways shall not be directly across from one another.

FINDINGS OF FACT: The applicants acknowledge the above standards.

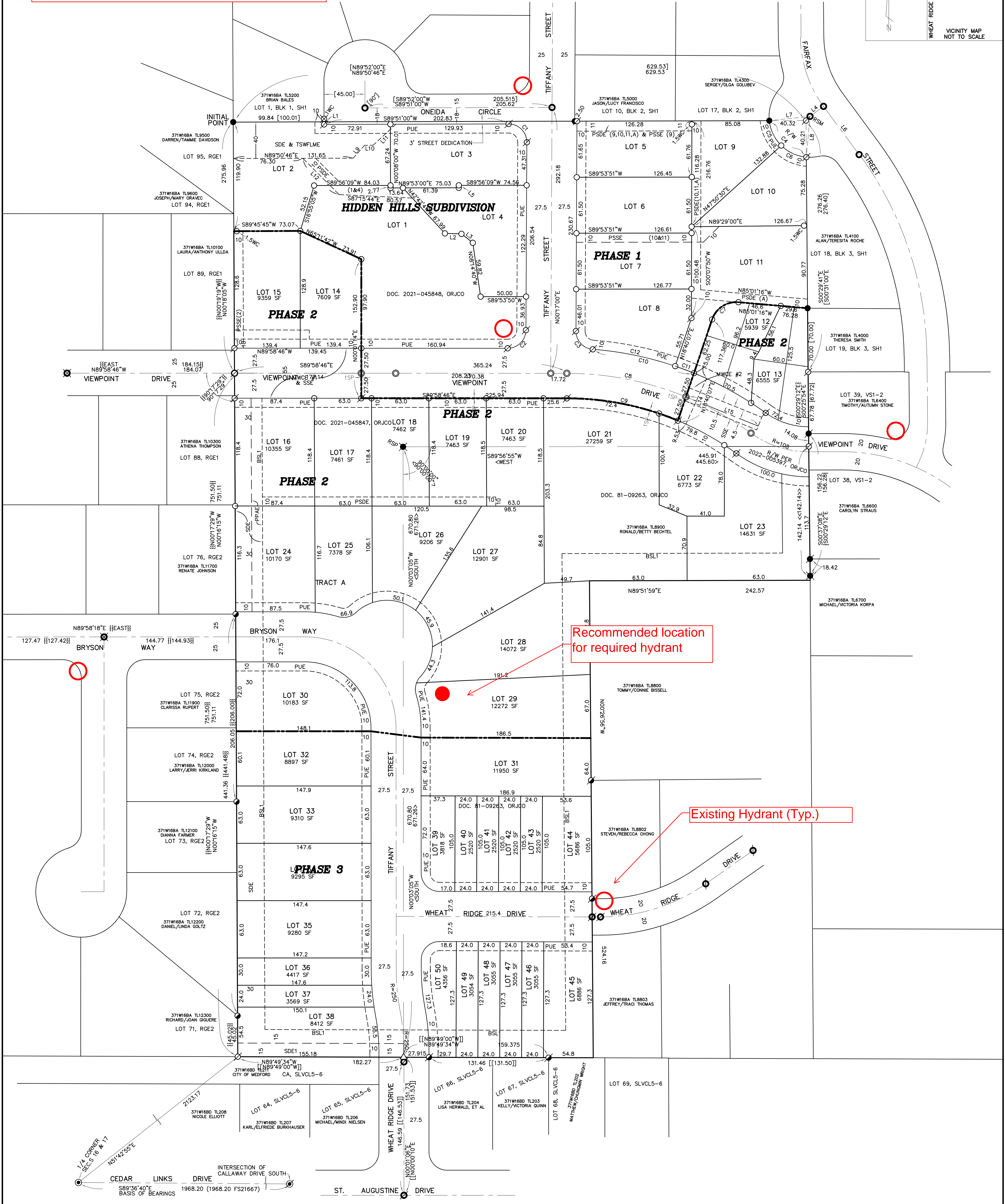
10.700 Lot Design Standards.

Lot design standards shall be as set forth in this Article. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the requirements of this Code. To maximize the potential for solar energy access, each lot should be oriented along a north-south axis. Building orientation can vary up to 30 degrees from this north-south axis. The side property lines for a lot shall be within 30 degrees of perpendicular to the street upon which the lot has frontage, except on a curved street where the side property lines shall be within 30 degrees of radial to the curve.

**TENTATIVE PLAT OF
HIDDEN HILLS SUBDIVISION, PHASE 2 & 3**
Located in the N.W. 1/4 of Sec. 16,
T37S, R1W, W.M. and in the
City of Medford Jackson County, Oregon

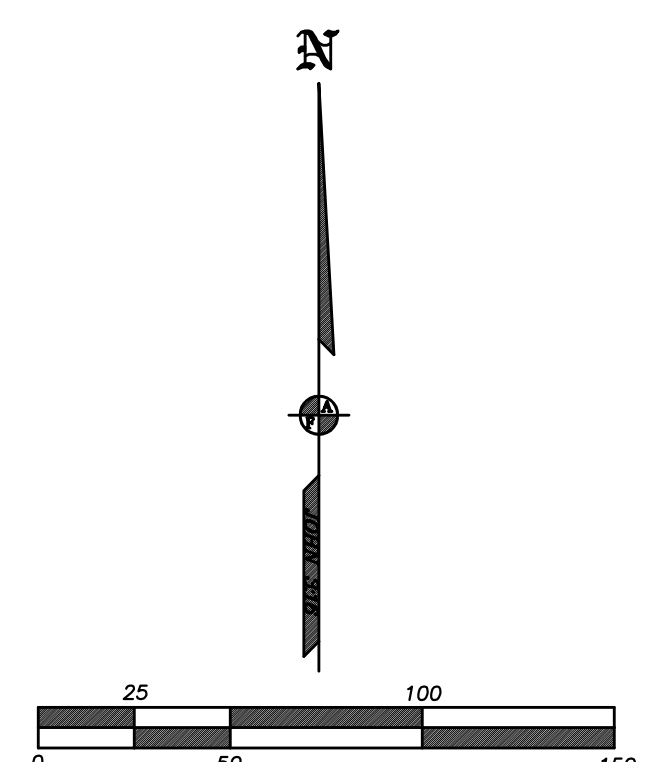
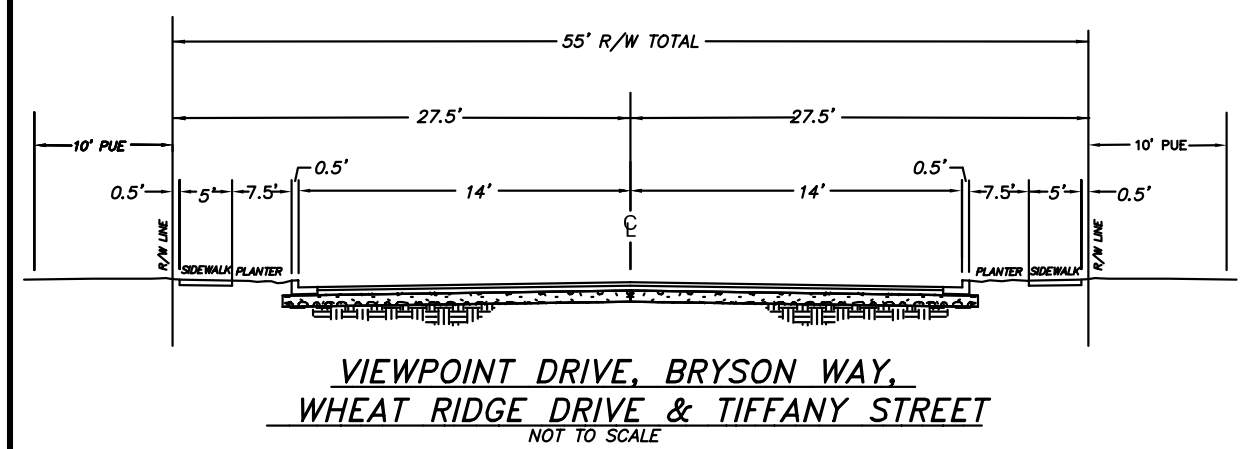


Fire Comments:
- 33 ft. paved width will be required as 28 ft. paved width does not provide sufficient fire apparatus access.
- Additional hydrant will be required near the south side of the tear drop along Bryson Way.



Recommended location for required hydrant

Existing Hydrant (Typ.)



BASIS OF BEARINGS:
CENTERLINE OF CEDAR LINKS DRIVE PER FS21667.
UNIT OF MEASUREMENT = FEET SCALE: 1" = 50'

PHASING NOTES:
PHASE 2: LOTS 12-30
PHASE 2: LOTS 31-50

ELEVATION DATUM:
NGVD 1929 (UNADJUSTED) BASED ON CITY OF MEDFORD BM # A448. BRASS CAP AT CURB INLET IN WEST CURB OF FARMINGTON AVE. @ N.E. COR OF VIEWPOINT DR. ELEV. 1497.678'

RECORD OWNERS:
TL9000: CLE RESIDENTIAL, LLC
TL8900: RONALD & BETTY BECHTEL

REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE: 6-30-23

TITLE: TENTATIVE SUBDIVISION PLAT
ASSESSOR'S MAP #: 371W16BA TL'S 8900 & 9000
FOR: CLE RESIDENTIAL, LLC
4003 CRATER LAKE HWY.
MEDFORD, OR 97504

L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
P.O. Box 1947, Medford, OR 97535
Phone: (541) 752-2782
Email: lfriar@associates@charter.net

DATE: 3 APR 2023
SCALE: 1 inch = 50 feet
DRAWN BY: JEH
CHK BY:
ORIGIN:
ROTATION: 0
JOB#: 21110FM
Sheet 1 of 1.



MEMORANDUM

To: Dustin Severs

From: Jennifer Ingram

Date: June 8, 2023

Subject: LDS-23-112 Hidden Hills Ph 2 & 3 Comments

-
1. The proposed street, Tiffany Street, needs to be renamed, as this proposed street does not functionally serve as an extension of the existing Tiffany Street north of Viewpoint Drive
 2. Additionally, although not a part of this project, I am recommending that the north/south section of Wheat Ridge Drive be renamed and serve as an extension of the proposed north/south street. (There would be little impact to the two lots adjacent to this section, as neither lot is addressed off Wheat Ridge Drive).



From: [Linda Goltz](#)
To: [Dustin J. Severs](#)
Subject: File No.:LDS - 23-112
Date: Monday, June 12, 2023 4:21:44 PM

<EXTERNAL EMAIL **Click Responsibly!**>

As residents and home owners on Arden Circle for over 35 years we are vehemently opposed to the building of townhouses on this property! We have been prepared for homes (*and even that is upsetting our way of life here), but to put hundreds of extra people onto this property after we have lived here, served the community and paid taxes is truly unfair.

We have had several person to person conversations with Dennis Hickey and this was n e v e r brought to our attention in any way!

*In fact, our last conversation, he stood on our fence line and told us that we would have the drainage field behind our home. Now to find out we will be looking at townhouses out our bedroom window? !!!!!!!!!!! It is beyond disturbing.

Most of the people who border this property are older and/or retired and to face this kind of construction in the last few years of our lives is upsetting to put it mildly. Homes are hard enough to take after all the years we've spent here, but to do this to us as a peaceful residential community is not right. Please do not approve this. Please; there must be some more applicable areas that could accommodate this plan – not infiltrate a calm residential area and s t u f f it –literally – with as many buildings as possible. This is just cruel.

Please use some consideration and common sense and vote no to this plan.

Daniel E. and Linda E. Goltz

2874 Arden Circle

Medford Oregon 97504

541-840-2703

541-840-0919

Sent from [Mail](#) for Windows

WARRANTY DEED
18483

KNOW ALL MEN BY THESE PRESENTS, That HOWARD C. GAULT and EDITH S. GAULT, husband and wife, in consideration of Ten Dollars and other good and valuable consideration to them paid by GEORGE L. FRASIER, a single man, do hereby grant, bargain, sell and convey unto said George L. Frasier, his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Jackson and State of Oregon, bounded and described as follows, to-wit: 6.05' 11/2/56 1-2

Commencing at the quarter corner to Sections 9 and 16 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence North 89°42' West along the north boundary of said Section 16 a distance of 350.16 feet, thence South 0°30' East 564.18 feet to a 3/4" iron bolt at the northwest corner of tract described in Volume 228 page 126 of the Deed Records of Jackson County, Oregon, for the point of beginning; thence South 0°30' East along the west boundary of said tract 229.0 feet; thence South 89°53'30" West 242.44 feet; thence South 0°30' East 524.47 feet to the north boundary of tract described in Volume 223 page 484, said Deed Records; thence North 89°50' West along said boundary 390.56 feet; thence North 0°18'50" West 751.59 feet to a 2" iron pipe found to be set for the most easterly southeast corner of tract described in Volume 223 page 340, said Deed Records; thence North 89°53'30" East 630.5 feet to the point of beginning.

SUBJECT TO:

1. That part lying within public roads.
2. Easements to the City of Medford, Oregon, for pipe lines set out in Volume 131 page 514 and in Volume 161 page 343, of the Deed Records of Jackson County, Oregon.
3. Easement for a pipe line from "main water line to dwelling house on Egan Orchard Company lands" set out in Volume 131 page 514 of the Deed Records of Jackson County, Oregon.
4. Right of way for the transmission and distribution of electricity, and for other purposes, granted the California Oregon Power Company, a California corporation, by instrument recorded in Volume 230 page 510 of the Deed Records of Jackson County, Oregon.

Warranty Deed -1-



EXHIBIT

L

5. Right of ingress and egress over and across the east 30.0 feet, being a strip of land 30 feet in width, by 229.0 feet in length.
6. The effect of said property, or any part thereof, lying within the Medford Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District.

The above described tract shall also be subject to the following respective covenants and conditions:

- (a). Buildings shall be set back from boundary lines as follows:
 - (1). Residences and garages--30 feet;
 - (2). Pigstys--300 feet;
 - (3). All other buildings--50 feet.
- (b). All exteriors of any new construction shall be completed within one year from the commencement of construction.
- (c). All residences constructed on the above premises shall have not less than 1000 square feet of the value of not less than \$10,000.00.
- (d). These restrictive covenants can be modified only with the written consent of the record owner of the following described tract, to-wit:

Commencing at the quarter corner to Sections 9 and 16, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence N. 89° 42' W. along the North boundary of said Section 16, 350.16 feet; thence S. 0° 30' E. to and along the West boundary of that property described in Jackson County Deed Records, Volume 228, Page 126, 793.18 feet to a 3/4" iron bolt for the point of beginning; thence continue S. 0° 30' E. along said boundary 525.63 feet to the North boundary of that property described in Volume 223, Page 484 of said Deed Records; thence N. 89° 50' W. along said boundary 242.44 feet; thence N. 0° 30' W., 524.47 feet; thence N. 89° 53' 30" E., 242.44 feet to the point of beginning, containing 2.92 acres, more or less.

TO HAVE AND TO HOLD the above described and granted premises unto the said George L. Frazier, his heirs and assigns forever.

Warranty Deed -2-

And Howard C. Gault and Edith S. Gault, the grantors above named, do covenant to and with the above named grantee, his heirs and assigns, that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, subject only to the above exceptions and restrictions, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness their hands and seals this 2nd day of November, 1956.

Howard C. Gault (SEAL)

Edith S. Gault (SEAL)

STATE OF OREGON }
County of Jackson } ss.

BE IT REMEMBERED, That on this 2nd day of November, 1956, before me, the undersigned, a notary public in and for said County and State, personally appeared the within named Howard C. Gault and Edith S. Gault, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.



Cap C. Vandagriff
Notary Public
for Oregon.
My Commission expires January 22nd, 1960

Warranty Deed -3-

State of Oregon, County of Jackson-SS.
The within instrument received and filed at 4:15 o'clock
P. m. the 14 day of Nov, 1956
recorded in Book Records for Jackson County
Oregon. Betty P. Hopkins County Clerk.
By Grace Grall Deputy

RECEIVED
JUN 09 2023
PLANNING DEPT.

After recording, return to:
Ronald Bechtel
3370 Viewpoint Drive
Medford, OR 97504

MODIFICATION OF RESTRICTIVE COVENANT

WHEREAS, Ronald L. and Betty R. Bechtel ("Bechtel") are the owners of the real property in Jackson County, Oregon, described on Exhibit A;

WHEREAS, Bechtel's property is adjacent to real property owned by Tommy E. and Connie J. Bissell ("Bissell"), Steven L. and Rebecca A. Chong ("Chong"), and Jeffrey W. and Traci A. Thomas ("Thomas");

WHEREAS, Bechtel is subject to a restriction preventing construction of a dwelling or garage within 30 feet of the property lines of Bissell, Chong, and Thomas and preventing construction of all other buildings within 50 feet of the property lines ("Setback Restriction");

WHEREAS, the Setback Restriction was recorded in 1956 in the Official Records of Jackson County, as Vol. 434, Page 297.

WHEREAS, at the time the Setback Restriction was implemented, the area was rural in character and largely undeveloped. The properties of Bissell, Chong, and Thomas had not yet been divided and were all owned by the same owner.

WHEREAS, the parties desire to modify the Setback Restriction to require Bechtel to adhere to all City of Medford setback requirements for dwellings and garages and waive the Setback Restriction.

NOW, THEREFORE, the parties agree as follows:

1. The Setback Restriction is waived.
2. Bechtel shall be required to comply with all City of Medford Municipal Code and land development regulations, including, but not limited to setback requirements.
3. All other restrictions in Vol. 434, Page 297 shall remain in effect.

DATED: _____

Ronald L. Bechtel

DATED: _____

Betty R. Bechtel

DATED: _____

Tommy E. Bissell

//signatures and notarizations continue on following



DATED: _____

Connie J. Bissell

DATED: _____

Steven L. Cong

DATED: _____

Rebecca A. Chong

DATED: _____

Jeffrey W. Thomas

DATED: _____

Traci A. Thomas

State of Oregon)
) ss
County of Jackson)

Acknowledged before me by Ronald L. Bechtel on the _____ day of October, 2022.

Notary for State of Oregon
My Commission Expires: _____

State of Oregon)
) ss
County of Jackson)

Acknowledged before me by Betty R. Bechtel on the _____ day of October, 2022.

Notary for State of Oregon
My Commission Expires: _____

// notarizations continue on following pages//

State of Oregon)
) ss
County of Jackson)

Acknowledged before me by Tommy E. Bissell on the _____ day of October, 2022.

Notary for State of Oregon
My Commission Expires: _____

State of Oregon)
) ss
County of Jackson)

Acknowledged before me by Steven L. Chong on the _____ day of October, 2022.

Notary for State of Oregon
My Commission Expires: _____

State of Oregon)
) ss
County of Jackson)

Acknowledged before me by Rebecca A. Chong on the _____ day of October, 2022.

Notary for State of Oregon
My Commission Expires: _____

State of Oregon)
) ss
County of Jackson)

Acknowledged before me by Jeffrey W. Thomas on the _____ day of October, 2022.

Notary for State of Oregon
My Commission Expires: _____

// notarizations continue on following page//

State of Oregon)
) ss
County of Jackson)

Acknowledged before me by Traci A. Thomas on the _____ day of October, 2022.

Notary for State of Oregon
My Commission Expires: _____

EXHIBIT A

Commencing at the quarter corner to Sections 9 and 16 in Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence North 89°42' West along the North boundary of said Section 16, a distance of 350.16 feet; thence South 00° 30' East 564.18 feet to a 3/4 inch iron bolt at the Northwest corner of the tract described in Volume 228, Page 126, of the Deed Records in Jackson County, Oregon; thence continue South 00°30' East 81.86 feet to a 5/8 inch iron pin for the TRUE POINT OF BEGINNING; thence West 445.60 feet to a 5/8 inch iron pin; thence South 671.26 feet to intersect the North boundary of the tract described in Volume 223, page 484, said Deed Records, at a 5/8 inch iron pin; thence South 89°49'54" East (Record South 89°50' East) 209.03 feet to a 3/4 inch iron bolt; thence North 00°30'00" West 524.28 feet (Record 524.47 feet) to a 3/4 inch iron bolt; thence North 89°53' 30" East 242.44 feet to a point that bears South 00° 30' 00" East from the true point of beginning; thence North 00°30' 00" West 147.16 feet to the true point of beginning. Containing 4.00 acres, more or less.

*** APPROVALS ***

HIDDEN HILLS SUBDIVISION, PHASE 1

Located in the N.W. 1/4 of Sec. 16,
T37S., R.1W., W.M. and in the
City of Medford Jackson County, Oregon
(File No. LDS-21-129)

*** RECORDER'S CERTIFICATE ***

File LDS-21-129.

I certify that, pursuant to authority granted in M.L.D.C. 10.162 this plat is hereby approved.

[Signature]
Planning Director

NOVEMBER 12, 2022
Date

Filed for record this 30th day of November, 2022, at
9:20 o'clock A.M., and recorded in Volume 48 of Plats at Page 17
of the records of Jackson County, Oregon and recorded as Document No. 2022-034077
Official Records of Jackson County, Oregon.

EXAMINED AND APPROVED as required by ORS 92.100 as of NOV. 16, 2022.

[Signature]
City Surveyor

SURVEY FOR:
CLE RESIDENTIAL, LLC
4003 CRATER LAKE HWY.
MEDFORD, OR 97504

[Signature] County Clerk
[Signature] Deputy

EXAMINED AND APPROVED this 17 day of NOVEMBER, 2022.

[Signature]
City Engineer

SURVEY BY:
L.J. Friar & Associates, P.C.
Consulting Land Surveyors
P.O. Box 1947
Phoenix, Oregon 97535
Phone: (541) 772-2782
ljfriarandassociates@charter.net

Declaration of Covenants, Conditions and Restrictions recorded as Document No. 2022-034076, ORJCO.

*** SURVEYOR'S CERTIFICATE ***

EXAMINED AND APPROVED as required by ORS 92.100 (d) and Oregon Laws 2015 Chapter 96 as of November 30, 2022.

[Signature] Agent
Assessor, Department of Assessment

DATE:
AUGUST 25, 2022

I, JAMES E. HIBBS, A REGISTERED LAND SURVEYOR OF THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED, WITH PROPER MONUMENTS AS PROVIDED BY LAW, THE TRACT OF LAND SHOWN HEREON, SAID PLAT BEING AN ACCURATE REPRESENTATION OF THE SAME, AND THAT THE FOLLOWING IS AN ACCURATE DESCRIPTION OF THE EXTERIOR BOUNDARY LINES OF THOSE TRACTS SET FORTH IN DOCUMENT NOS. 2020-045847 & 2020-045848, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON:

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES as required by ORS 92.095 have been paid as of November 30th, 2022.

[Signature]
Tax Collector

SHEET INDEX
1) SIGNATURE PAGE
2) NORTHERLY PORTION
3) SOUTHERLY PORTION

Beginning at the Southwest corner of Lot 1, Block 1 of STERLING HEIGHTS UNIT NO. 1, according to the official plat thereof, now of record, in Volume 15, Page 99 of plats of Jackson County, Oregon also being on the East line of ROYAL GREENS ESTATES, UNIT NO. 1, according to the official plat thereof, now of record, Volume 15, Page 70 of plats of Jackson County, Oregon and the INITIAL POINT OF BEGINNING; thence along the South line thereof, North 89°50'46" East, 629.53 feet (record North 89°52'00" East, 629.53 feet) to the interior ell corner of said STERLING HEIGHTS UNIT NO. 1 also being the Northeast corner of that tract set forth in Document No. 2020-045848, Official Records of Jackson County, Oregon; thence along the West line of said STERLING HEIGHTS UNIT NO. 1 also being the East line of that tract set forth in Document No. 2020-045848, said Official Records, South 00°29'41" East, 276.26 feet (record South 00°31'00" East, 276.40 feet) to the Southwest corner of said STERLING HEIGHTS UNIT NO. 1; thence along the West line of VIEWPOINT SUBDIVISION, PHASES 1 AND 2, according to the official plat thereof, now of record, in Volume 20, Page 57 of plats of Jackson County, Oregon also being the East line of that tract set forth in Document No. 2020-045848 and Document 2020-045847, said Official Records, South 00°25'54" East, 67.78 feet (record South 00°29'12" East, 67.72 feet) to the Southwest corner of Lot 39 of said VIEWPOINT SUBDIVISION, PHASES 1 AND 2; thence continue along the West line of said VIEWPOINT SUBDIVISION, PHASES 1 AND 2 and the East line of that tract set forth in Document No. 2020-045847, said Official Records, South 00°37'08" East (record South 00°29'12" East), 14.08 feet to the most Easterly Southeast of that tract set forth in Document No. 2020-045847, said Official Records; thence along the South line thereof, South 89°56'55" West, 445.91 feet (record WEST, 445.60 feet) to the interior ell corner thereof; thence along the East line thereof, South 00°03'05" East, 670.80 feet (record SOUTH, 671.26 feet) to the most Southerly Southeast corner thereof also being on the North line of SKY LAKES VILLAGE AT CEDAR LANDING, PHASES 5 & 6, according to the official plat thereof, now of record, in Volume 33, Page 75 of plats of Jackson County, Oregon; thence along the North line thereof and the South line of that tract set forth in Document No. 2020-045847, said Official Records, North 89°49'34" West (record North 89°49'00" West), 182.27 feet to the Southeast corner of ROYAL GREENS ESTATES UNIT 2, according to the official plat thereof, now of record, in Volume 15, Page 80 of plats of Jackson County, Oregon; thence along the East line thereof, the East line of said ROYAL GREENS ESTATES UNIT NO. 1 and the West line of that tract set forth in Document No. 2020-045847, said Official Records, North 00°16'15" West, 751.11 feet (record North 00°17'29" West, 751.50 feet) to an angle point in the East line of said ROYAL GREENS ESTATES UNIT NO. 1; thence along the East line of said ROYAL GREENS ESTATES UNIT NO. 1 and the West line of that tract set forth in Document No. 2020-045848, said Official Records, North 00°18'05" West (record North 00°19'19" West), 275.96 feet to the initial point of beginning.

*** DECLARATION ***

Know all men by these presents that CLE RESIDENTIAL, LLC, an Oregon limited liability company, is the owner in fee of the lands shown on Sheets 2 & 3, more particularly described in the Surveyor's Certificate, and have subdivided the same into the Lots and Tract as shown on Sheets 2 & 3; and (1) does hereby dedicate to the public for public use under the jurisdiction of the City of Medford the Streets and Street Right of Way (R/W), together with the Public Utility Easements (PUE), Public Sanitary Sewer Easement (SSE) and Public Storm Drainage Easement (SDE); does hereby grant to the City of Medford in fee the 1 foot street plugs (ISP) with the condition that upon the extension of the affected street the affected Street Plug will automatically be dedicated as Public Right of Way; (3) does hereby make and establish the Private Storm Drainage Easement for the Lots as noted (PSDE #); (4) does hereby make and establish the Private Sanitary Sewer Easement for the Lots as noted (PSSE #) and does hereby designate said Subdivision as HIDDEN HILLS SUBDIVISION PHASE 1, which shall be subject to the Declaration of Covenants, Conditions and Restrictions to be recorded simultaneously with this plat.

[Signature]
DENIS J. HICKEY, Member
CLE Residential, LLC

STATE OF OREGON }
COUNTY OF JACKSON } SS.

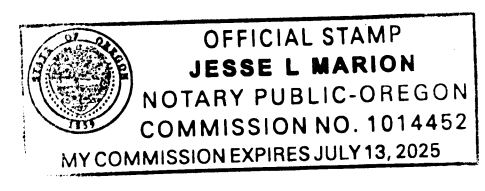
PERSONALLY APPEARED THE ABOVE NAMED DENIS J. HICKEY AND ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AND WAS SIGNED ON BEHALF OF CLE RESIDENTIAL, LLC.

DATED THIS 10th DAY OF NOVEMBER, 2022.

[Signature]
Jesse Marion NOTARY PUBLIC - OREGON

COMMISSION NO. 1014452

MY COMMISSION EXPIRES 7-13-2025



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

PURPOSE: To survey and monument the streets, lots & tract corners of HIDDEN HILLS SUBDIVISION, PHASE 1 being a subdivision of those tracts set forth in Doc. 2020-045847 & 2020-045848, ORJCO. See City File LDS-21-129.

PROCEDURE: Using Trimble R10 G.P.S. receivers & Trimble S8 Robotic Total Station made ties to monuments as shown hereon to control the exterior of the property. The N.E. corner was positioned at plat record distance per SH1 from the S.W. corner of Lot 1, Block 1, SH1. The E.S.E. corner was positioned at map record distance per FS8744 from the monument per FS8744 to the South. Held deed record angle at the found monument per FS8744 as noted to control the direction of the East line and then intersected it with the monumented North line of SLVCL5-6. The S.W. corner was positioned at the intersection of the North line of SLVCL5-6 and the monumented East line of RGE2. The angle point in the East line of RGE1 (being on the centerline of Viewpoint Drive per RGE1) was positioned by computing a point using plat record angle from the centerline monument & intersecting the monumented East line of RGE2. With the exterior boundary resolved, I computed the interior Lot, Tract and street right of way corner positions and set monuments as shown on Sheets 2 & 3. Due to obstructions (fences, retaining wall, etc.) witness corners were set as shown.



I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.

[Signature]
SURVEYOR



EXHIBIT
RECORDING
ADMINISTRATOR
DATE 11-30-22

FILED
Date 11-30-22 By JH
This Survey Consists Of:
3 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY
SURVEYOR

SHEET 1 OF 3

SURVEY BY:

L.J. Friar & Associates, P.C.
Consulting Land Surveyors
P.O. Box 1947
Phoenix, Oregon 97535
Phone: (541) 772-2782
Email: ljfriarandassociates@charter.net

SURVEY FOR:

CLE RESIDENTIAL, LLC
4003 CRATER LAKE HWY.
MEDFORD, OR 97504

DATE:

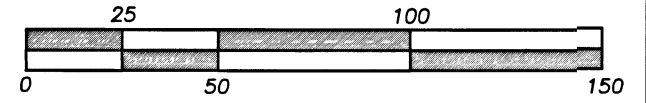
AUGUST 25, 2022

HIDDEN HILLS SUBDIVISION, PHASE 1

Located in the N.W. 1/4 of Sec. 16,
T37S, R.1W., W.M. and in the
City of Medford Jackson County, Oregon
(File No. LDS-21-129)

BASIS OF BEARINGS:

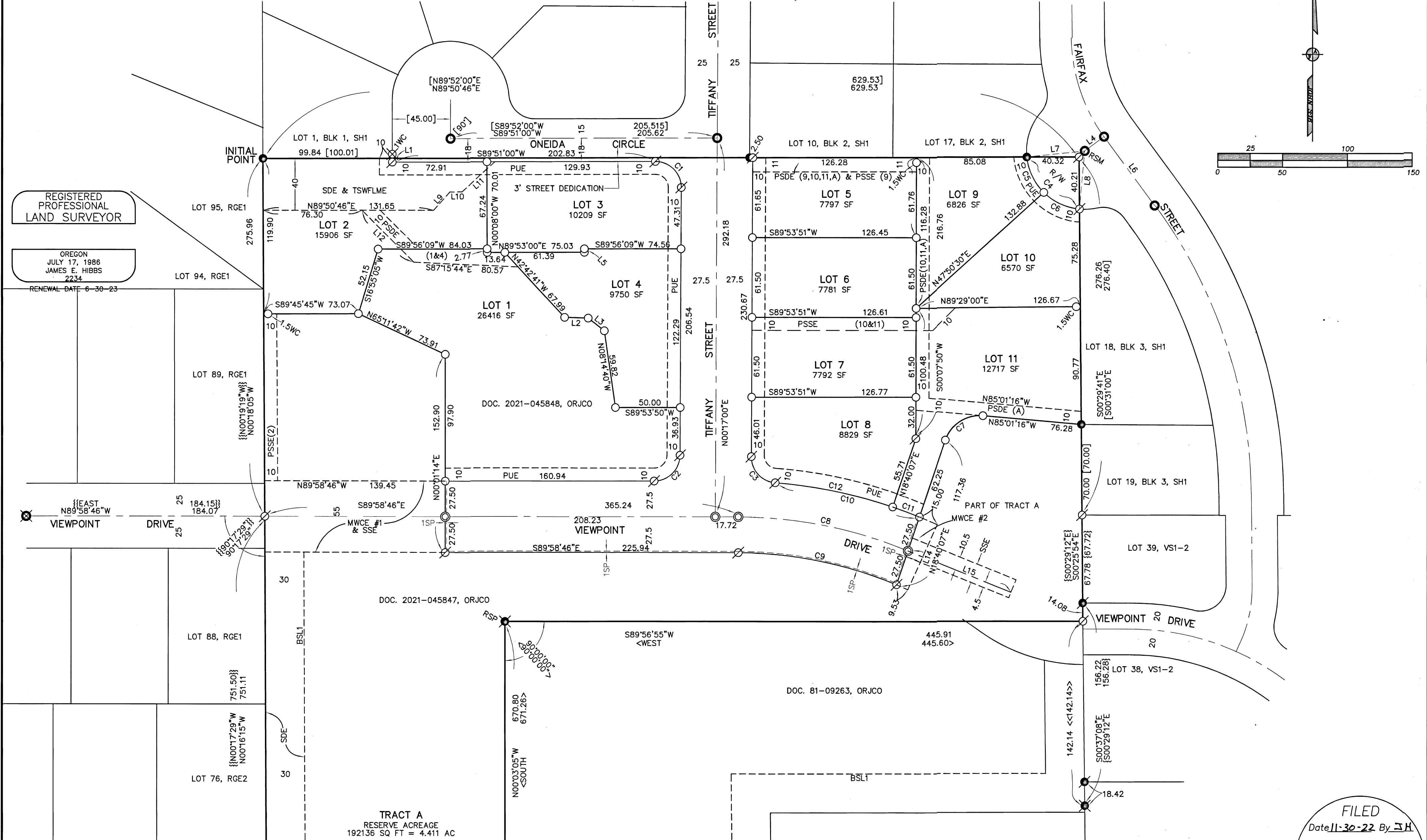
CENTERLINE OF CEDAR LINKS DRIVE PER FS21667 AS SHOWN.
UNIT OF MEASUREMENT = FEET SCALE: 1" = 50'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE 6-30-23



SEE SHEET 3

SEE SHEET 3 FOR LEGEND, EXCEPTION LIST AND COURSE DATA TABLE.

I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.

REGISTERED PROFESSIONAL LAND SURVEYOR
J. Friar
OREGON JULY 17, 1986 JAMES E. HIBBS 2234
RENEWAL DATE 6-30-23

FILED
Date 11-30-22 By JH
This Survey Consists Of:
3 sheet(s) Map
0 page(s) Narrative
JACKSON COUNTY SURVEYOR

371W16BA TL'S 9000 & 9100

SHEET 2 OF 3 21110PM

SURVEY BY:

L.J. Friar & Associates, P.C.
Consulting Land Surveyors
P.O. Box 1947
Phoenix, Oregon 97535
Phone: (541) 772-2782
Email: ljfriarandassociates@charter.net

SURVEY FOR:

CLE RESIDENTIAL, LLC
4003 CRATER LAKE HWY.
MEDFORD, OR 97504

DATE:

AUGUST 25, 2022

HIDDEN HILLS SUBDIVISION, PHASE 1

Located in the N.W. 1/4 of Sec. 16,
T37S, R1W, W.M. and in the
City of Medford Jackson County, Oregon
(File No. LDS-21-129)

LEGEND:

- ⊙ = FD. COUNTY SURVEYOR'S BRASS CAPPED MONUMENT PER 2014 RE-ESTAB'S.
- ⊙ = FD. BRASS CAP MKD. LS1913 PER FS15669.
- ⊙ = FD. BRASS CAP MKD. LS505 PER SH1.
- ⊙ = FD. ALUMINUM CAP MKD. LS2349 PER SLVCL5-6.
- ⊙ = FD. BRASS CAP MKD. LS1656 PER RGE1 OR RGE2.
- = FD. 5/8" IRON PIN & PLASTIC CAP MKD THOMAS LS505 PER SH1.
- ⊙ = FD. 5/8" IRON PIN & PLASTIC CAP MKD MINNECI LS2349 PER VS1-2.
- ⊙ = FD. 5/8" IRON PIN & PLASTIC CAP MKD. BATH LS1069 PER FS8744.
- = FD. 5/8" IRON PIN PER RGE2.
- ⊙ = FD. 5/8" IRON PIN & PLASTIC CAP MKD MINNECI LS2349 PER SLVCL5-6.
- ⊙ = SET 5/8" X 30" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ⊙ = SET 5/8" X 24" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
- ⊙ = SET 5/8" X 30" IRON PIN & ALUMINUM CAP MKD. L.J. FRIAR & ASSOC.
- ⊙ = SET BRASS TAG MKD. L.J. FRIAR & ASSOC. & MAG NAIL IN CONCRETE.
- △ = SET 2" BRASS WASHER MKD. L.J. FRIAR & ASSOC. & MAG SPIKE IN ASPHALT.

LEGEND:

- JCDR = JACKSON COUNTY DEED RECORDS.
- ORJCO = OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
- #WC = # FEET WITNESS CORNER MONUMENT.
- SH1 = STERLING HEIGHTS, UNIT NO. 1 (FS11207)
- FS = FILED SURVEY #
- PUE = PUBLIC UTILITY EASEMENT PER THIS PLAT.
- VS1-2 = VIEWPOINT SUBDIVISION, PHASES 1 & 2 (FS14725).
- 1SP = ONE FOOT STREET PLUG PER THIS PLAT.
- PUE1 = PUBLIC UTILITY EASEMENT PER DOC. 2019-031945, ORJCO.
- RW = RIGHT OF WAY DEDICATION THIS PLAT.
- RW1 = RIGHT OF WAY PER DEDICATION PER DOC. 2019-031946, ORJCO.
- RGE1 = ROYAL GREENS ESTATES, UNIT NO. 1 (FS10739).
- MWCE #1 = WATER FACILITIES EASEMENT PER DOC. #2022-032406, ORJCO.
- RSM = FD. MONUMENT DESTROYED BY CONSTRUCTION. RESET 2" WASHER MKD. L.J. FRIAR & ASSOC. & MAG SPIKE IN FOUND POSITION.
- RGE2 = ROYAL GREENS ESTATES, UNIT NO. 2 (FS10907).
- MWCE #2 = WATER FACILITIES EASEMENT PER DOC. #2022-032406, ORJCO.
- PSDE(#)= PRIVATE STORM DRAINAGE EASEMENT (LOTS/TRACT BENEFITTING) PER THIS PLAT.
- SLVCL5-6 = SKY LAKES VILLAGE AT CEDAR LANDING, PHASES 5 & 6 (FS19831).
- { } = RECORD DATA PER VS1-2
- { } = PUBLIC STORM DRAINAGE EASEMENT PER THIS PLAT.
- { } = PRIVATE SANITARY SEWER EASEMENT (LOTS BENEFITTING) PER THIS PLAT.
- { } = RECORD DATA PER SH1.
- { } = RECORD DATA PER DOC. 2021-045847, ORJCO.
- { } = RECORD DATA PER SLVCL5-6.
- { } = RECORD DATA PER RGE2 OR RGE1.
- { } = STREET RIGHT OF WAY DEDICATION PER THIS PLAT.
- << >> = RECORD DATA PER FS8744.
- RSP = FD. MONUMENT DESTROYED BY CONSTRUCTION. RESET 5/8" X 30" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC. IN FOUND POSITION.
- SSE = PUBLIC SANITARY SEWER EASEMENT PER THIS PLAT.
- SDE1 = PUBLIC STORM DRAINAGE EASEMENT PER DOC. 02-60847, ORJCO.
- BSL1 = BUILDING SETBACK LINE PER V.434, P.297, JCDR.
- TSWFLME = TEMPORARY STORM WATER FACILITIES LANDSCAPE AND MAINTENANCE EASEMENT PER DOC. 2022-030054, ORJCO.

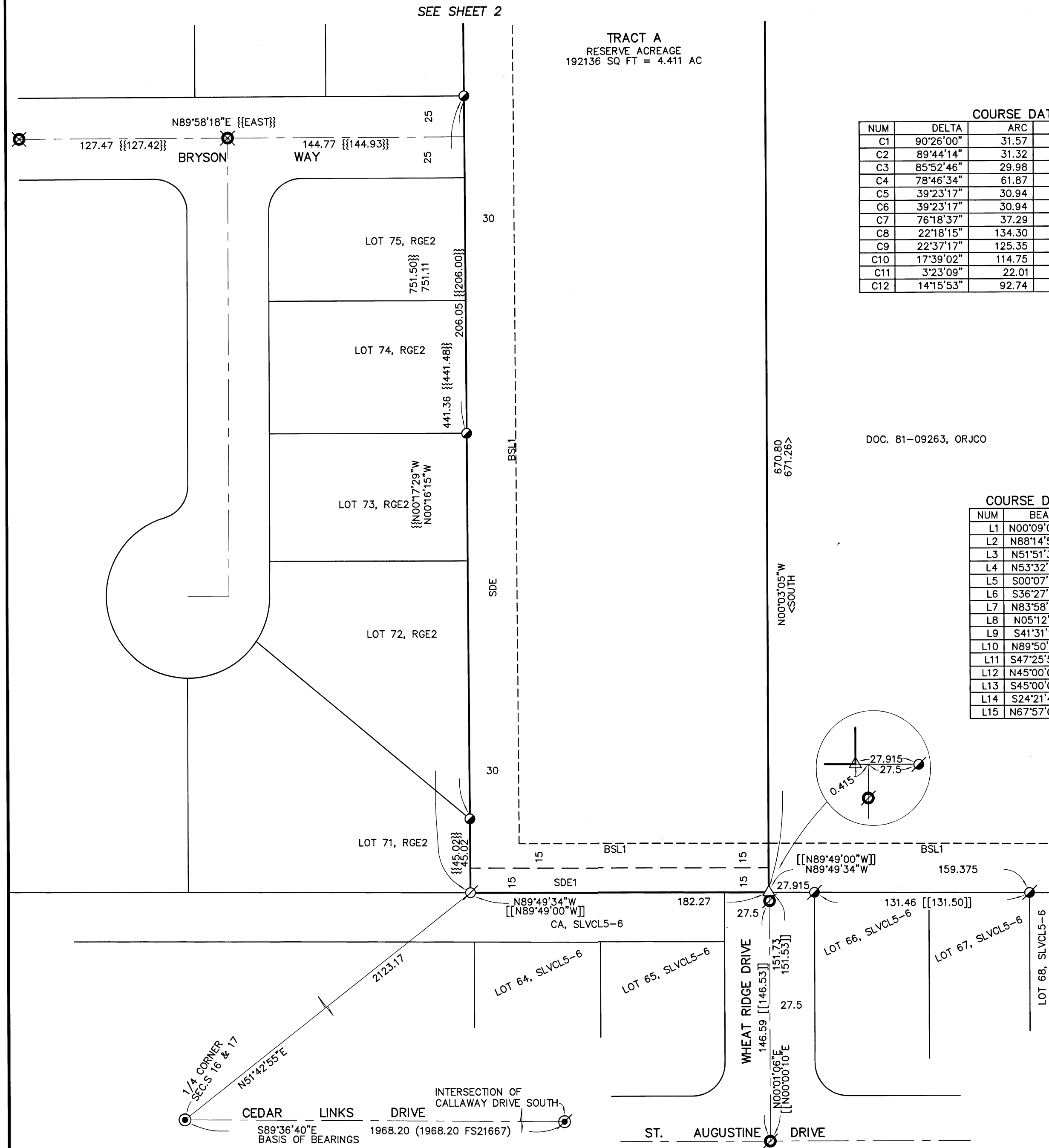
COURSE DATA TABLE

NUM	DELTA	ARC	RADIUS	CHORD
C1	90°26'00"	31.57	20.00	N44°56'00"W 28.39
C2	89°44'14"	31.32	20.00	N45°09'07"E 28.22
C3	85°52'46"	29.98	20.00	S42°39'23"E 27.25
C4	78°46'34"	61.87	45.00	S45°24'24"E 57.11
C5	39°23'17"	30.94	45.00	S25°42'46"E 30.33
C6	39°23'17"	30.94	45.00	S65°06'03"E 30.33
C7	76°18'37"	37.29	28.00	S56°49'25"W 34.60
C8	22°18'15"	134.30	345.00	N78°49'38"W 133.46
C9	22°37'17"	125.35	317.50	N78°40'08"W 124.54
C10	17°39'02"	114.75	372.50	N76°46'15"W 114.30
C11	3°23'09"	22.01	372.50	N69°38'18"W 22.01
C12	14°15'53"	92.74	372.50	N78°27'50"W 92.50

COURSE DATA TABLE

NUM	BEARING	DISTANCE
L1	N00°09'00"W	2.83
L2	N88°14'59"W	18.22
L3	N51°51'36"W	15.80
L4	N53°32'22"E	18.47
L5	S00°07'00"E	2.70
L6	S36°27'38"E	65.88
L7	N83°58'53"E	45.00
L8	N05°12'19"E	45.00
L9	S41°31'10"W	18.90
L10	N89°50'46"E	9.30
L11	S47°25'58"W	34.17
L12	N45°00'00"W	56.40
L13	S45°00'00"W	24.37
L14	S24°21'42"W	55.00
L15	N67°57'08"W	85.70

DOC. 81-09263, ORJCO



371W16BA TL'S 9000 & 9100

I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.

REGISTERED PROFESSIONAL LAND SURVEYOR

J. Friar

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE 6-30-23

FILED
Date 8-30-22 By SH

This Survey Consists Of:
3 sheet(s) Map
0 page(s) Narrative

JACKSON COUNTY SURVEYOR

SHEET 3 OF 3 211107M

From: [Carla Daley](#)
To: [Dustin J. Severs](#)
Cc: [Michael](#)
Subject: Hidden Hills Subdivision-Phases 2 & 3 File: LDS-23-112
Date: Sunday, June 18, 2023 4:44:00 PM

<EXTERNAL EMAIL **Click Responsibly!**>

Dear Sirs, we are writing to you regarding the above tentative plat approval. In the Notice of Public Hearing dated 01Jun2023 consideration of a proposed 39 lot residential subdivision contained within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district will be reviewed.

We are new residents to the Rogue Valley and Oregon and chose to build our house on Wheat Ridge Dr with the **original** knowledge SFR-00 parcel was proposed to have 16 (not the now 39) lots for Single Family Residences placed on them.

Our concern is with the NOTE contained on Page 10of13 on the Medford Planning Staff Report, which states "each of the 24 standard lots—except for Lots 12, 13, 33, 34 and 35 **will be eligible to be developed with up to four units** in any configuration...lots 12, 13, 33, 34 and 35 **will be eligible to be developed with up to three units** in any configuration." This has the potential of increasing the number of SFR from 39-units to 91-units, which is substantial. The surrounding neighborhoods are all Single Family residences (not duplexes, triplexes, quadplexes or cottage clusters as outlined in the Staff Report). Our concern lies in the relatively small size of the proposed development, "two parcels totaling approximately 8.36 acres" and building 91 units on this.

Additionally, the concern lies with the number of residents these 91 units would bring to the neighborhood and the strain it would place on the existing sewer capacity, traffic circulation, and emergency vehicle access.

We beseech you to consider placing a contingency on the developer to limit the sale of these lots to be developed as outlined in the Notice of Public Hearing, (i.e. 39-units). Money is a powerful drug, however, adhering to the original plan and compassion for existing neighbors (what if this was your neighborhood?) is even stronger.

Regards,
Michael and Carla Daley
3403 Wheat Ridge Dr.
Medford, OR 97504



From: [Becky Chong](#)
To: [Dustin J. Severs](#)
Subject: Comments for Planning Commission Meeting 6/22
Date: Monday, June 19, 2023 8:38:28 PM
Attachments: [Hidden Hills Subdivision.pdf](#)

<EXTERNAL EMAIL **Click Responsibly!>**

To Whom it May Concern:

We are writing to express our concern regarding the development of the Hidden Hills project, specifically in relation to the inclusion of townhouses (lots 36-50) on the updated Phase 2 & 3 plat map. As residents living adjacent to the field, we are deeply invested in preserving the integrity of our current neighborhood environment, and we believe that adhering to the original plat map, which features single-family residences, would be the most suitable course of action.

Through our realtor, we have initiated discussions with Mr. Denis Hickey regarding the possibility of purchasing the lot next to our house, as specified in the original plat map (see attached). This endeavor is driven by our commitment to maintaining the existing character of the neighborhood. While Mr. Hickey initially indicated that this arrangement might be feasible, we have experienced difficulties in reestablishing contact with him since then.

Therefore, we kindly request that any approval of the revised map, which includes townhouses, be postponed until we can resume communication with Mr. Hickey regarding the potential purchase of these lots. It is essential to us that any changes in the development align with the established neighborhood and uphold the original vision. The introduction of townhouses, which differ significantly from the current community, could introduce a range of issues that may impact the overall atmosphere of our neighborhood. Granting us the time to obtain a response from Mr. Hickey and denying these proposed changes would allow us to actively contribute to the preservation of our family-friendly, single-family residence-oriented neighborhood.

We sincerely appreciate your time and consideration in this matter.

Sincerely,
Steve and Becky Chong
3267 Wheat Ridge Dr.
541-708-1338

From: [CJNME Bissell](#)
To: [Dustin J. Severs](#)
Subject: Comments on File No.: LDS-23-112
Date: Tuesday, June 20, 2023 10:57:32 AM

<EXTERNAL EMAIL **Click Responsibly!**>

June 20, 2023

Att: Dustin Severs

Being a homeowner on our property since June 1, 1974, we have seen many changes around us. The march of progress, we do miss the country setting that was here when we purchased our property, however, we are not adverse to the building of homes on the adjacent property.

As a response to the plat approval, File NO.: LDS-23-112, I am protesting the formation of Lots 36-50 for the designation of building townhouses as they are not compatible with the neighborhood and I feel that they would devalue the neighboring properties. Also there would not be room for street parking as the street will be very narrow and cause unnecessary congestion, especially if they are designated as rentals.

Respectively
Tom and Connie Bissell
3390 Viewpoint Dr.
Medford, OR 97504
541-773-7648



From: [Analise Bullock](#)
To: [Dustin J. Severs](#)
Subject: Opposition to LDS 23-112
Date: Tuesday, June 20, 2023 9:30:35 AM

As property owners on Wheat Ridge Drive, we oppose the development of any homes in the proposed Hidden Hills Development that do not comply with the existing SFR-4 zoning, particularly lots 39-50 which are the proposed townhouse lots. We stand in solidarity with our neighbors, particularly those whose property directly borders the proposed development.

New construction should conform to the single family homes we have in our beautiful community. No concessions should be made that would impede on the current residents of the area or fundamentally change our neighborhood.

Additionally, we are alarmed by news of alleged bullying and intimidation of current property owners by applicants of this proposed project.

Attached please find the post-dated conditions of approval we discussed.

Regards,
William and Analise Bullock
3274 Wheat Ridge Drive
Medford, OR 97504



From: [Becky Chong](#)
To: [Dustin J. Severs](#)
Subject: Re: Hidden Hills
Date: Tuesday, June 20, 2023 1:47:48 PM

Hi, Dustin,

Please make our response a part of the public record.

Thank you,
Steve and Becky Chong

On Jun 20, 2023, at 1:29 PM, Becky Chong <bcchongxxiv@gmail.com> wrote:

Dear Mr. Hickey,

We appreciate you reaching out and wanted to address the situation to ensure there is no miscommunication. It came to our attention that you may be interested in selling the lots provided by the Bechtel's. Based on this information, our realtor contacted you to inquire about the possibility of a sale. During the conversation, it was mentioned that you were still considering the option of selling, as you mentioned you would take some time to think about it. However, no specific time-frame or further details were provided. Therefore, our understanding is that selling the land given to you by the Bechtel's remains a possibility.

If there were any developments regarding the sale of the lots in the future, it would have been helpful to communicate those to our realtor. However, no such information was provided. In the event that you are not interested in selling, we completely understand, and we would have simply appreciated a clear confirmation.

Regarding the matter of being difficult, we believe there are two perspectives to consider:

1. Unannounced Visits: On two occasions, you visited our house without prior notice or identification. Your approach was rather assertive, which frightened our young family.
2. Aggressive Communication: You have been assertive in your phone calls and emails to the point we felt threatened, making references to your knowledge of Steve's workplace, his superiors, and colleagues. Additionally, in a previous email, you mentioned renting to recovering drug addicts as a means of generating income. Here is an excerpt from your previous email for reference:

“I don't think you understand the other options

I will put multi family units first lot next to yours, I will then utilize the open area for park benches and a fire pit.

One option for those units would be corner stone recovery, they rent by the room

and to recovering addicts. This option pays very well."

Furthermore, when our realtor reached out to discuss a possible transaction, you made it apparent that you held a grudge against us for not signing the removal agreement, something we were not previously informed about. You expressed your dissatisfaction that we had sought out the Bechtel's independently, which upset you.

We want to assure you that we are willing to work with you, provided there is proper consideration and transparent information. If the lots are not currently available for sale, we respect that decision. We were inquiring through our realtor as we believed the matter was still under consideration since we hadn't received any communication to the contrary. If you have alternative proposals, such as a lot line adjustment, we are open to discussing those options as well. Please communicate your preferences to our realtor, John Ford, at 541-227-3552.

Thank you for taking the time to review this message. We will be speaking with Dustin at our earliest convenience.

Sincerely,
Steve and Becky Chong

On Jun 20, 2023, at 11:23 AM, denis hickey <denis@hfsales.net>
wrote:

Steve and Becky,

You have my phone number and email address,

I have been by your house multiple times and knocked on your door and have offered to work with you. For some reason you choose not to

The lots you want are in Phase 3 and will not be available for sale for years. There is not enough sewer capacity for the City to approve sale and development of that phase.

Not sure why you two choose to be so difficult to work with, I have given you multiple opportunities to work together with me on this development.

Delaying the Planning Commission Meeting is only going make it where I will not want to work with you in the future.

Can you let Dustin know that we are good to move forward with the current date on the Commission meeting?

Upon approval of the subdivision and when the lots are available for sale, we can discuss a sale at that time

Thanks

Denis Hickey
216-544-4779

If the statement below is true, why didn't you agree to sign off on giving up your 30' easement? I expressed that without that being removed I would be forced to accommodate to the easement and utilize the ground to the best of my ability with that easement in place. **You told me NO**

"we are deeply invested in preserving the integrity of our current neighborhood environment, and we believe that adhering to the original plat map, which features single-family residences, would be the most suitable course of action"

Denis,

Thank you for being so patient. We value our space, and one of the reasons we purchased this property was the adjacent open area. We do not want to make any changes and want to leave the 30 ft setback as it stands.

Thank you,

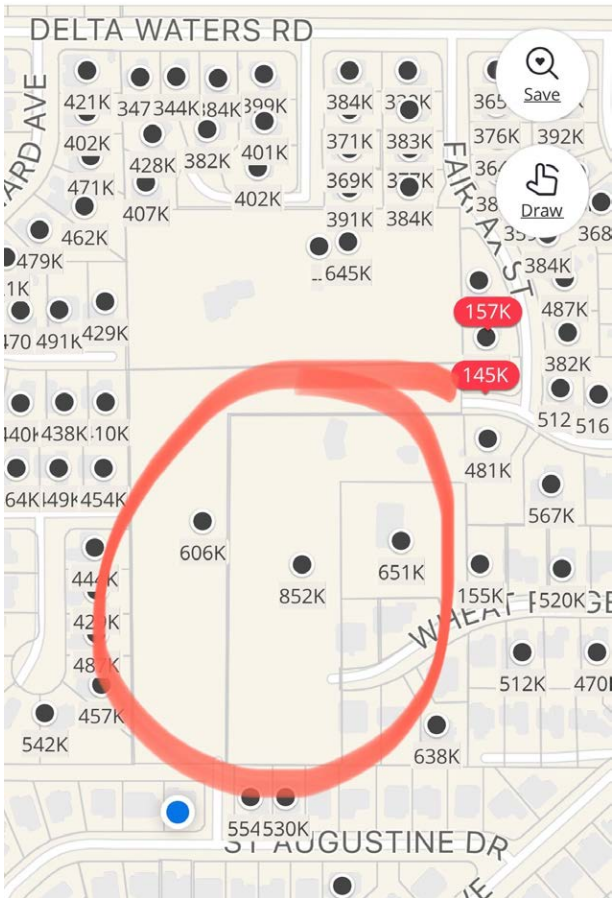
-Steven Chong

From: [Mindi Nielsen](#)
To: [Dustin J. Severs](#)
Subject: East Medford Cedar Links Area - Wheat Ridge/St. Augustine
Date: Tuesday, June 20, 2023 2:10:50 PM

Hello Dustin,

I am a resident of the Sky Lakes at Cedar Landing (Cedar Links) neighborhood and I live on St. Augustine Drive at the corner of Wheat Ridge Drive which is currently a dead end. Our streets are narrow and will not withstand additional traffic in our neighborhood. Our understanding is that there will be approximately 30 rental units built on the land behind our house. The land is zoned for SR4 so this would be too many family dwellings per quarter acre...and too many people! Parking will be a problem plus, again, there is no infrastructure to support an additional 60+ cars driving through our quiet neighborhood.

Apparently, the contractor, is being threatening to residents that are not happy with changes to easements and said that he would build apartments that would be rented to recovery addicts if they don't agree to easement changes. This is NOT what we want in our neighborhood! The majority of homes on St. Augustine are 100% paid for and the majority of the residents are in their late 70's. Bringing in recovery addicts does not feel appropriate when Medford has many other locations to build affordable housing for situations such as recovery addicts, lower income families. We paid a lot of money for our beautiful home and now are feeling pushed out by the threat of apartments directly behind our house. Here's the area that I am talking about and our house is the blue dot at the bottom.



Please take into consideration when approving any plans on the property at Wheat Ridge and St. Augustine Drive in East Medford, single family homes, please. Nothing else. We have apartments being

built at the corner of Cedar Links and Farmington currently and the neighborhood is extremely unhappy with this.

The Cedar Links Park is experiencing gang activity at night and the Medford PD is doing nothing about it. We have proof, pictures, license plates, etc., and the proof shows guns being sold, drugs being sold, etc. Adding more apartments, low income or not, is going to keep perpetuating this problem and will force many of the residents out. Medford PD refers to the new Cedar Links Park and our area as the new "GHETTO". This is not right.

Thank you for your consideration and if you have any questions, feel free to contact me at (408) 718-4471 (cell).

Mindi Nielsen
St. Augustine Drive, Medford Resident
mindinielsen@yahoo.com

From: [Rhonda Refsnider](#)
To: [Dustin J. Severs](#)
Subject: File No: LDS-23-112 Hidden Hills Subdivision 2 and 3
Date: Tuesday, June 20, 2023 12:04:23 PM

<EXTERNAL EMAIL **Click Responsibly!**>

Re: the proposed tentative plat approval for Phases 2 and 3

This proposal affects our immediate neighborhood. The neighbors I have spoken with wish to have the original zoning of the land in question be totally SR4 without townhouses. Our approximate 3 block by 3 block neighborhood is already being heavily impacted by the commercial and large apartment complex at the corner of Farmington and Cedar Links. One business selling alcohol. Adding townhouses which may really be rentals adds considerable more people in the area. That means parking problems. We already have that problem near where Wheat Ridge Dr will be extended. Having people with 4-7 cars per house puts cars on the street with the consequence that the designated turn planned in the original development) around can't be safely used. , the street sweeper can't clean the street properly, UPS, medical, garbage trucks have to back up, trying not to hit cars. We don't need more of these problems. 12 Townhouses would definitely create more problems. The extra amount of people will also impact the neighborhood.

Cedar Links Park has already had a shooting. Many nights the parking lot of the park is used for drinking parties and some drug use, a few people sleeping in cars now and then. Graffiti is starting to appear. More people mean more problems especially dependent on the price range the Townhouses are built to attract and the number of stories.

We are opposed to the townhouses being built and request that the land be used as originally planned as 4 single family units per acre with the 30 foot set back. We trust that you care about the quality of life of our neighborhood and the citizens living here.

Rhonda Refsnider
3273 Wheat Ridge Drive
541 858-7041



From: [Rhonda Refsnider](#)
To: [Dustin J. Severs](#)
Subject: File No. LDS -23-112
Date: Tuesday, June 20, 2023 9:52:42 PM

<EXTERNAL EMAIL **Click Responsibly!**>

I was surprised to find page 180 Dated July 22,2023 basically showing project approved. Having a comment period and a meeting which many people who are on vacation and can only send in their comments but not attend seems to contradict the purpose of the meeting.

Naming the small street Wheat Ridge Way is going to add a lot of confusion for mail and location. It took me quite awhile to get our address correct in the large data base used by many businesses. Some contractor had written Wheat Ridge as one word instead of the correct two words. My mail now comes correctly as two words, actually three words when you add Drive.

Rhonda Refsnider

From: [Gary Edwards](#)
To: [Dustin J. Severs](#)
Subject: Proposed Hidden Hills Subdivision Phase 3
Date: Tuesday, June 20, 2023 8:11:45 PM

<EXTERNAL EMAIL ****Click Responsibly!****>

Mr. Dustin Severs,

I have reviewed the Tentative Plat and City of Medford Vicinity Map for the proposed Phase 3 of the Hidden Hills Subdivision.

I am alarmed to see that Phase 3 includes 13 very small lots. These lots are only 24 feet wide. Their size does not meet the criteria for what I understand is the current zoning of SFR-4. This leads me to believe the zoning would be changed to some form of multiple-family.

I do not see that that is a good idea. The currently completed Wheatridge Drive to the east of the proposed development is only 40 feet wide. As a result, vehicle traffic coming from the east would not be safe, especially when vehicles are parked along the right-of-way.

Who will likely park in that area along Wheatridge Drive? The answer is the residents of those 13 very small lots. They will easily fill up the street along those small lot frontages, then park along the frontages of the adjacent larger lots along Tiffany Street as well as along the aforementioned Wheatridge Drive.

Would you want multiple vehicles not associated with you parked in front of your house day and night? Likely not. I know I wouldn't. Nor would adjacent and nearby single-family owners and their families likely either.

From my perspective as a nearby homeowner, as well as a former area real estate appraiser for 27 years, the parking issue is a 'deal killer' and should not be approved for anything but single-family zoning and subsequent single-family development similar to what is currently adjacent to the subject property.

Respectively,
Gary Edwards
2868 Strasburg Street
Medford
(541) 773-5851

From: [Colleen Holbert](#)
To: [Dustin J. Severs](#); [Nancy Hawkins](#)
Subject: Zoning
Date: Wednesday, June 21, 2023 8:12:55 AM

<EXTERNAL EMAIL **Click Responsibly**>

This is : Colleen Holbert at 567 St Augustine Dr Medford 97504 Phone # 541 944 7359
I totally oppose the townhouse development. It should remain the original zoning SR4. If changed it would impact greatly the quality of the neighborhood and put stress on the homeowners. Thanks for your understanding. Colleen Holbert
Sent from my iPhone



From: [Bob Anderson](#)
To: [Dustin J. Severs](#)
Subject: Townhouses on Wheatridge
Date: Wednesday, June 21, 2023 8:00:01 AM

Mr Severs,

I would like to oppose the building of any townhouses or apartments on Wheatridge Dr, our neighborhood in Medford. We all ready have the Cedar Links Apartment complex being built. We don't need more traffic that another apartment or townhouse complex would bring. Please consider my opposition to this issue in Thursday nights meeting.

Thank you
Robert Anderson



From: [Sandi Soliday](#)
To: [Dustin J. Severs](#)
Subject: Hidden Hills Subdivision
Date: Wednesday, June 21, 2023 8:38:09 AM

<EXTERNAL EMAIL **Click Responsibly**>

Dear Mr. Severs,

In regard to the Tentative Plat and the City of Medford Vicinity Map for the Proposed Phase 3 of the Hidden Hills Subdivision:

I sincerely hope that the best interest of our neighborhood is the driver in maintaining the current SFR-4 designation. Our neighborhood has endured years of disruptive construction of nearby apartments but have yet to experience the full impact of many additional residents and their vehicles when the stores and apartments open. The construction of additional multi family housing so close to the apartments and in a small space would have a detrimental effect on our neighborhood and certainly be irresponsible sans a traffic impact report(assumption).

Please make your planning decisions in the best interest of our neighborhood and not developer profit.

Thank you,

Sandi Soliday
3505 Christine Way
510-219-8513



From: [Colleen Anderson](#)
To: [Dustin J. Severs](#)
Subject: Buiding apartments on Wheat Ridge
Date: Wednesday, June 21, 2023 11:14:26 AM

Please reconsider building more apartments. I would prefer single family homes as they would be easier on traffic, water use, and power. Not to mention our school district. As a side note to the “bully” letter sent by Denis Hickey we already have a drug recovery house on Delta Waters.
Sent from my iPhone



From: [Nancy Hawkins](#)
To: [Dustin J. Severs](#)
Subject: Re Hidden Hills Subdivision Proposals
Date: Wednesday, June 21, 2023 12:20:56 PM

<EXTERNAL EMAIL **Click Responsibly**>

Mr. Severs,

I am writing to express our opposition to the proposal for Phase 3 of the Hidden Hills Subdivision. Like many others, our concern is for the increased amount of traffic and population on very narrow streets that this will create. As the apartments are under construction on the corner of Cedar Links Dr. and Farmington the contractor noise and traffic have been very disturbing to our lovely community. We can only imagine the increase we will incur once the apartments are rented and the businesses are up and running.

Sadly, after much effort the city did not listen at all to our concerns when Cedar Links Apartments and businesses were approved and it left so many of us feeling disappointed in our right to have a voice and vote in any city matters. You know, the saying "You can't fight City Hall".

I ask you to please give more understanding consideration to our opposition to this multi complex plan and leave the property as it is currently zoned for single family homes.

Thank you.
Elvin and Nancy Hawkins
1030 St. Francis Dr.
Medford, OR

From: [CARLETON LINDA THOMPSON](#)
To: [Dustin J. Severs](#)
Subject: Wheat Ridge Proposal
Date: Thursday, June 22, 2023 6:40:48 AM

<EXTERNAL EMAIL **Click Responsibly!**>

Dear Sir:

Regarding the proposed building of townhouses on Wheat Ridge, East Medford:

We oppose the change of zoning to build more multiple housing in our area. We already have a large apartment complex being built on Farmington and Cedar Links Dr. We have a nice East Medford residential area and would hate to see it turning into a large apartment area.

We was told that the contractor, Denis Hickey, sent a “bully” email to one of the current home owners that if they didn't sign off on having a 10 foot easement instead of the current 30 foot easement, he would build apartments that would be rented to recovery addicts. This is shameful!!

We know that the city needs more housing but feel there are many other locations that could be turned into multiple housing without affecting the value of resident's current properties.

We request that the current zoning remain as is and have some nice, maybe more affordable housing built instead of multiple housing.

We oppose the townhouses and wish to retain the original zoning of SR4

Thank you for your consideration and hope you will stand with us.

Carleton & Linda Thompson
507 St Augustine Dr
Medford Or 97504



From: [Emma Wilbur](#)
To: [Dustin J. Severs](#)
Subject: Opposition to Proposed Development of Hidden Hills Subdivision (File No. LDS-23-112), Specifically Lots 12-38 as Townhouse Lots
Date: Wednesday, June 21, 2023 10:37:39 PM

<EXTERNAL EMAIL **Click Responsibly!**>

Dear Mr. Severs,

I am writing to express my strong opposition to the proposed development of Hidden Hills Subdivision, specifically Lots 12-38 as townhouse lots. My concerns include inadequate parking, congested traffic on Foothill Rd., reduced property values, and inconsistency with zoning regulations. A neighbor shared that she had received intimidation from the contractor, including threats to build housing for recovering addicts to drive down our property values. Recent incidents, such as the shooting at Cedar Links Park, have already changed our neighborhood character. Preserving the current community and its contribution to property tax revenue is vital.

Please carefully consider these concerns raised by the residents. Thank you for your attention to this matter.

Sincerely,

Emma Wilbur

From: [Lily Herwald](#)
To: [Dustin J. Severs](#)
Subject: Public input LDA-23-112
Date: Wednesday, June 21, 2023 10:32:27 PM

<EXTERNAL EMAIL **Click Responsibly!**>

Lisa Herwald
543 St. Augustine Dr
Medford OR 97504

June 21, 2023

Medford Planning Department
411 W 8th St
Medford Oregon 97401

Subject: Opposition to Proposed Development of Hidden Hills Subdivision (File No. LDS-23-112), Specifically Lots 12-38 as Townhouse Lots

Dear Dustin Severs,

I am writing to express my strong opposition to the proposed development of Hidden Hills Subdivision, specifically the designation of Lots 12-38 as townhouse lots. I believe this development poses several significant issues that need to be carefully considered.

Firstly, one of the primary concerns is the lack of adequate parking space. The addition of townhouse lots without sufficient parking provisions will exacerbate an already existing parking shortage in the area with the construction of apartments Farmington/Cedarlinks. This will undoubtedly create inconvenience and frustration for both residents and visitors, leading to potential safety hazards and a decrease in the quality of life for the community.

Moreover, the current traffic conditions on Foothill Road and other area streets are already congested, and the proposed development will only contribute further to this issue. Increased vehicles for this entire subdivision will intensify traffic problems, causing delays, potential accidents, and additional strain on the road and safety infrastructure. This adverse impact on transportation needs to be thoroughly addressed before any development plans are approved. Currently there is no public transportation in this area.

Another concern is the potential negative impact on property values within the area. Introducing a higher density development, such as townhouses, into a single-family residential (SFR-4) zone can significantly diminish property values for existing homeowners. It is crucial to maintain the integrity and character of the neighborhood, ensuring that any new development aligns with the surrounding properties and maintains property values for the current residents.

I recently spoke to a neighbor who shared their unsettling experience with the contractor involved in this proposed development. They mentioned being intimidated about an easement and even threatened with the idea of building housing for recovering individuals within our residential area.

Furthermore, the recent incident of a shooting at Cedar Links Park has already altered the character and sense of safety in our neighborhood. Introducing further high-density development may add to the strain on community resources and potentially compromise the safety and tranquility of the area.

Lastly, I would like to highlight the importance of the current neighborhood in contributing to the city's property tax revenue. The existing properties in this area have been dutifully contributing to the city's revenue base, and any development that adversely affects property values or disturbs the neighborhood's stability could have a detrimental impact on the city's financial well-being in the long run.

These listed concerns would disrupt the neighborhood's established balance and character. It is imperative that the new development not jeopardize the housing values of other homes.

Thank you for your attention to this matter, and I trust that you will give careful consideration to the concerns expressed by the residents of this area.

Sincerely,

Lisa Herwald (Lily)

From: [Bruce Cook](#)
To: [Dustin J. Severs](#)
Subject: Proposed Development
Date: Wednesday, June 21, 2023 7:02:45 PM

Mr. Severs.

I'm sending this to you as a concerned property owner regarding the proposed 12 town homes to be built at Wheat Ridge and St. Augustine. Apparently the builder now wants to put 30 units in and is trying to decrease the 30' easement to just 10' to accommodate the additional units. This would greatly encroach on the current homes in that area. I can't imagine it would help the property values either.

With that said you may or may not be aware of the crime in that area. I own three income properties in the area one was burglarized three months ago. There was a shooting at Cedar Links Park recently and criminal activity continues to take place there almost every night. The use of drugs and drug sales are out in the open under the lights in the parking lot for all to see. The police have been called many times and so far that has not stopped or slowed down the criminal behavior. Adding thirty more units will not help solve the crime problem and may very well make it worse.

The word is out and people are very concerned for their safety and the increase in crime affecting their property values.

It seems to me this comes down to greed on the part of the City Of Medford and Mr. Hickey.

Please do the right thing for the good people of Medford and don't let greed be a factor.

Sincerely,

Bruce Cook

From: [John Ferrell](#)
To: [Dustin J. Severs](#)
Cc: [John Ferrell](#)
Subject: Wheat Ridge Townhouses Proposal, LDS-23-112, "Hidden Hills Subdivision" Phases 2 & 3
Date: Wednesday, June 21, 2023 5:05:38 PM

<EXTERNAL EMAIL **Click Responsibly!**>

Dear Sir:

This letter is to register our concerns about the planned subdivision LDS-23-112, "Hidden Hills Subdivision" Phases 2 & 3. Below are listed our complaints about the proposed plans:

- 12 townhouses to be built at the connection of Wheat Ridge and St. Augustine Drive. The current zoning of SR4 (4 lots per acre, Single Residence) should be maintained and the number of houses reduced to adhere to the zoning requirements. This **should not** be construed as an **average** of 4 Lots/acre for the entire proposed subdivision (Phase 1, 2, and 3).
- Egress for the newly constructed homes in Phase 2 & 3 needs a direct connection with Delta Waters and North Foothill Rd. as per SR4 zoning requirements. Forcing the southern portion of the proposed planned homes onto minor subdivision roads should be avoided. The minor roads, such as Wheat Ridge, are only three lanes wide with on-street parking. This could create traffic problems for current residents and restrict timely emergency vehicle access.
- The proposed Bryson Way **should not be** connected to Wheat Ridge which would only create even more traffic flow onto Wheat Ridge and its existing connecting streets. The proposed Bryson Way **should connect** to Viewpoint, which is a wider street and leads to North Foothill Road. In addition Viewpoint to Tiffany Way to Delta Waters would make a more direct access for Emergency Vehicles. As planned Viewpoint now divides this new subdivision into two sections, a northern 1/3rd and a southern 2/3rds.
- We petition that the original easements between structures be maintained to create the planned buffer zone between existing houses and new construction. Decreasing open space in this new subdivision to increase developer's profits needs to be seriously reviewed by the Planning Commission.
- The additional traffic from Phases 2 & 3 should not be dumped onto the existing subdivision roads which were originally built to handle the traffic of current residences. Wheat Ridge is a narrow subdivision road which was designed to handle the current residents and an additional ten single family homes when connected. As the plan plainly shows, there are about twenty structures proposed along Wheat Ridge—not considering the extension of Bryson Way. The connecting of the two parts of Wheat Ridge should only serve about ten single family houses, at a density of 4/acre.

- We object to the construction of dense townhouses at 6/acre which violate the density guidelines of SR4 zoning. If these multiple residential structures are planned, they should **not be all** concentrated in one area of the proposed Phase 2 & 3. They could be adequately placed in Lots 9 & 10 with some minor adjustments to allow for the additional parking.

Sincerely,
John & Lorraine Ferrell
513 St. Augustine Drive
541-324-4710

From: [Mike](#)
To: [Dustin J. Severs](#)
Subject: R4 Wheatridge/St Augustine dr
Date: Thursday, June 22, 2023 7:22:38 AM

Mr Severs, my name is Mike Nielsen, I live on St Augustine dr which backs up to the lot that a developer is trying to change the original zoning to include high density townhomes.

This neighborhood is all single family homes that can support the traffic infrastructure hardly now. Our neighborhood has already been screwed over by the city of Medford when they re-zoned the corner of Cedar Links dr. and Farmington ave with high density, low income apartments, 110 apartments with only 104 parking spaces knowing that at least 80 percent of those will have 2 vehicles. Not to mention the parking needed for the businesses at that corner. Another problem is the developer wanting to decrease the easement from 30 feet to 10 feet and basically threatening extortion to the property owner's with building drug rehab apartments if the don't comply with his demands and allowing 30 townhomes to be built instead of 12. We currently have a women's drug rehabilitation housing at 3397 Delta Waters rd. and a Male drug rehabilitation housing at 3512 Lone Pine rd.

Galpin homes is finishing up their 394 single family Cedar Landings development and traffic is already insane especially when school is in.

We all know that cities grow but it should not be at a point where it infringes on current retired homeowners.

Another major point is the country has not built any new watersheds, lakes or reservoirs to accommodate the growth at its current rate which only means 1 thing in a drought year, water rationing. Please don't allow this still wholesale valley to be gobbled up by greed and lust like much of California has.

That is why tens of thousands of Californian's have moved here in the last ten years, to escape the tyranny and taxes of State and local governments. Just because you don't live in our beautiful and manageable neighborhood means its right to do what those who do live here don't want.

Regards,

Mike Nielsen

Sent from my iPhone

From: [Mostly Junk](#)
To: [Dustin J. Severs](#)
Subject: Planned Subdivision LDS-23-112 Hidden Hills
Date: Thursday, June 22, 2023 9:32:31 AM

<EXTERNAL EMAIL **Click Responsibly!**>

Dear Sir,

We have not received any notification regarding LDS 23-112 subdivision directly to our address. We have recently heard of this subdivision from our neighbor 2 days ago. It has been our experience in the past that it is the responsibility of the planning department to notify by mail within a reasonable time to all adjacent property owners within a certain radius of the proposed planned subdivision. Why were we not included on the mailing list? We were completely caught off guard.

This proposed subdivision is directly behind our property, **our home**. Information provided to us is that apartments or townhouses are to be built directly behind us. This is a serious concern. This appears to be a higher density than the SR4 zoning requirements allow. The existing roads surrounding this subdivision are not adequate for the increased density that would create more on street parking and traffic. Emergency vehicle access would be greatly restricted on the narrow existing streets that will provide access to this proposed subdivision.

We adamantly object to Planned Subdivision LDS-23-112 as is currently proposed.

Sincerely,
Kelly & Vickie Quinn
549 St. Augustine Drive
541-301-3668



From: [Chris Wilbur](#)
To: [Dustin J. Severs](#)
Subject: Opposition to Proposed Development of Hidden Hills Subdivision (File No.LDS-23-112), Specifically Lots 12-38 as Townhouse Lots
Date: Thursday, June 22, 2023 10:11:00 AM

<EXTERNAL EMAIL **Click Responsibly!**>

June 22, 2023

Medford Planning Department
411 W 8th St
Medford, Oregon

This letter is in response to this proposed development. I am strongly opposed to this development for the following reasons:

The first reason is a lack of parking and congestion on the secondary roads in the area. This is a safety issue which will not be easily solved. It will lead to more traffic accidents and decrease the quality of life in the neighborhood.

The current traffic issues from the Foothill Rd work are already impacting residents and visitors to the area. This development will aggravate a bad situation and potentially lead to further traffic problems.

The Contractor involved in this development has already threatened a neighbor telling them he was going to build houses for recovering addicts if they didn't do what he asked.

The recent shooting at Cedar Links Park has people in the neighborhood concerned about the safety of the neighborhood and further high-density development will exacerbate the situation.

This high-density development will affect the property values in the neighborhood negatively. This is a single-family residential (SFR-4) zone that can diminish property values for existing property owners. It is very important to maintain the quality and character of the neighborhood by ensuring that new development aligns with the existing properties and maintains property values for the current residents.

Thank you for your careful attention and consideration of these concerns expressed here and the concerns of our neighbors and friend in this area. Thank you for the work the Planning Commission does.

Sincerely

Chris Wilbur



6-22-2023

Dear Planning Commission,

In response to the public comments regarding the use of townhomes in Phase 3 of the proposed development, I would like to add some additional information for clarification. The initial plan developed by our team was entirely detached single family housing similar to Phase 1 and 2 and mimicked the existing development pattern of the surrounding neighborhood. However, it was discovered that a 1956 deed required a 30-foot for any buildings from the property boundaries, which did not allow for a density similar to the existing.

Attempts were made by the Applicant to have the setback easement relinquished, which requires the consent of the adjacent property owners. However, the existing homeowners were not willing to relinquish their right to the setback easement and as such the layout was modified to work with the property constraints and still maintain the economic vitality of the project.

While this option was not the original intent, it does comply with the Land Development Code and meets the City goals of providing a mix of housing options with new development. While the interaction between adjacent property owners and the Applicant has been characterized as hostile, that was not the intent as all conversations were initiated in good faith with the goal of adding to the surrounding neighborhood with a similar development pattern.

To accommodate the initial design for single family homes (Denis's intent), the 30-foot setback easement would have to be relinquished which would allow my client to follow the standard City of Medford Development Code setback requirements and develop the lots in Phase 3 as single-family homes.

As noted in the attached email (one of the examples) Denis sent out a very nice email stating the reason and the need to relinquish the 30-foot setback easement. The homeowner stated they did not want to make any changes to the 30-foot setback. Denis also noted he would have to look at other development options if the setback was left in place.

After the refusal by the landowners affected (it only took one) refusing the relinquishment of the 30-foot setback easement, Denis and his engineer came up with the current design to accommodate the setback. This layout was the inclusion of Townhomes which would best utilize the space between the road and adhere to the 30-foot building setback.

In response to Denis being a "bully" I take offense to these comments and will defend my client. I have read numerous emails and text messages. Denis was very polite while approaching the homeowners that would need to relinquish the 30-foot setback. I do believe that Denis did get frustrated with the refusal of the homeowners' responses to not remove the easement. The 30-foot easement was put in place when the lands surrounding it were undeveloped and rural.

Denis made it clear to landowners bordering the setback that he would have to evaluate other plans for development to accommodate this 30-foot easement. As the landowner and developer, it is reasonable to understand his desire to utilize his land to his benefit which resulted in the Townhome design.

Upon closing I would once again state that Denis's intent was single-family homes. However with the refusal of the homeowners to relinquish the 30-foot setback he was forced to redesign Phase 3 which resulted with the inclusion of the Townhomes. We certainly take seriously the comments and concerns received and hope this provides clarification as to the current layout.

Thank you very much for your time.

Lani Hickey

Applicants Representative

lrhickey@gmail.com

From: denis hickey <denis@hfsales.net>
Sent: Thursday, June 22, 2023 8:04 AM
To: Lani Hickey
Subject: FW: Hidden Hills Phase 2 30ft setback

From: denis hickey <denis@hfsales.net>
Sent: Tuesday, June 20, 2023 11:11 AM
To: Dustin.Severs@cityofmedford.org; Lani Hickey <lrhickey@gmail.com>
Subject: FW: Hidden Hills Phase 2 30ft setback

From: Steven <myemail3267@proton.me>
Sent: Friday, November 25, 2022 8:23 PM
To: denis hickey <denis@hfsales.net>
Subject: Re: Hidden Hills Phase 2 30ft setback

Denis,

Thank you for being so patient. We value our space, and one of the reasons we purchased this property was the adjacent open area. We do not want to make any changes and want to leave the 30 ft setback as it stands. Thank you,

-Steven Chong

----- Original Message -----

On Sunday, November 13th, 2022 at 11:01 AM, denis hickey <denis@hfsales.net> wrote:

Stephen,

I am working on developing the ground to the west of you as you are probably aware. You currently have a 30 foot set back on my property that is causing issues with me being able to put a single family home next to yours.

I am asking you if you are willing to sign off on that setback, the paperwork that I would ask you to sign is attached

I have other plans that could work if the setback was left in place, I am happy to discuss if you want to hear those options.

Thanks for your time, let me know your thoughts

Denis Hickey
C2C Logistics. LLC
CEO
www.c2cl.us
541.201.8934 Office
888.202.5391 Fax
216.544.4779 Cell



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From: [Ruth Kile](#)
To: [Dustin J. Severs](#)
Subject: Request for changes to development at Wheat Ridge in Medford
Date: Monday, June 26, 2023 3:21:19 PM

<EXTERNAL EMAIL **Click Responsibly!**>

Dear Dustin,

I am very much against any changes in use and density at the development at Wheat Ridge on top of the overcrowding created by change in accommodation for the Portland developer for the apartments now The Commons, at Cedar Links and Farmington which was originally planned as senior living "cottages." Why do we have restrictions for sound development communities only to disregard them for upon the arrival of GREEDY developers lining their pockets and threatening the residents if they don't agree with him? Who represents us? It seems a predetermined outcome is that the planning commission doesn't seem to mind destroying neighborhoods and our investment values to accommodate this greed regardless of the wishes of the established majority homeowner residents. We have narrow streets in and out of this community, and I suspect the roundabout that the City spent so much money on will soon be inadequate due to faulty planning and execution by the Medford Planning Commission. Farmington Avenue has become a hazardous race track and our previous efforts to be heard on that have also been met with inaction and indifference. Is there anyone that has the courage to do the right thing for the homeowners and those investment within Medford rather than accommodation of developers making money on crowding and compacting our neighborhoods beyond their original design and capacity? This does not seem to happen in the neighborhoods of the commission and board members who so easily side with big money developers.

Thank you for your consideration Sincerely,
Ruth Kile, 2823 Farmington Avenue , 448-225-9003.



Jeff Thomas <jeffthomas@connpoint.com>

Fwd: Hidden Hills Phase 2 30ft setback

2 messages

Traci Thomas <tracithomas@charter.net>
To: Jeff Thomas <jeffthomas@connpoint.com>

Mon, Nov 28, 2022 at 6:12 PM

Traci
Sent from my iPhone

Begin forwarded message:

From: Steven <myemail3267@proton.me>
Date: November 28, 2022 at 6:09:05 PM PST
To: tracithomas@charter.net
Subject: Fwd: Re: Hidden Hills Phase 2 30ft setback

FYI,

Steve

----- Forwarded message -----
From: denis hickey<denis@hfsales.net>
Date: On Fri, Nov 25, 2022 at 8:50 PM
Subject: Fwd: Re: Hidden Hills Phase 2 30ft setback
To: Steven <myemail3267@proton.me>
Cc:

I don't think you understand the other options

I will put multi family units first lot next to yours, I will then utilize the open area for park benches and a fire pit.

One option for those units would be corner stone recovery, they rent by the room and to recovering addicts. This option pays very well.

We should probably have a meeting

Denis

Get Outlook for iOS

From: Steven <myemail3267@proton.me>
Sent: Friday, November 25, 2022 8:22:43 PM
To: denis hickey <denis@hfsales.net>
Subject: Re: Hidden Hills Phase 2 30ft setback

Denis,

Thank you for being so patient. We value our space, and one of the reasons we purchased this property was the adjacent open area. We do not want to make any changes and want to leave the 30 ft setback as it stands.

Thank you,



-Steven Chong

----- Original Message -----

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I have other plans that could work if the setback was left in place, I am happy to discuss if you want to hear those options.

Thanks for your time, let me know your thoughts

Denis Hickey
C2C Logistics. LLC
CEO
www.c2cl.us
541.201.8934 Office
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216.544.4779 Cell



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7-16-2023

CLE Residential
Denis Hickey
2040 Milligan Way, Suite 300
Medford, Oregon 97504

Dear Medford Planning Commission,

I would like to take this opportunity to address the Commission regarding the tenor of the Planning Commission meeting on June 22, 2023.

I have considerable business experience, much of it in real estate. However, most of my experience is in commercial real estate, logistics, manufacturing, and mining. These are fast-paced industries. Staking out "alternative option" leverage positions in negotiations is routine in these ventures. It is not personal; it is just how business gets done and time is money.

The last month has afforded me a better appreciation of the situation. I understand why some of the neighbors interpreted my communications requesting the setback easement relinquishment the way they did. Residential development in neighborhoods is still a business proposition, but resolution of issues like the setback easement requires a more personal and unhurried approach in the residential context. It was not my intention to cause the neighbors angst.

Medford needs housing. I want Hidden Hills to be one of many successful projects I undertake in Medford. I intend to apply what I learned from this experience so this and all my future residential development projects can deliver the housing Medford needs while building positive relationships within the neighborhood and broader community.

Thank you for the opportunity to address the Commission.

Sincerely



Denis Hickey



HIDDEN HILLS PHASE 2
CLE RESIDENTIAL LLC AND RONALD BECHTEL
UPDATE FOR CITY OF MEDFORD PLANNING
&
CITY OF MEDFORD PLANNING COMMISSION
July 12, 2023

The Applicants presented Hidden Hills Phase 2 and 3 to the Planning Commission on June 22, 2023, which was continued due to the testimony of numerous neighbors regarding the use of townhomes within Phase 3. Townhomes were not included in the preliminary layout of that phase but became the only feasible option for development due to a setback easement created in 1956. The Applicants had approached neighbors during the concept phase regarding termination of the easement that would allow for the code required density for single-family homes, but that was met with resistance and the townhome option then pursued. In an attempt to resolve the neighbors' concerns with Middle Housing, the applicant asked the Planning Commission for a continuance to allow time for mediation.

The applicant asked the Planning Commission for a continuance to allow time for the applicant to hire Mike Montero of Montero-Associates to mediate between the neighbors and the applicant to try and reach a solution that would work for the applicant and address the concerns of the neighbors.

The applicants had their engineer and surveyor redesign Phase 3 for the meeting with the neighbors that placed single family homes on the plat in place of the Townhomes, this could only be feasibly accomplished if the 30-foot setback easement was removed. The applicant also placed a 6-foot setback along the property line in place of the code requirement of 4 feet.

Mike Montero met with the Thomas and Chong families on July 10th and relayed to them that the applicant was removing Phase 3 from the submittal (meeting notes attached). With the removal of Phase 3, there will be time for the applicant to work with the neighbors to remove the 30-foot easement and develop a future design that meets the applicant's vision, meets the housing needs of the community, and addresses the neighbors' concerns.

The applicants would like to thank the Planning Commission for their time and consideration of only Phase 2, allowing the applicant to develop that Phase of Hidden Hills.



Montero and Associates, LLC.

Consultants in Urban Development and Transportation Planning

802 Nadia Way ♦ Medford, Oregon 97504

Telephone (541) 944-4376 ♦ [E-mail montero-associates@charter.net](mailto:montero-associates@charter.net)

CLE Residential LLC
C/O Mrs. Lani Hickey
4003 Crater Lake Ave
Medford, Oregon 97504

July 10, 2023

RE: Hidden Hills Subdivision - Property Owner Meeting

Dear Mrs. Hickey,

As directed, I met with Jeff Thomas to discuss neighbor concerns about the proposed Phase II and Phase III development plans recently considered by the City of Medford's Planning Commission. Mr. Thomas provided an explanation of his concerns along with one suggestion provided by a Planning Commissioner to reduce the application to Phase II only at this time. Mr. Thomas offered to coordinate a meeting with his family and the Chongs, which we readily agreed to host.

After consideration of sanitary capacity limitations, CLE elected to remove Phase III from consideration at this time. I conveyed this information to Mr. Thomas via teleconference and he suggested that notwithstanding the proposed change in the application that we meet.

We met with the Thomas and Chong families on July 10. With the removal of Phase III from the current application, all agreed there will be time in the future to work together.

I explained that for CLE to effectively plan for Phase III to fully maintain the single-family neighborhood character, reduction of the 30 ft easement along their respective westerly boundary would be needed at some point in the future.

Both families expressed their preference for a single lot configuration in the development. They also expressed a willingness to find a solution for the benefit of the neighborhood that can achieve both their's and CLE's mutual community goal. Both expressed appreciation for the opportunity to air their concerns and have committed to work with the current developer and property owners. These neighbors are satisfied that the application is being revised and that their concerns have been heard.

Sincerely,



Michael Montero, Principal

**IN THE MATTER OF THE APPLICATION
FOR THE TENTATIVE PLAT APPROVAL
OF HIDDEN HILLS SUBDIVISION PHASE 2**

**SUPPLEMENTAL
FACTS AND FINDINGS
HIDDEN HILLS SUBDIVISION (PHASE 2)
371W16BA
TAX LOTS 9000 and 8900**

**APPLICANT: CLE RESIDENTIAL, LLC
DENIS J. HICKEY / MEMBER
4003 CRATER LAKE HIGHWAY
MEDFORD, OREGON 97504**

**APPLICANT: RONALD AND/OR BETTY BECHTEL
3370 VIEWPOINT DRIVE
MEDFORD, OREGON 97504**

**AGENT: LANI HICKEY
PO BOX 785
MERRILL, OREGON 97633
(541) 591-0211**

PROJECT DESCRIPTION

A. BACKGROUND INFORMATION

The subject property is located South of Delta Waters Road, North of St. Augustine Drive, East of Leonard Avenue, West of Fairfax Street, Viewpoint Drive and Wheat ridge Drive. (Jackson County Assessor's map 37 1 W 16, Tax Lots 9000, and 8900). According to the City of Medford Zoning Map tax lot 9100 is zoned SFR 04 which includes Phase I. Phase 2 is being submitted with these supplemental findings with Phase 3 removed for consideration at this time due to lack of sewer service and unresolved development pattern of that phase.

Tax lot 9000 has been through a zone change to SFR 04 and was approved contingent upon the Terminal Spur sewer capacity constraint being resolved. The sewer constraint is resolved with tax lot 9000 having full sewer entitlement. Tax lot 8900 went through a zone change and was approved based on the Delta Waters and Terminal Spur sewer constraints being resolved. The Terminal Spur construction is completed leaving the Delta Waters sewer constraint yet to be resolved.

The applicants are proposing Phase 2 of Hidden Hills Subdivision containing both Tax Lots 8900 and Tax Lot 9000. While both properties are zoned SFR-4, only Tax Lot 9000 has full entitlement for development based on sewer capacity (4-acres). However, there are two existing properties on Tax Lot 8900 that already have sewer service that should be included in the entitlement review (41,890 sq.ft.) While Phase 2 and 3 encompasses approximately +/-7.95 acres total area, only 4 acres would be considered entitled to sewer service (with consideration of the existing lots in TL 8900). The development proposed for Phase 2 (Tax Lots 9000 and 8900) is +/-3.6 acres and proposed development for Phase 3 (Tax Lots 9000 and 8900) is +/- 3.1 acres. The applicants are proposing to transfer approximately one half of the sewer capacity entitlement from Phase 3 (tax lot 9000) to Phase 2 (Tax Lot 8900) and defer Phase 3 until additional sewer capacity is available. This transfer will allow Phase 2 for development (Tax Lots 8900 and 9000) while staying under the 4 acres of allowable sewer capacity available.

Tax lot 9000 is currently open space land without structures. Tax lot 9100 has been approved for the Subdivision Hidden Hills Phase 1 (LDS-21-129). North and northeast of the subject site (tax lots 9100, 9000, 8900) is the developed subdivision Sterling Heights Unit No 1. To the West is the developed subdivision Royal Green Estates Unit I and Unit II. To the South is the developed subdivision Sky Lake Village at Cedar Landing Phases 5 & 6. Tax lot 8900 is located to the east of tax lot 9100 and is bordered by Sky Lakes Village

at Cedar Landing Phases 5 & 6 to the south, Dream View Estates and Viewpoint Subdivision Phases 1 & 2 to the east.

This project proposal is being submitted as Phase 2 of the Subdivision Hidden Hills with Phase 3 Reserve Acreage. The proposed Hidden Hills Phase 2 includes portions of tax lots 9000 and 8900 (Lots 12-30 as shown on the tentative plat). Zone changes have been approved on Tax lots 9000 and 8900. Tax lot 9000 approval (ZC-21-260) was contingent on the sewer capacity called "Terminal Spur" being upgraded. This was completed by the City of Medford summer 2022. Tax lot 8900 approval (ZC-22-125) was contingent of two sewer capacity issues, the "Terminal Spur" and "Delta Waters". The Terminal Spur sewer capacity improvements have been completed. Delta Waters sewer capacity has not been completed with the submittal of this application.

Proposed Phase 2 will be built with Viewpoint Drive connecting to the east and west Viewpoint Drive providing a through connection. Bryson Way will be constructed to the Phase 3 line.

The proposed subdivision will add an additional 19 buildable single-family lots (Phase 2). Phase 3 will be determined at the time of future development.

SUPPLEMENTAL FINDINGS OF FACT

STORMWATER FACILITY EASEMENT

Findings of Fact: Public Works provided comments with concerns regarding the proposed stormwater facility easement crossing multiple lots. The stormwater facility is proposed as an above ground pond. The applicant has redesigned the site plan to place the stormwater facility on a separate tract of land. The placement of the stormwater facility on its own tract of land will result in adjustments to lot sizes. The stormwater facility would then be placed under the City of Medford jurisdiction for operations and maintenance. The construction of the stormwater pond is sized to accommodate Phase 2 and future development on Phase 3.

MEDFORD LAND DEVELOPMENT CODE

10.426(4)(b) STREET CIRCULATION DESIGN AND CONNECTIVITY

Findings of Fact: Under maximum block length and block perimeter length Public Works provided comments that they would not support Hidden Hills Phases 2 & 3 due to Tiffany Street not connecting between Delta Water Road and Saint Augustine Drive. The applicants shall address MLDC 10.426(4)(b) showing the constraints and conditions that exist preventing Tiffany Street from a through connection between Delta Water Road and Saint Augustine Drive.

(4) *Maximum Block Length and Block Perimeter Length.*

(a) 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(4)(b).

Table 10.426-1. Maximum Block Length and Perimeter Length

Zone or District	Block Length	Block Perimeter Length
i. Residential Zones	660'	2,100'
ii. Central Business Overlay District	600'	1,800'
iii. Transit Oriented Districts	600'	1,800'
iv. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones	720'	2,880'
v. Regional Commercial and Industrial Zones	940'	3,760'

(4)

(b) 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:

(i) 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(4)(a),

(ii) Environmental constraints including the presence of a wetland or other body of water,

(iii) 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(4)(a)(v) 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,

(iv) Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,

(v) The subject site is in SFR-2 zoning district,

(vi) Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,

(vii) The proposed use is a public or private school, college or other large institution,

(viii) The proposed use is a public or private convention center, community center or arena,

(ix) The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.

(x) When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.

Findings of Fact: The applicants are asking the approving authority for an exceedance to the maximum block length and/or perimeter and an exception to the *City of Medford Transportation System Plan that Tiffany Street should be a continuous street between Delta Water Road and Saint Augustine.*

The reason for the request to this requirement is:

(i) Topographic constraints, including the presence of slopes of 10% or more located within the boundary of the block area that would be required by subsection 10.426(4)(a).

Finding of Fact: To align Tiffany Street in a north south through connection would require it to cross topography ranging from 15-18% slopes. If Tiffany Street is shifted to the west, there is not enough space for the requirements between road intersections. The distance requirement is a minimum distance of 200 feet. If Tiffany shifted to the west there would only be 170+/- feet. There are no other alternatives available to the applicants to meet these standards resulting in layouts that will not work for the subdivision. The applicant has met the requirements to exceed proposed blocks that exceed the maximum block and/or perimeter standards that 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. This is demonstrated with The City of Medford Land Development Code 10.426(4)(b)(i). 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(4)(b),

The applicant is proposing a Public Pedestrian Access Right of Way connecting Viewpoint Drive to Bryson Way. As provided in the MLDC 10.426(4)(d) *“When block perimeters exceed the standards in accordance with the 10.426(4)(b) 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”*. The applicant is providing an access way on the west side of the subdivision between Viewpoint Drive and Bryson Way. This access way MLDC 10.466 which will comply with the standards set forth within this code section.

10.702 LOT AREA AND DIMENSIONS

(4) *The approving authority shall approve a reduction from the required lot dimensions of a parcel (i.e. lot area, lot width, depth) and reductions shall be permitted upon determination that the below conditions exist. These reductions shall be permitted at the option of the applicant for land use review. The conditions for lot dimension reductions are as follows:*

FINDINGS OF FACT: The applicants are asking the approving authority for a lot reduction on Lot 12 in Phase 2. The lot reduction request is based on a-c below and meets all the criteria.

(a) *The parcel is within a residential zoning district; and*

FINDINGS OF FACT: The parcels (Tax Lots 9000 and 8900) are located within a residential zoning district. Zoning on both parcels is SRF-4.

(b) *The parcel is proposed for land division, per the MLDC;*

FINDINGS OF FACT: The proposed parcel is being submitted as Phase 2 of Hidden Hills Subdivision.

(i) When reductions in lot dimensions are proposed for a land division, reductions may only be permitted on fifteen percent (15%) of the total number of proposed parcels. A minimum of one parcel shall be granted reduction, per land division.

FINDINGS OF FACT: Hidden Hills Phase 2 is comprised of 19 lots of which 12% would be 2.28. The applicants are submitting for a lot reduction on one (1) lot meeting this criterion.

(c) Reductions of lot dimensions shall be permitted as displayed in Table 10.702-1.

FINDINGS OF FACT: Lot 12 is proposed at 5939 square feet. Lot area for single family homes in SRF4 is a minimum of 6,500 sq.ft. Based on Table 10.702-1 the allowable square footage for a reduction is 780 feet or 900 feet whichever is smaller. The request for Lot 12 is 561 square feet meeting this criterion. No other reductions are being requested. Lot 12 meets lot depth (+/-96.2 feet) and lot width (+/-70.5 feet).

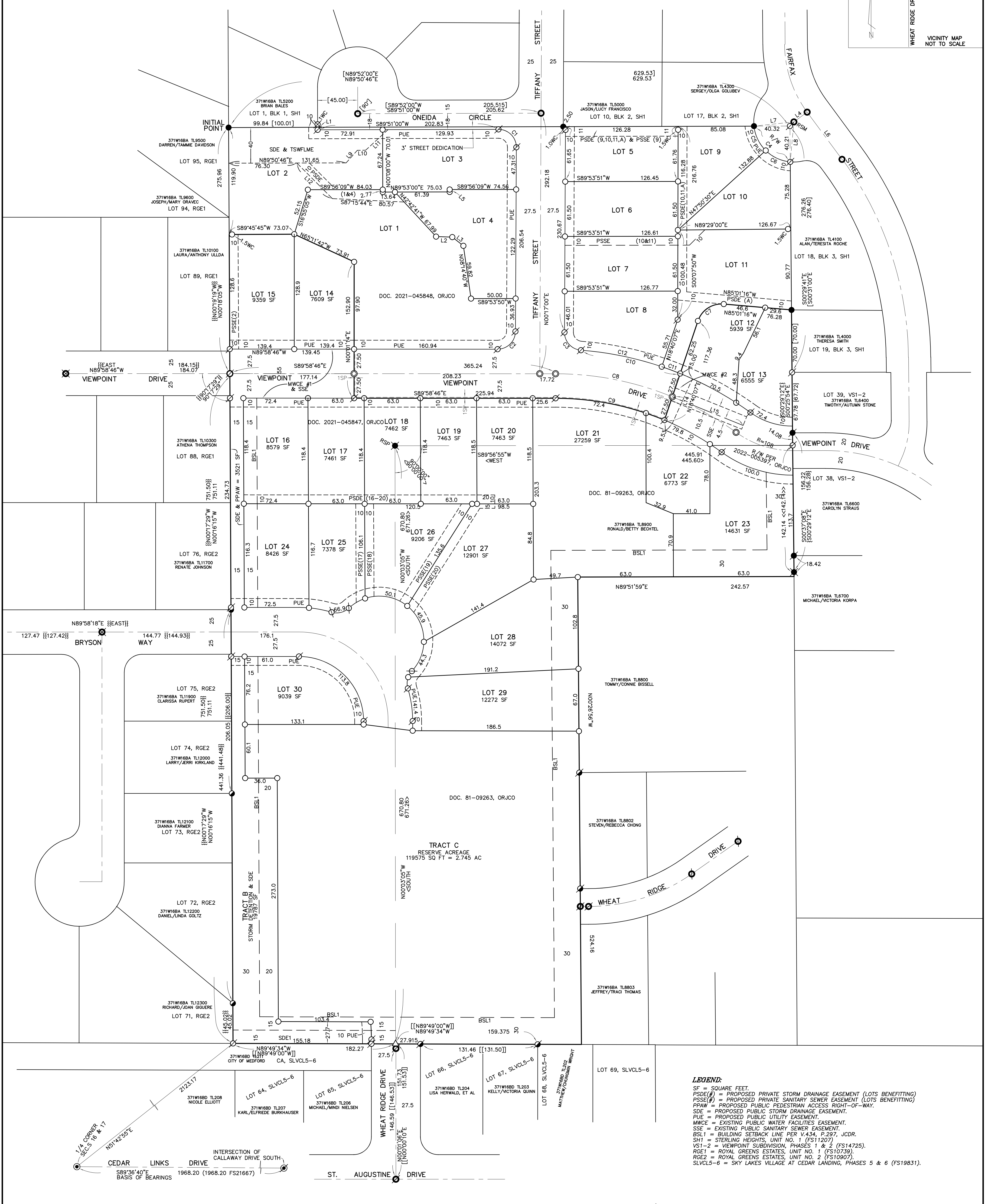
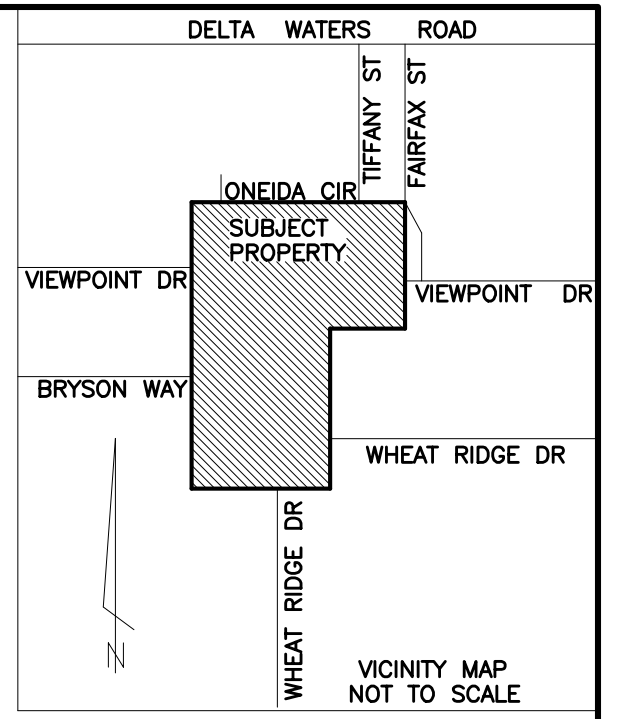
Table 10.702-1. Lot Dimension Reductions

Table 10.702-1. Lot Dimension Reductions

Permitted Reduction Above	Lot Area	Lot Width (Interior & Corner)	Lot Depth
Reduction per 10.702(4)(c) - Subdivision	12% or 900 sq. ft., whichever is smaller	12% or 7 ft., whichever is smaller.	12% or 10 ft., whichever is smaller.

Thank you for your consideration of these supplemental findings to address comments provided by Medford Public Works Department.

**TENTATIVE PLAT OF
HIDDEN HILLS SUBDIVISION, PHASE 2**
Located in the N.W. 1/4 of Sec. 16,
T37S, R1W, W.M. and in the
City of Medford Jackson County, Oregon

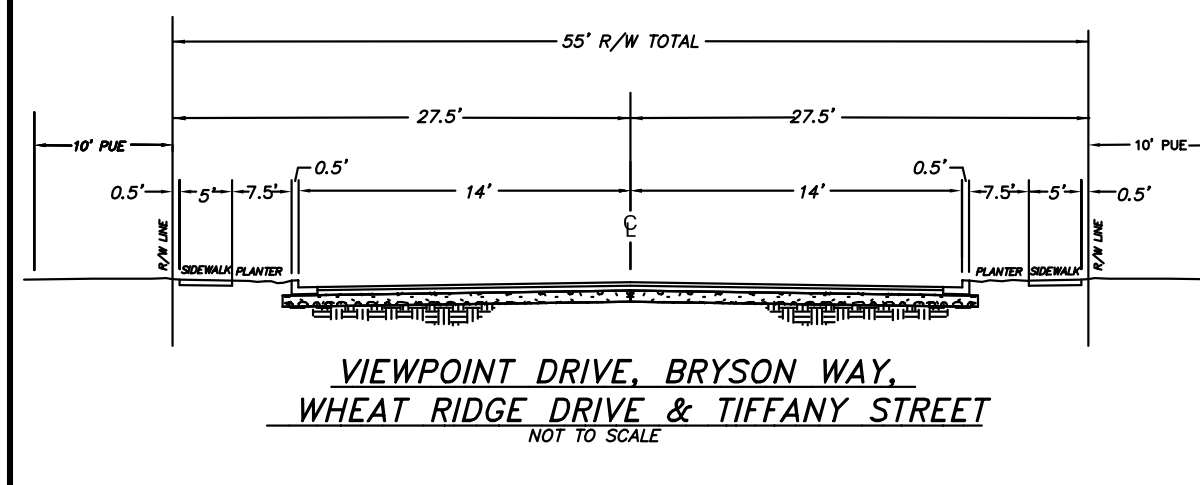


LEGEND:
 SF = SQUARE FEET.
 PSDE() = PROPOSED PRIVATE STORM DRAINAGE EASEMENT (LOTS BENEFITTING)
 PSSE() = PROPOSED PRIVATE SANITARY SEWER EASEMENT (LOTS BENEFITTING)
 PPAW = PROPOSED PUBLIC PEDESTRIAN ACCESS RIGHT-OF-WAY.
 SDE = PROPOSED PUBLIC STORM DRAINAGE EASEMENT.
 MWCE = EXISTING PUBLIC WATER FACILITIES EASEMENT.
 SSE = EXISTING PUBLIC SANITARY SEWER EASEMENT.
 BSL1 = BUILDING SETBACK LINE PER V.434, P.297, JCDR.
 SH1 = STERLING HEIGHTS, UNIT NO. 1 (FS1207).
 VS1-2 = VIEWPOINT SUBDIVISION, PHASES 1 & 2 (FS14725).
 RGE1 = ROYAL GREENS ESTATES, UNIT NO. 1 (FS10739).
 RGE2 = ROYAL GREENS ESTATES, UNIT NO. 2 (FS10907).
 SLVCL5-6 = SKY LAKES VILLAGE AT CEDAR LANDING, PHASES 5 & 6 (FS19831).

NOTES REGARDING TRACT B
 1) TRACT B WILL BE DEEDED TO CITY AFTER RECORDING OF FINAL PLAT WHICH CREATES IT.
 2) TRACT B WILL ALSO BE A SDE.
 3) A PUBLIC PEDESTRIAN ACCESS PATH IS TO BE CONSTRUCTED THROUGH TRACT B FROM BRYSON WAY TO TIFFANY WAY.

BASIS OF BEARINGS:
 CENTERLINE OF CEDAR LINKS DRIVE PER FS21667.
 UNIT OF MEASUREMENT = FEET SCALE: 1" = 50'

ELEVATION DATUM:
 NGVD 1929 (UNADJUSTED) BASED ON CITY OF MEDFORD BM # A448. BRASS CAP AT CURB INLET IN WEST CURB OF FARMINGTON AVE. @ N.E. COR. OF VIEWPOINT DR. ELEV. 1497.678'



RECORD OWNERS:
 TL9000: CLE RESIDENTIAL, LLC
 TL8900: RONALD & BETTY BECHTEL

REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
 OREGON
 JULY 17, 1986
 JAMES E. HIBBS
 2234
 RENEWAL DATE: 6-30-25

TITLE: TENTATIVE SUBDIVISION PLAT
 ASSESSOR'S MAP #: 371W16BA TL'S 8900 & 9000
 FOR: CLE RESIDENTIAL, LLC
 4003 CRATER LAKE HWY.
 MEDFORD, OR 97504

L.J. FRIAR & ASSOCIATES P.C.
 CONSULTING LAND SURVEYORS
 P.O. Box 1947, Medford, OR 97535
 Phone: (541) 725-2782
 Email: lfriar@associates@charter.net

DATE: 10 JULY 2023
 SCALE: 1 inch = 50 feet
 DRAWN BY: JEH
 CHK BY:
 ORIGIN:
 ROTATION: 0
 JOB#: 21110FM
 Sheet 1 of 1.

**Planning Commission Meeting Minutes
June 22, 2023**

80.1 Ms. Wilson gave an update on the CFEC litigation. Oral arguments are set for July 12, 2023, at 1:30 p.m. before a three panel judges at the Court of Appeals. It can be viewed online in webcasting. When time gets closer a link will be sent to the Commission.

90. Propositions and Remarks from Commission

90.1 Ms. Bennett spoke to the Hidden Hills application: *"Uh I understand the record is still open and we are coming back in a month on that particular application. I am looking forward to it. But I hope that it sounds like the parties are going to be able to reach a situation agreement that is going to suit the neighborhood best and also meet the developers' goals. I really hope we do not hear further comments of the boogey man of recovery drug addicts moving in next door. It smacks of the Bottala zone change and housing vouchers and oh no our neighborhood. I know that the neighbors are not the ones that threw the first punch. I know that this was not handled the way that it should have been, but my hackles are up. I really hope everybody can come together in a month with information that is satisfactory to all parties involved. And that is my caution".*

100. Adjournment

There being no further business, this meeting adjourned at 8:12 p.m.

The City Recorder maintains a record of these proceedings with the agenda, minutes and documentation associated with this meeting.



Terri L. Richards
Recording Secretary



Mark McKechnie
Chair



**EXHIBIT
RR**

July 27, 2023

Dear Sir:

This letter is to register our concerns about the planned subdivision LDS-23-112, “Hidden Hills Subdivision” Phase II and a possible future Phase III.

1. On page 69 concerning difficulties of extending Tiffany Way to Viewpoint Drive, the developers have stated—to maintain community access for Phase I, II, and II—they will provide a paved pedestrian walkway along existing subdivision Dream View Estate and future Hidden Hills Phase III Lots 16, 24, 30, 32, 35, 36-38. However this is already designed as an access road to service proposed Storm Drains and Storm Retention Pond. At the minimum, this Storm Drain access road will be graveled for all weather access.

This provision is misleading and obfuscating and not a substitute for “not extending Tiffany Street”.

In addition this Storm Drain line and Retention pond have not been approved since it in Phase III work. Approval of this Phase II proposal can be construed as a tacit approval of future Phase III work.

2. On page 68, the approval of Phase I development was approved, despite Sewer capacity restrictions on Delta Waters Road. The plan for modifications on Delta Waters Road has not been completed, and the Developers now plan to substitute sending the effluent down to Bryson Way and Wheat Ridge Drive to tie-in to an existing line without clear understanding of the capacity of said line.

This lack of committed Phase I work shows that plan agreements get subverted by the Developer and will be later determined by a *City Attorney* about the acceptability of this substitution. The Developer should be accountable for promised work after Planning Board’s approval.

In addition, the proposed sewer line will be in Phase III work and has not yet been approved for development. As it stands currently, approving Phase II with these new provisions commits the Medford Planning Board for tentative approval of a yet unresolved Phase III with its critical infrastructure already in-place.



3. On page 68, the Developer is requesting relief from constructing a northward extension of Tiffany Way because of difficulties of slope even though it was recommended by the Medford Transportation System plan. The Developers would rather develop more lots (or reduce the size of Lot #27 and/or avoid taking part of Lot #21 (an existing lot owned by Bechtels) and use the wide, relatively flat, terrace available there. (The Bechtels are co-applicants of Hidden Hills subdivision.) (The terrace is clearly shown on the topographic map available as Exhibit C, page 74).

In addition, the lot size of Lot #21 as noted on page 66 and discussed on page 67 is *“45% greater than maximum lot area of 18750 square feet for a standard lot within the SFR-zone.”* Losing a few hundred square feet of Lot 21 would be better to ensure Lot 21 is in compliance of the maximum lot size and assist in the continuation of Tiffany Way as requested by the Medford Transportation System plan and not asking for two additional waivers from the Planning Board.

In addition, approving Phase II as it currently stands, commits The Medford Planning Board to tacit approval of Phase III, since a large portion of the infrastructure will be in-place (i. e. streets and buried utilities).

The Board should deny approval of elimination of Tiffany Way.

The paved pedestrian walkway, as mentioned above and on page 69, is not a substitution for a wide road for vehicle access.

4. Why doesn't Phase I plan contain any smaller homes as required by Oregon House Bill 2001? Phase I was approved November 17, 2002 and House Bill 2001 went-in to effect on 6/30/2021. Likewise, why does this proposed Phase II not have any homes as required by HB 2001? Is the Developer deciding to meet the requirement of HB 2001 by later congregating them all into Phase III? Why is the Developer not spreading them around into all Phases of Hidden Hills development?

If the Developer defaults and does not complete Phase III, what measures might the State or City government take? Again, this commits the Planning Board to tacit approval of Phase III prior to formal submission.

5. As Hidden Hills subdivision is now laid out, there will be two communities: one more affluent bordered on both sides of Viewpoint Drive: and the less affluent by backyard fences of lots 24, 25, 26, 27, 28, and 29.

This severely reduces community comity and makes it much more difficult for HOA involvement.

This is another reason to connect Tiffany Way by way of Viewpoint Drive so that vehicle access is available to all residents of the proposed subdivision.. Being contiguous is not a substitute for continuous community involvement.

The Developer is trying to create more sellable Lots and force more traffic onto Wheat Ridge Drive and Bryson Way.

6. The sketch on Exhibit I shown on page 142 is misleading. It shows the vehicle width as being seven foot wide. The actual legal vehicle width is actually 102-inches or 8.5 feet. Assuming that two vehicles, legally parked on either side of a 28-foot subdivision street, the remaining space is only eleven feet—not the 14-feet as shown on the sketch. Of course, that is assuming that the two vehicle’s tires are firmly against the curb and not a typical distance of 12-inches or less. Also assume, that an emergency fire truck is also legally limited to 8.5 feet wide—we now have an access problem.

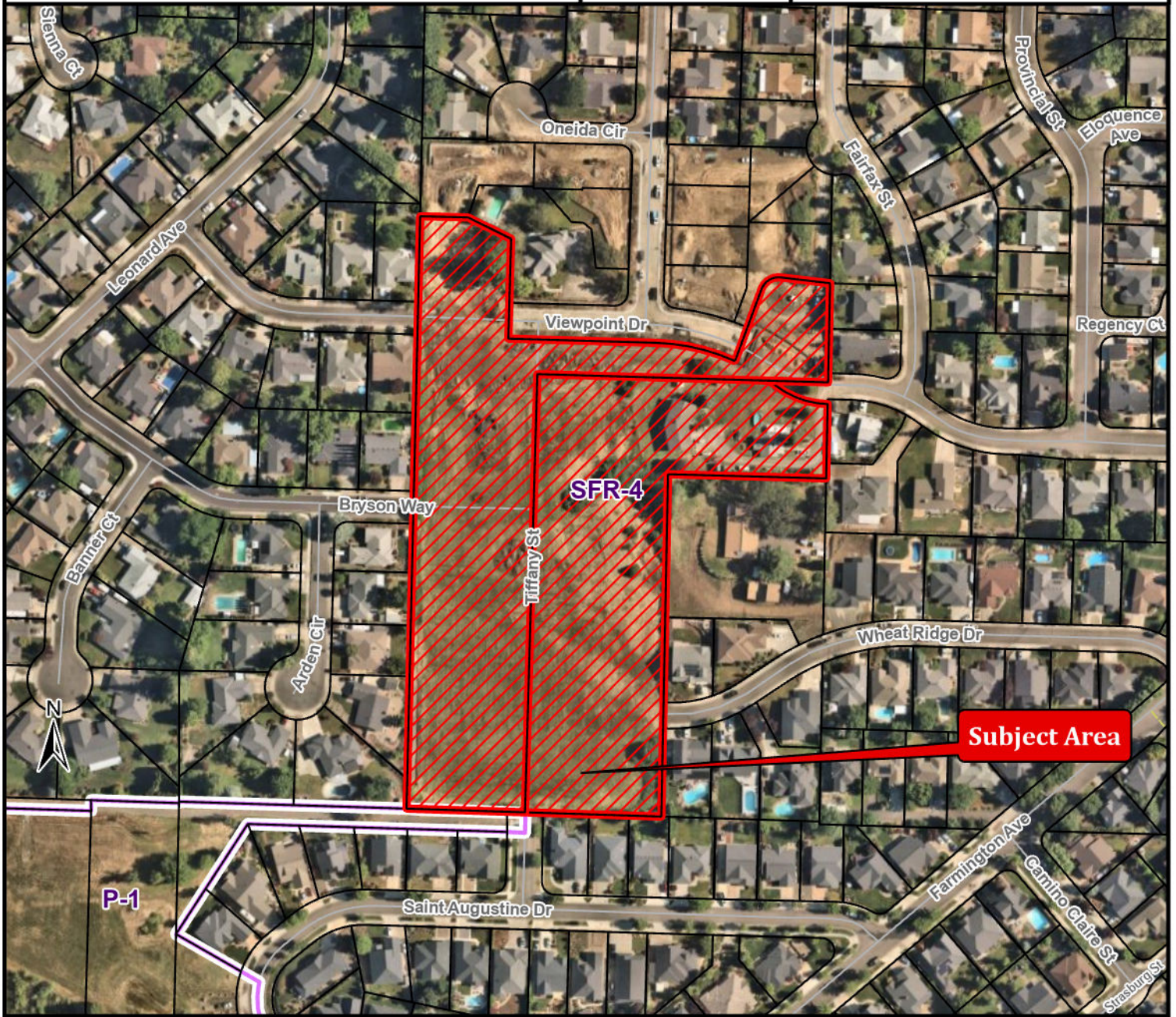
The fire department requests access of an unobstructed 20-foot width, which is clearly not attainable on a 28ft.-wide street. This is a public safety issue and not addressed in Phase II nor future Phase III plans. After experiencing the disastrous Alameda Fire of 2020 we need to be aware that people fleeing a fire will limit access of fire trucks responding to said fire.

Trying to eliminate streets and force high density housing onto smaller Bryson Way and Wheat Ridge Drive is wrought with problems. Especially teenagers who attend North Medford High School who will race down Saint Augustine Drive/St. Francis Drive to connect to Farmington and thence to Cedar Links Drive and Springbrook Road.

7. Exiting homeowners in Sky Lakes subdivision have already suffered through two years of construction of multiple subdivision work of the area bordered by Cedar Links Drive and Farmington Avenue. This construction activity has seen trailers parked on the sides and middle of the streets and workers cars parked haphazardly, including blocking private driveways. Excavations into exiting roads have been left for six weeks with steel plate coverings.

Will the construction equipment be contained within the Hidden Hills subdivision and not in our subdivisions of Sky Lakes, Dream View Estates, and Royal Greens Estates? What assurances can the Developer’s promise and what recourses do the residents have for broken promises? Will the Medford city police enforce parking and access restrictions?




John Ferrell and Lorraine Ferrell
513 St. Augustine Drive
Medford, OR 97504
LNJFERRELLITE@gmail.com

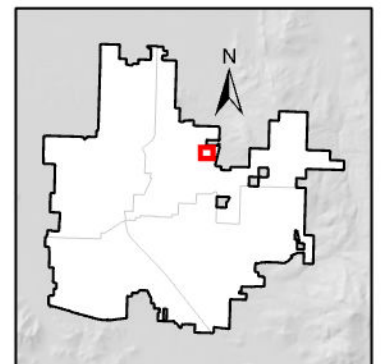
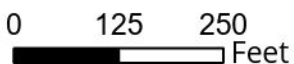


Project Name:
Hidden Hills Subdivision Phases 2 & 3

Map/Taxlot:
371W16BA TL 8900, 9000

Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts



PLANNING COMMISSION MEETING MINUTES



MEDFORD
OREGON

July 27, 2023

5:30 p.m.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

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

Chair Mark McKechnie, Vice-Chair David Culbertson, Commissioners Rachel Bennett, Larry Beskow, Bill Mansfield, Jared Pulver, and John Quinn; Assistant Planning Director Kelly Akin, Deputy City Attorney Katie Zerkel, Development Services Manager Doug Burroughs, Transportation Manager Karl MacNair, Planner III Dustin Severs, Recording Secretary Terri L. Richards. Commissioners EJ McManus and Jeff Thomas were absent.

10. Roll Call

20. Consent Calendar/Written Communications

20.1 LDS-23-140 Final Order for tentative plat approval for Addysen Park Subdivision 2, a 47-lot subdivision on approximately 7.32 acres and identified as Reserve Acreage B of the original Addysen Park Subdivision. The subject property is generally located south of Meadows Lane, east of Oak Grove Road, west of Lozier Lane and north of Stewart Avenue. The parcels are contained within the SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district. (372W26C5301). Applicant: Buntin Construction, LLC; Agent; Richard Stevens & Associates, Inc.; Planner: Steffen Roennfeldt.

20.2 CUP-23-134 Final Order for a Conditional Use Permit to add 10 feet to an existing 125-foot cell tower, extending it to the maximum 135-foot limit. The subject site consists of a single parcel totaling approximately 1.0 acres (1.3 gross acres), located on the northwest corner of Sage Road and Posse Lane within the I-G (General Industrial) zone district (Address: 702 Posse Lane). (372W24CA TL 4600). Applicant: T-Mobile; Agent: Odelia Pacific Corporation (Don Forsberg); Planner: Kelly Akin.

Motion: Approve the consent calendar as submitted.

Moved by: Vice-Chair Culbertson

Seconded by: Commissioner Pulver

Voice vote: Chair McKechnie, Vice-Chair Culbertson, Commissioners Bennett, Beskow, Mansfield, Pulver, and Quinn voted yes.

30. Approval or Correction of the Minutes from the June 22, 2023, Meeting

The minutes will stand approved as submitted.

40. Oral Requests & Communications from the Audience

None.

Katie Zerkel, Deputy City Attorney read the Quasi-Judicial statement.

50. Public Hearings

50.1 LDS-23-112 Consideration of tentative plat approval for Phase 2 of Hidden Hills Subdivision, a proposed 19-lot (Lots 12-30) residential subdivision, including a 2.74-acre tract of land proposed for reserve acreage (Tract C), and a 0.45-acre tract of land (Tract B) proposed for stormwater detention. The property is located on two parcels totaling approximately 8.36 acres and located south of Delta Waters Road and west of North Foothill Road (Address: 2953 Fairfax Street). The property is contained within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W16BA TL 9000 & 8900). Applicant: CLE Residential, LLC; Agent: Lani Hickey; Planner: Dustin Severs.

Planner III Dustin Severs provided a staff report outlining the Land Division. Staff received a new exhibit (Exhibit SS) letter from John and Lorraine Ferrell referencing their concerns that will be submitted into the record. (See attached PowerPoint.)

The public hearing remained opened from the June 22, 2023, Planning Commission meeting.

- a. Lani R. Hickey, P. O. Box 785, Merrill, Oregon, 97633. Ms. Hickey reported that a mediator was hired to mediate between the applicant and concerned neighbors. The 30 foot setback issue was not resolved. The applicant has time to come up with a design that meets the neighbor's concerns and the best interest of the developer.

Ms. Hickey reserved rebuttal time.

- b. John Ferrell, 513 St. Augustine Drive, Medford, Oregon 97504. Mr. Ferrell read his exhibit that he submitted earlier today (Exhibit SS).

Development Services Manager Doug Burroughs addressed several of Mr. Ferrell's comments in his letter. There is currently a storm access on the west boundary between Bryson and Viewpoint that is proposed to be a paved pedestrian accessway in the public right-of-way. All the streets are minor residential in the project area. Sewer capacity has been addressed. The shifting to Phase 3 is fine. It is an equal area. Restrictions will still have to happen before full buildout.

Ms. Hickey reiterated what Mr. Burroughs addressed.

The public hearing closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare the Final Order for approval of LDS-23-112, per the staff report dated July 20, 2023, including Exhibits A-1 through RR; Adding Exhibit SS; Granting of the maximum timetable of five years to develop the land division in phases, pursuant to MLDC 10.202(4)(b); and Approval of relief to exceed the block length standards, allowing a public accessway to be constructed in lieu of a public street, pursuant to MLDC 10.426(4)(b)(i).

Moved by: Vice-Chair Culbertson

Seconded by: Commissioner Mansfield

Roll Call Vote: Motion passes, 5-0-2, with Commissioners Pulver and Quinn abstaining.

60. Reports

60.1 Transportation Commission

Transportation Manager Karl MacNair was present to discuss a study with the Oregon Department of Transportation for the extension of South Stage Road over I-5 to North Phoenix Road. Oregon Department of Transportation is the lead on this study. Medford has partnered with the Oregon Department of Transportation. The Facility Plan examines and determines the feasibility and influence of an overcrossing or interchange to the transportation system and other significant corridors or intersections.

Mr. MacNair requested volunteers from the Planning Commission that would be interested in serving on the Project Advisory Committee. Commissioners Pulver and Beskow expressed interest on serving on the Project Advisory Committee.

Commissioner Pulver reported that the Transportation Commission at their last meeting discussed what Mr. MacNair just presented.

60.2 Site Plan and Architectural Commission

Vice-Chair Culbertson reported that the Site Plan and Architectural Commission's meeting scheduled for Friday, July 21, 2023 was cancelled due to no business items.

60.3 Planning Department

Ms. Akin reported there is business scheduled for the Planning Commission on August 10, 2023, August 24, 2023 and September 14, 2023.

Last week City Council approved the Fletcher Annexation.

Next week the Planning Department is requesting City Council initiate an alley vacation for Rogue Community Health.

70. Message and papers from the Chair

None.

80. City Attorney Remarks

80.1 Ms. Zerkel gave an update on the litigation. Oral arguments were heard by the Oregon Court of Appeals in July. They are waiting to hear a decision.

90. Propositions and Remarks from Commission

None.

100. Adjournment

There being no further business, this meeting adjourned at 6:13 p.m.

The City Recorder maintains a record of these proceedings with the agenda, minutes and documentation associated with this meeting.

Terri L. Richards
Recording Secretary

Mark McKechnie
Chair

STAFF REPORT – CONTINUANCE

for a Type-IV quasi-judicial decision: **Vacation**

Project Newbridge Way Vacation
Applicant: CBT-BAR, LLC; Agent: CSA Planning Ltd.;

File no. SV-23-169

To Planning Commission *for August 10, 2023, hearing*

From Dustin Severs, Planner III

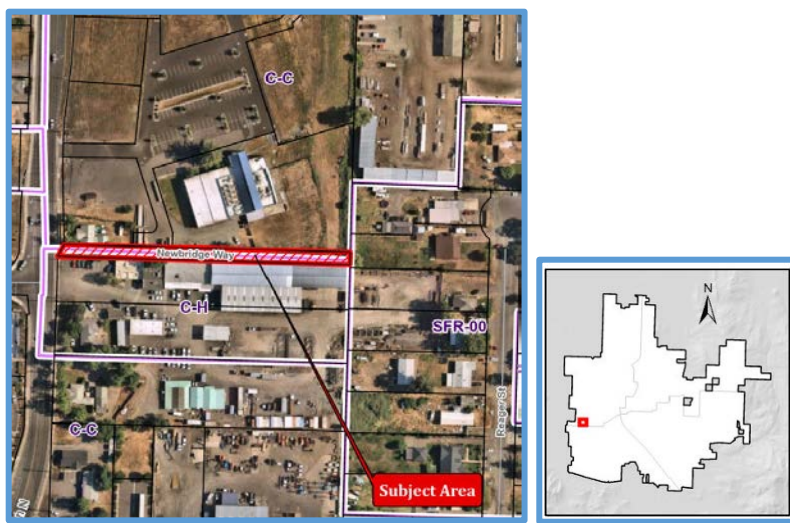
Reviewer Kelly Akin, Assistant Planning Director

Date August 3, 2023

BACKGROUND

Proposal & Vicinity Map

Consideration of a request to vacate the full 23.5-foot width and 567-foot length of the Newbridge Way street right-of-way, which runs east from its intersection with North Ross Lane. The subject right-of-way runs along the southerly boundary of the Pioneer Market Place Subdivision and is contained within the both C-H (Heavy Commercial) zone (southerly half) and the C-C (Community Commercial) zone (northerly half).



Request

This item will be continued to August 24, 2023.

EXHIBITS

Vicinity Map

PC AGENDA:




August 10, 2023



Project Name:
Newbridge Way Street Vacation

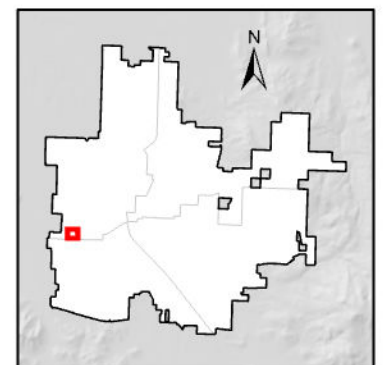
Map/Taxlot:
Right-of-Way

Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts

0 125 250
Feet

Date: 7/3/2023





STAFF REPORT

for a Type-IV Legislative decision: **Right-of-Way Vacation**

Project Rogue Community Health Alley Vacation
Applicant: Rogue Community Health
Agent: CSA Planning, Ltd.

File no. SV-23-177

To Planning Commission *for August 10, 2023, hearing*

From Dustin Severs, Planner III

Reviewer Kelly Akin, Assistant Planning Director

Date August 3, 2023

BACKGROUND

Proposal & Vicinity Map

Consideration of a request to vacate the northern two sections of the public alley right-of-way running through the center of the block bounded by Myrtle Street, East Main, and Portland Avenue. The alley right-of-way starts at Myrtle Street, approximately 160 feet south of Main Street. Section A is 14-feet wide and runs 162.6 feet east from Myrtle Street; and Section B of the alley is 19-feet wide and runs south from Section A for 150 feet. The alley is located within the C-S/P (Service Commercial and Professional Office) zoning district.



Subject Site Characteristics

GLUP CM (Commercial)
Zoning C-S/P
Overlays AC (Airport Area of Concern), FTC (Frequent Transit Corridor)
Use Public alley

Surrounding Site Characteristics

North Zone: C-S/P
 Use(s): Commercial uses

South Zone: MFR-20 (Multiple-Family Residential, 20 units per gross acre)
 Use(s): Residential

East Zone: C-S/P
 Use(s): Commercial uses

West Zone: C-S/P
 Use(s): Commercial uses

Related Projects

None.

Applicable Criteria

Medford Municipal Code §10.228(4) – Vacation of Public Right-of-Way Approval Criteria

A request to vacate shall only be approved by City Council when the following criteria have been met:

- (a) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.*
- (b) If initiated by petition under ORS 271,080, the findings required by ORS 271.120.*
- (c) If initiated by the Council, the applicable criteria found in ORS 271.130.*

Approval Authority

This proposal is a Type IV application for the vacation of public rights-of-way. The Planning Commission is authorized to act as the advisory agency to the City Council

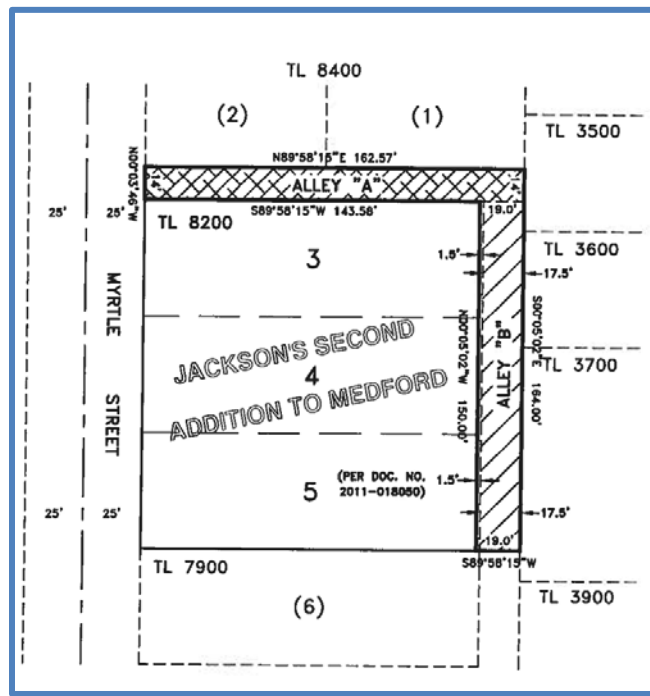
for vacations, providing a recommendation to the City Council. City Council is the final approving authority.

The City Council is requested to initiate the subject request at the Council meeting held on August 3, 2023, and set the public hearing date for September 7, 2023.

ISSUES AND ANALYSIS

Background

The alley right-of-way starts at Myrtle Street, approximately 160 feet south of Main Street. Section A is 14-feet wide and runs 162.6 feet east from Myrtle Street; and Section B of the alley is 19-feet wide and runs south from Section A for 150 feet.



(Exhibit G) Exhibit Map

Most of the parcels abutting the subject alley are owned by the applicant, Rogue Community Health (RCH). In 2019, RCH was approved for a master plan through the Site Plan and Architectural Commission (SPAC) for the future phased development of the surrounding land (AC-19-052). As a condition of approval of the master plan, the applicant was required to vacate the portions of the alley abutting TL 8200, and to grant a public access easement through TL 8200 and 3700, thereby ensuring public ingress/egress to the remaining section of the alley, which extends south to Taylor Street.

Agency Comments

Per the agency comments submitted to staff (Exhibits N through P), it can be found that public facilities are adequate.

Committee Comments

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

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

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

The criteria that apply to vacations are in Medford Municipal Code Section 10.228(4).

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

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

Findings

A review of the goals and policies in the Comprehensive Plan that relate to public facilities, transportation, and the Transportation System Plan (TSP) do not specifically address right-of-way vacation.

Conclusion

The goals and policies of the Comprehensive Plan are silent on right-of-way vacations. The subject right-of-way is not significantly impacted by the proposed right-of-way vacation. Therefore, this criterion is satisfied.

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

Findings

The applicant has requested that the vacation be initiated by Council per the requirements in ORS 271.130. The City Council is requested to initiate the vacation at the meeting held on August 3, 2023, setting the public hearing date of September 7, 2023.

Conclusion

This criterion is not applicable to the project.

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

Findings

The applicant has requested the vacation to be initiated by Council per the requirements in ORS 271.130. All affected property owners have been duly notified of the vacation, and staff has received no objections in writing. Further, it is not anticipated that the vacation will substantially affect the market value of any abutting properties.

Conclusion

The submitted application contains the requisite material per MDLC 10.228, including the written consent of the property owners. The request conforms to the standards outlined MDLC 10.228 and ORS 271.130. There have been no objections submitted, and a substantial effect in market value, positively or negatively, is not anticipated. The criterion is satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all the approval criteria are met or are not applicable, forward a favorable recommendation to City Council for approval of SV-23-177 per the staff report dated August 3, 2023, including Exhibits A through P.

EXHIBITS

Applicant Submittals

- A Findings of Fact and Conclusions of Law, received June 2, 2023.
- B Applicant's Letter to initiate street vacation, received June 2, 2023.
- C Assessor's Map, received June 2, 2023.
- D Jackson's Second Addition Plat Map (1909), received June 2, 2023.
- E Current GLUP Map, received June 2, 2023.
- F Current Zoning Map on Aerial, received June 2, 2023.
- G Legal description and exhibit map, received June 2, 2023.
- H Approved Site Plan for AC-19-053, received June 2, 2023.
- I Summary of Public Works Conditions for AC-19-053, received June 2, 2023.
- J Photo Key Map, received June 2, 2023.
- K Adjacent Ownership Map, received June 2, 2023.
- L Written consent of owners, received June 2, 2023.

M Notice Area Map, received June 2, 2023.

Agency Reports

N Public Works Department Staff Report, received July 12, 2023.

O Medford Water Commission report, received July 12, 2023.

P Medford Fire Department report, received July 12, 2023.
Vicinity Map

PLANNING COMMISSION AGENDA:

AUGUST 10, 2023

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

**IN THE MATTER OF THE VACATION OF)
RIGHTS-OF-WAY FOR THE NORTHERN)
TWO SECTIONS OF THE ALLEY)
RUNNING THROUGH THE CENTER OF)
THE BLOCK BOUNDED BY MYRTLE)
STREET, EAST MAIN AND PORTLAND)
AVENUE, LOCATED IN SECTION 30,)
TOWNSHIP 37 SOUTH, RANGE 1 WEST,)
WILLAMETTE MERIDIAN, IN THE)
CORPORATE LIMITS OF THE OF CITY)
OF MEDFORD, JACKSON COUNTY,)
OREGON)**

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Applicant's Exhibit 1

Petitioner: Rogue Community Health)
Agent: CSA Planning, Ltd.)

I

SCOPE AND NATURE OF THE ACTION

This matter concerns the vacation of the northern two sections of an existing L-shaped public alley right-of-way. The alley right-of-way starts at Myrtle Street, approximately 160 feet south of E. Main Street. Section A is 14-feet wide and runs 162.6 feet east from Myrtle Street. Section B of the alley is 19-feet wide and runs south from Section A for 150 feet. The remainder of the public alley continues from that point south. Per agreement with the City of Medford, the Petitioner proposes to record a public easement across the southern portion of its Tax Lots 8200 and 3700 which abut the northern end of the remaining alley to provide continued northern public ingress and egress from the remaining section of the alley. The alley has a southern egress onto Taylor Street that will remain.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods for the vacation of public rights of way. The first, pursuant to ORS 271.130 is on the City Council's own motion. The second, pursuant to ORS 271.080 is on petition and consent of affected property owners. Alley vacations can be initiated by the Council on its own motion because this process is more streamlined. In the case of this project, the City and Rogue Community Health entered into a real estate agreement and this vacation is contemplated in the spirit of performance of that agreement. In this instance the property owner, Rogue Community Health, submitted a letter requesting the Council initiate this street vacation and proceed under its own motion.



II

EVIDENCE SUBMITTED WITH APPLICATION

The following evidence was before the City Council:

- Exhibit 1.** The proposed findings of fact and conclusions of law, demonstrating how the vacation complies with the applicable substantive criteria of the City of Medford and State of Oregon
- Exhibit 2.** Petition to Vacate Alley
- Exhibit 3.** Assessors Map
- Exhibit 4.** Jackson's Second Addition Plat Map- 1909
- Exhibit 5.** Current GLUP Map
- Exhibit 6.** Current Zoning on Aerial Map
- Exhibit 7.** Surveyors Proposed Legal Description and Map Showing Alley Sections A and B to be vacated
- Exhibit 8.** Proposed Legal Description and Map for new Public Access Easement
- Exhibit 9.** AC-019-053 Approved Site Plan
- Exhibit 10.** Summary of Public Works Conditions for AC-019-053
- Exhibit 11.** Photo Key Map and Site Photos
- Exhibit 12.** Adjacent Ownership Map
- Exhibit 13.** Written Consent of Abutting Owners with related assessment information
- Exhibit 14.** Notice Area Map
- Exhibit 15.** Completed vacation application forms with written authorization from Rogue Community Health



III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The Council has determined that the following constitutes all of the relevant substantive standards and criteria prerequisite to the vacation of city streets under the Medford Land Development Code (MLDC) and pursuant to the relevant procedures and requirements in ORS 271.080 through 271.170 when public streets are vacated by the Council's own motion pursuant to ORS 271.130:

Medford Land Development Code (MLDC)

10.228 Vacation of Public Right-of-Way

- (1) Vacations of public rights-of-way are a means of returning unneeded public streets and alleys to adjacent property owners. Vacations of plats are a means of removing unnecessary easements or plat designations from a parcel of land. For the process of removing public utility easements (PUEs) from plats, see Section 10.159A.
- (2) *Vacation of Public Right-of-Way Application.* A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271.
- (3) *Vacation of Public Right-of-Way Initiation.* Vacations of public rights-of-way shall be initiated either by petition under ORS 271.180 or by City Council under ORS 271.130.
- (4) *Vacation of Public Right-of-Way Approval Criteria.* A request to vacate shall only be approved by City Council when the following criteria have been met:
 - (a) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
 - (b) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
 - (c) If initiated by the Council, the applicable criteria found in ORS 271.130.
- (5) *Vacation Application Form.* Petitioners or persons requesting a vacation shall file an application containing the following items:
 - (a) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.
 - (b) Legal description and exhibit map accurately depicting the boundaries and the area proposed to be vacated. Submittals of hard copies shall be accompanied by documents in an electronic format acceptable to the City of Medford Planning Department.
 - (c) A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two-thirds in area of the real property affected as defined in ORS 271.080
 - (d) Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.
 - (e) Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, including map and tax lot numbers typed on mailing labels.
 - (f) Findings that address the approval criteria in Section 10.228(4), Vacation Criteria.

Oregon Revised Statutes ("ORS") Chapter 271

271.110 Notice of hearing.

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the



Findings of Fact and Conclusions of Law

Vacation of Alley Right-of-Way

Petitioner: Rogue Community Health

petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

271.130. Vacation on council's own motion; appeal.

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.
- (3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.

IV

FINDINGS OF FACT

The Council finds the following facts to be true with respect to this matter:

- 1. Alley Ownership:** The sections of alley to be vacated are City of Medford right-of-way that was platted as part the Jackson's Second Addition to Medford. The vacation of the alley right-of-way was made a condition of approval for the site plan approved by Medford's Site Plan and Architectural Commission under AC-19-053.
- 2. Adjacent Property Ownership:** Rogue Community Health owns four of the five properties that abut the sections of alley that are proposed to be vacated, Tax Lots 8200, 8400, 3500 and 3700. Legner Enterprises LLC owns the fifth property, Tax Lot 3600. *See*, Exhibit 12.
- 3. Property History:** The alley was created as part the Jackson's Second Addition to Medford subdivision in 1909, as shown on survey CS003 105. *See*, Exhibit 4. This



Findings of Fact and Conclusions of Law

Vacation of Alley Right-of-Way

Petitioner: Rogue Community Health

subdivision included both sections of the alley to be vacated and adjacent lots 1, 2, 3 and 4 to the west and north. Lots 1 to 4 that were created as part of this subdivision that abut the portion of the alley that is being vacated are now identified as Tax Lots 8200 and 8400 and are owned by Rogue Community Health.

4. **Land Use History:** The site plan approved by SPAC under AC-19-053 was the culmination of cooperation between the City of Medford and Rogue Community Health(RCH). *See*, Exhibit 9, Approved Site Plan. Under their Memorandum of Agreement dated July 17, 2018, RCH purchased two underutilized parcels from the City of Medford in order to develop a new unified parking plan for RCH and two neighboring owners. As part of this agreement and the Public Works conditions for AC-19-053, RCH is to vacate the northern two sections of the central L-shaped alley on this block and record a new public access easement to provide a new ingress/egress point for the remaining portion of the alley to the south. *See*, Exhibit 10, Summary of Public Works Conditions for AC-19-053.
5. **General Land Use Plan and Zoning:** All properties abutting the subject right-of-way are designated SC. All properties abutting the subject right-of-way are zoned C-S/P. *See*, Exhibits 5 and 6.
6. **Surrounding properties description:** All properties surrounding the subject portions of the alley that is being vacated are participants in the reconfiguration to create a central parking area.

Lands to the south on the west side of the alley are zoned MFR-20 and contain offices and multi-family uses. Lands to the south on the east side of the alley are zoned SFR-10 and contain small lot single family detached homes. The southern end of the alley terminates at the east end of Taylor Street.
7. **Ownership after Vacation:** The ownership of all areas to be vacated will revert to the owner of the adjacent lots from the same subdivision that created the alley, Rogue Community Health.
8. **Proposed Public Access Easement:** Rogue Community Health is proposing to provide ingress and egress for the alley through a Public Access Easement running to the east over their existing 2-way drive aisle to Portland Avenue and to the west over their existing 1-way drive aisle to Myrtle Street. *See*, Exhibit 8. Originally the easement was proposed to only go to the west, but further investigation of the storm drainage in that area showed that the driveway cannot be widened to accommodate 2-way traffic to Myrtle Street. Therefore, RCH proposes to create a new two-way public access easement to the east that will connect with Portland Avenue in addition to a 1-way public access easement connection to Myrtle Street. These public easement configurations are consistent with the contemplated development of the site that will ensure the alley will continue to have public egress and ingress.
9. **Public Facilities and Utilities:** No public facilities are present within these sections of the alley to be vacated. Overhead electrical lines are the only existing utility within the area of vacation. These are being relocated as part of the reconfiguration of the parking lots.



V

CONCLUSIONS OF LAW

The following discussion and conclusions of law are preceded by the criterion to which they relate and are based upon the findings of fact as set forth in above Section III and the evidence enumerated in Section II. The Council reaches the following conclusions of law and ultimate conclusions under each of the relevant substantive criteria:

Medford Land Development Code (MLDC)

10.228 (4) Vacation of Public Right-of-Way Approval Criteria. A request to vacate shall only be approved by the City Council when the following criteria have been met:

Criterion 1

- (a) Compliance with the Public Facilities Element of the Comprehensive Plan, Including the Transportation System Plan

Conclusions of Law: The fact that Criterion 1 requires proposed street vacations to comply with the Medford Comprehensive Plan, Public Facilities Element, does not make all goals and policies in that element function as approval criteria. See, *Bennett v. City of Dallas*, 17 Or LUBA 450, aff'd 96 Or App 645 (1989). Approval criteria requiring compliance with elements of the comprehensive plan do not automatically transform all comprehensive plan goals and policies into decisional criteria. A determination of whether particular plan policies are approval criteria must be based on the language used in the goals and policies and the context in which they appear. The Council has carefully examined the plan Public Facilities Element and concludes as follows:

1. There are no goals or policies in the Public Facilities Element, or elsewhere in the City of Medford Comprehensive Plan, which, by its language or context, were intended by the City to function as approval criteria for the vacation of public streets.
2. While the vacation areas have proper access to all needed and required public facilities and services¹, as described in the findings of fact in Section IV, the overhead electrical/telecommunications lines that *presently* exist within the rights-of-way intended to be vacated are being relocated as part of the parking area reconfiguration.

Therefore, the Council concludes that this vacation will have no affect the future delivery of adequate public facilities and services in ways required by the plan Public Facilities Element and MLDC.

Through the review and approval of AC-19-053, City of Medford provided final land use decision confirming that the modified rights of ways approved therein were consistent with the City's Development standards and the Transportation System Plan. This vacation carries out the approval therein.

¹ The general adequacy of public facilities and services has been ascertained earlier under the requirements of earlier SPAC approval.



Findings of Fact and Conclusions of Law

Vacation of Alley Right-of-Way

Petitioner: Rogue Community Health

Criterion 2

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

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

Conclusions of Law: The above MLDC 10.228(D)(2) is concluded to be inapplicable because the subject street vacations have *not* been initiated by petition pursuant to ORS 271.080. Instead, the vacations have been initiated by the Council on its own motion pursuant to ORS 271.130 which is addressed below as a part of Criterion 3.

Criteria 3

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

and

271.130. Vacation on council's own motion; appeal.

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.
- (3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.

Conclusions of Law: As evidenced by Exhibit 2, the petition for the vacation of the alley rights-of-way is being initiated by the City Council. As stated in Section I (Scope and Nature of the Action) the purpose of the vacation is to accommodate a reconfiguration of the alley and surrounding parking areas as approved under AC-19-053.

1. No potentially affected landowners have objected in writing to this vacation pursuant to ORS 271.130. The owner of the majority of the land affected by the vacation pursuant to ORS 271.080 and 271.130, Rogue Community Health as well as the Legner Enterprises



Findings of Fact and Conclusions of Law

Vacation of Alley Right-of-Way

Petitioner: Rogue Community Health

- LLC, the owner of the one abutting property not owned by RCH, have provided their written consent to the vacation.
2. Proper notice of this vacation public hearing has been given and evidence of the City's proper notice is a part of the record of the vacation proceedings.
 3. The vacation is sought to meet a condition of approval for the site plan approved under AC-19-053 so that the work can be completed to realize the approved project. A public access easement to provide ingress and egress from the northern terminus of the easement to Myrtle Street and Portland Avenue has been submitted for approval.
 4. Beyond the properties which abut the alley segments to be vacated, all parcels or tracts of land will retain street access at levels that the Council concludes are adequate and appropriate. As such, the Council concludes that its decision to vacate the subject rights-of-way will not produce significant impacts upon present or future land because: A) no land is dependent upon the subject rights-of-way for access and B) the new public access easement will provide ingress and egress from the alley in a manner that is at least as good, and arguably better, than the existing condition.
 5. The Council has carefully considered all of the evidence and testimony in this matter and, based upon the foregoing findings of fact and conclusions of law, the Council concludes that the public interest will not be prejudiced by the proposed vacations.

VI

ULTIMATE CONCLUSIONS

Based on the foregoing findings of fact and conclusions of law and upon the evidence and record of the proceeding, the Council ultimately concludes as follows:

1. The criteria set forth in MLDC 10.228 for the vacation of public streets has been fully and completely satisfied.
2. The requirements in relevant parts of ORS Chapter 271 have been fully and completely satisfied and public notice of the vacation public hearing was properly given.
3. The vacation of Sections A and B of the subject alley is required in order to meet a condition of approval for the site plan approved by Medford's Site Plan and Architectural Commission under AC-19-053.
4. The vacation of subject portions of the alley are not a land use decision.
5. If the courts ultimately conclude that the alley vacations are land use decisions, the Council concludes that, based upon the foregoing findings of fact and conclusions of law, the vacation is not inconsistent (and it therefore is consistent) with the Medford Comprehensive Plan Public Facilities Element because:
 - A. Based upon *Bennett, supra*, there are no plan goals nor policies which, by their language or context, were intended to function as approval criteria for street vacations. The Council has consistently interpreted provisions of the MLDC which require compliance with the comprehensive plan (or elements thereof) to mean, compliance with the plan's



Findings of Fact and Conclusions of Law

Vacation of Alley Right-of-Way

Petitioner: Rogue Community Health

goals and policies; background text contained in the comprehensive plan do not constitute approval criteria.

- B. There are no public water, sanitary sewer, electrical/telecommunications or natural gas facilities which now exist within the rights-of-way to be vacated and that cannot be relocated — which the city can assure before finalization of the vacation.
6. The vacations comply with MLDC 10.228(3) and applicable provisions of ORS Chapter 271 for street vacation(s) initiated by the City Council on its own motion pursuant to ORS 271.130 because all parcels or tracts of land which are arguably affected by the street vacations will continue to have frontage and access. As such, the Council concludes that its decision to vacate the two sections of alley will not produce significant impacts upon present or future land uses or their owners.

Respectfully submitted on behalf of Applicant,

CSA Planning, Ltd.



Jay Harland

President

Dated: May 29, 2023 in Medford, Oregon.



**CSA Planning, Ltd**4497 Brownridge, Suite 101
Medford, OR 97504Telephone 541.779.0569
Fax 541.779.0114

Jay@CSAplanning.net

May 25, 2023

MAYOR AND CITY COUNCIL
c/o Planning Department
City Hall
Medford, OR 97501**REQUEST TO INITIATE STREET VACATION**

Dear Mayor and Council:

We represent Rogue Community Health, record owner of six properties fronting on East Main, Myrtle Street and Portland Avenue, three of which were purchased from the City in 2020. The topic of this letter concerns initiating the vacation of a portion of an L-shaped public alley that runs through the middle of this block.

In 2019 Rogue Community Health received Site Plan and Architectural Commission approval for AC-19-053 that included a site plan that reconfigured the parking and circulation of the northern center of this block. That plan contemplated relocation of the alley egress to Myrtle Street prior to beginning Phase 2 of the Development through vacation of the northern portion of the alley and creation a new public easement across the southern portion their property to provide a new northern ingress/egress for the alley onto Myrtle Street. Rogue Community Health is now preparing to move ahead with development of the remainder of the site and therefore wishes to move ahead with the vacation of the alley identified on the attached plan.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods for the vacation of public rights of way. The first, pursuant to ORS 271.130 is on the City Council's own motion. The second, pursuant to ORS 271.080 is on petition and consent of affected property owners. Alley vacations can be initiated by the Council on its own motion because this process is more streamlined. In the case of this project, the City and RCH entered into a real estate agreement and this vacation is contemplated in the spirit of performance of that agreement. As such and by this letter Rogue Community Health herewith requests that the Council formally initiate the alley vacation on its own motion. Once initiated CSA Planning, on behalf of RCH, will furnish Findings of Fact and Conclusions of Law and other materials as required to prosecute and finalize the alley vacation.

We appreciate the Council's consideration of this matter.

Respectfully submitted on behalf of Applicant:

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'Jay Harland', is written over a horizontal line.

Jay Harland
President

JH/bt
cc. Rogue Community Health
attachments



EXHIBIT
B

SEE MAP 37 1W 30AB

SE COR. REZEN B
PACKARD DLC 42

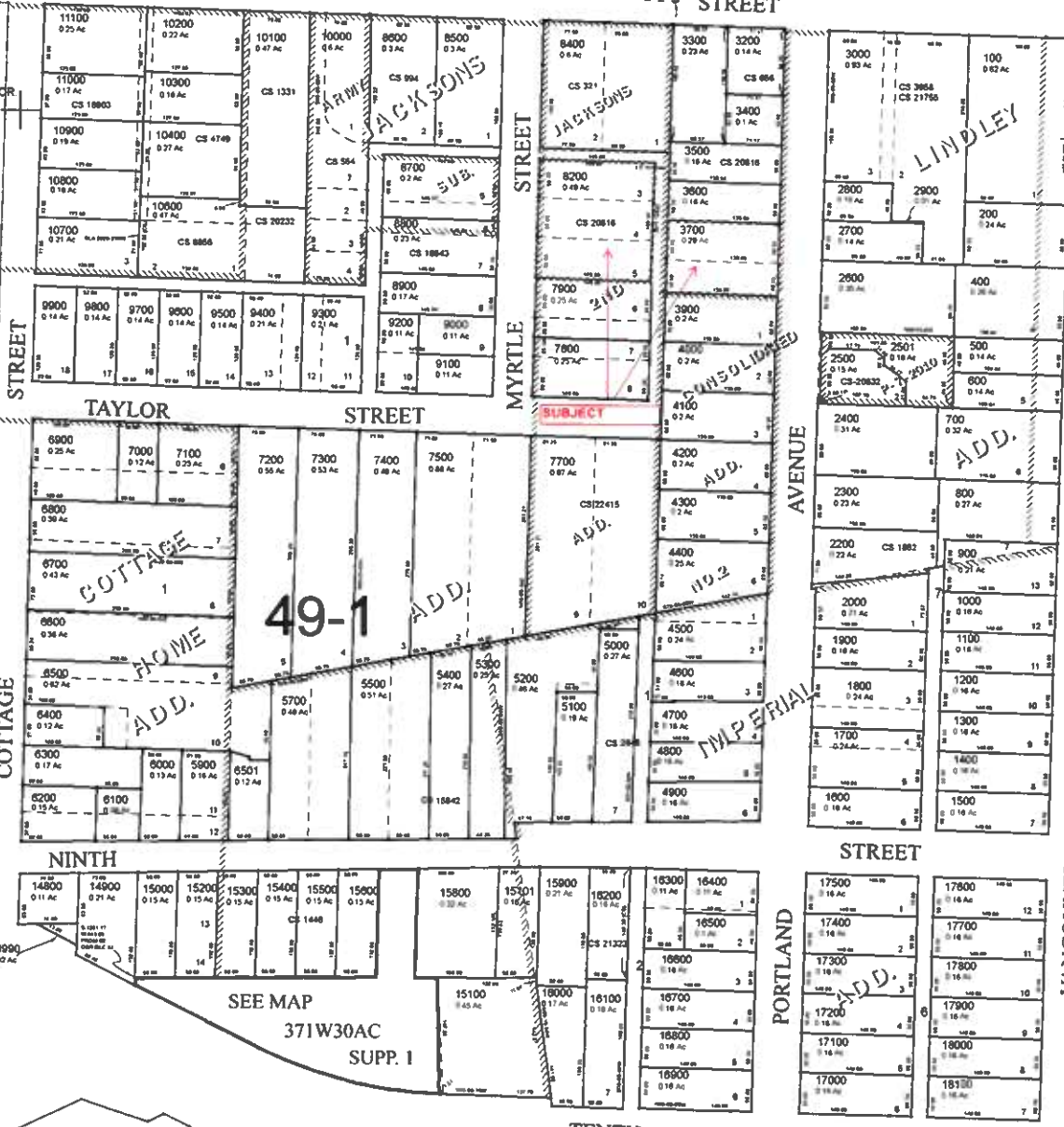
NE COR. B.L. 9
REZON B
PACKARD DLC 42

MAIN STREET

STREET

1/16 COR.

1/16 COR.



- CANCELLED TAX LOT NUMBERS
- 10500
 - 10501
 - 11200
 - 11300-14700 REMAPPED TO 371W30RD
 - 14500
 - 15700 ADDED TO 15100
 - 15701 REMAPPED TO 371W30AC SUPP1
 - 16201
 - 1801
 - 2100
 - 3800
 - 5600 ADDED TO 5500
 - 6701
 - 7600

SEE MAP 37 1W 30BD

SEE MAP 37 1W 30AD

SEE MAP
371W30AC
SUPP. 1

SEE MAP 37 1W 30DB

1/16 COR.

371W30AC
MEDFORD
NEW MAP January 15, 2004
REV July 8, 2020



EXHIBIT

JACKSON'S SPIND AND TO MEDFORD.

DESCRIPTION.

Starting at a point 4.62 ft. West of the S. W. corner of D. L. C. No. 42 Tract, 3/4 S. E. 1/4 S. E. 1/4 Section 26, T. 36 N., R. 12 E., Co. 1, Oregon, thence South 76.56 ft. to the Corporate Boundary Line of the City of Medford, Ore.; thence South 1/4 W. along said Corporate Boundary Line 166.12 ft.; thence North 89.21 ft.; thence east 162.5 ft. to the place of beginning.

WARRANT:

Know all men by these presents that W. S. Tucker and A. M. Jackson (husband and wife) and Geo. A. Jackson and Marie A. Jackson (husband and wife) are the owners in fee simple of the above described tract of land, and we have laid out the same in to 8 lots, lots, blocks, and alleys, as shown by the map hereon and that said map is a correct representation of said survey and subdivisions, and that we do hereby dedicate to the Public for Public Highways all the streets as shown by the map of said tract hereon and hereby dedicate and make out that as shown hereon as Jackson's Second Addition to Medford, Ore., and make the streets as shown by said map, in witness whereof we have hereunto set our hands and seals this 29th day of March, A. D., 1909.

Done in the presence of
Geo. A. Jackson
W. S. Tucker

L. M. Tucker, (Seal)
A. M. Jackson, (Seal)
Geo. A. Jackson, (Seal)
Marie A. Jackson, (Seal)

State of Oregon,
County of Jackson, Ore.

Personally came before me a Notary Public in and for said County and state the within name L. M. Tucker and A. M. Tucker (husband and wife) and Geo. A. Jackson and Marie A. Jackson (husband and wife) all of Jackson County, State of Oregon, to me personally known to be the within named, and who executing the above instrument, did solemnly acknowledge that they executed the same freely and voluntarily for the purposes therein mentioned.

Notarial Seal of W. S. Jackson, Notary Public for Oregon.

Dated and recorded for approval this 29th day of March, A. D., 1909.

W. S. Tucker, Assessor for Jackson County.

For order of County Commissioners approving this plat see Vol. 13 Page 332 of County Commissioners Journal of Proceedings.

S. B. Colman, Clerk of Jackson County.
Filed for Record this 7 day of Apr. A. D., 1909, at 4 o'clock and recorded in Vol. 1 Page 164 of Plat.
Cop. of Plat filed in my office this 29 day of March A. D., 1909.

Harry E. Foster, City Engineer for Medford.
Approved by the City Council this 29th day of March, A. D., 1909.

Reed. M. Collins, Recorder for Medford, Ore.
Presented and accepted by the City Council this 6th day of April, A. D., 1909.

Reed. E. Collins, Recorder for Medford, Ore.
Filed April 7, 1909.
W. S. Colman, Clerk.

Wm. E. Tuome, Deputy.
Filed in the Office of the City Recorder at 3:20 P. M.
This 29th day of March, 1909.

Reed. E. Collins, City Recorder.
Attest on by the City Council.
This 29th day of 1909 A.D. City Recorder.

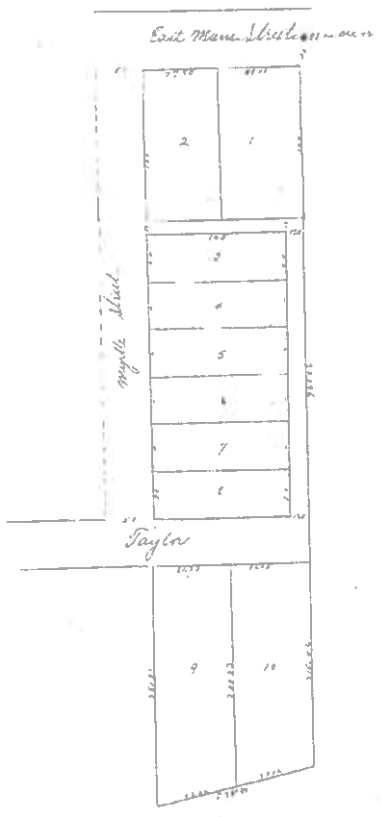
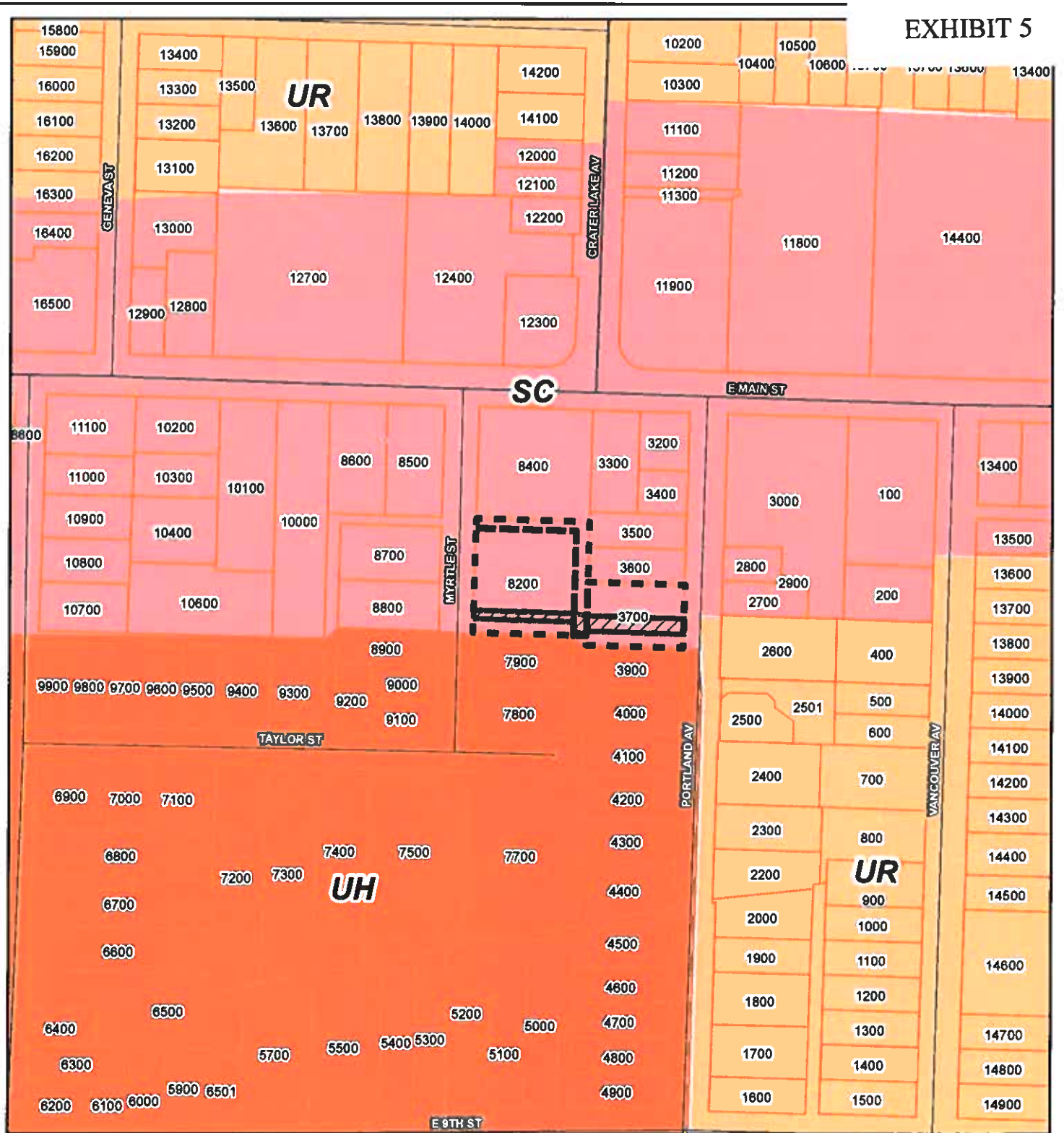









EXHIBIT D



	Subject Tax Lots	GLUP
	Alley	 SC
	New Public Access Easement	 UH
	Tax Lots	 UR



General Land Use Plan (GLUP) Map
 Rogue Community Health
 Alley Vacation
 37-1W-30AC tax lots 3700 & 8200

CSA Planning LTD






February 2022 | Source: CSA Planning, City of Medford GIS, Jackson County GIS

EXHIBIT

0 200 Feet



-  Subject Tax Lots
-  Alley
-  New Public Access Easement
-  Tax Lots
-  Medford Zoning

Zoning Map

2019 Aerial



Rogue Community Health
 Alley Vacation
 37-1W-30AC tax lot 3700 & 8200



CSA Planning LTD



EXHIBIT

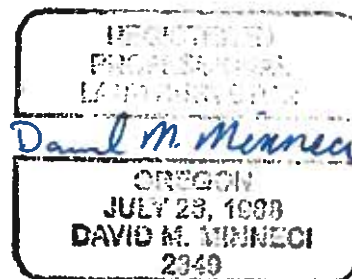
0 200 Feet

Exhibit "A"

A 14.00 foot alley (Alley "A") and 19.00 foot alley (Alley "B" in **JACKSON'S SECOND ADDITION TO MEDFORD** being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 2 of **JACKSON'S SECOND ADDITION TO MEDFORD** in the Northeast one-quarter (1/4) of Section 30, Township 37 South, Range 1 West, Willamette Meridian, City of Medford, Jackson County, Oregon, according to the Official Plat thereof, now of record in said Jackson County; thence, along the Southerly lines of Lots 2 and 1 said ADDITION, North 89°58'15" East 162.57 feet (Plat East 162.50 feet) to the Southeast corner of Lot 1; thence, along the Easterly line of said Addition, South 00°05'02" East (Plat South) 164.00 feet to a point on the Easterly prolongation of the Southerly line of Lot 5 of said Addition; thence, leaving said Easterly line and along said Easterly prolongation, South 89°58'15" West (Plat West) 19.00 feet to the Southwest corner of that strip of land dedicated to the public of the City of Medford per Document No. 2011-018050, Official Records of said Jackson County; thence, along the Westerly line of said strip, North 00°05'02" 150.00 feet to the Northerly line of Lot 3 of said Addition; thence, along said Northerly line, South 89°58'15" West (Plat West) 143.58 feet to the Easterly right-of-way line of Myrtle Street; thence, along said Easterly line, North 00°03'46" West (Plat North) 14.00 feet to the Point of Beginning.

Containing 5,126 square feet



David M. Minneci
L.S. 2349 - Oregon
Expires 12-31-20
Hoffbuhr and Associates, Inc.

20-089
Alley vacation
August 11, 2020
(Revised August 31, 2020)
(20089vac.doc.)

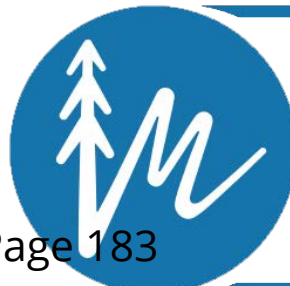
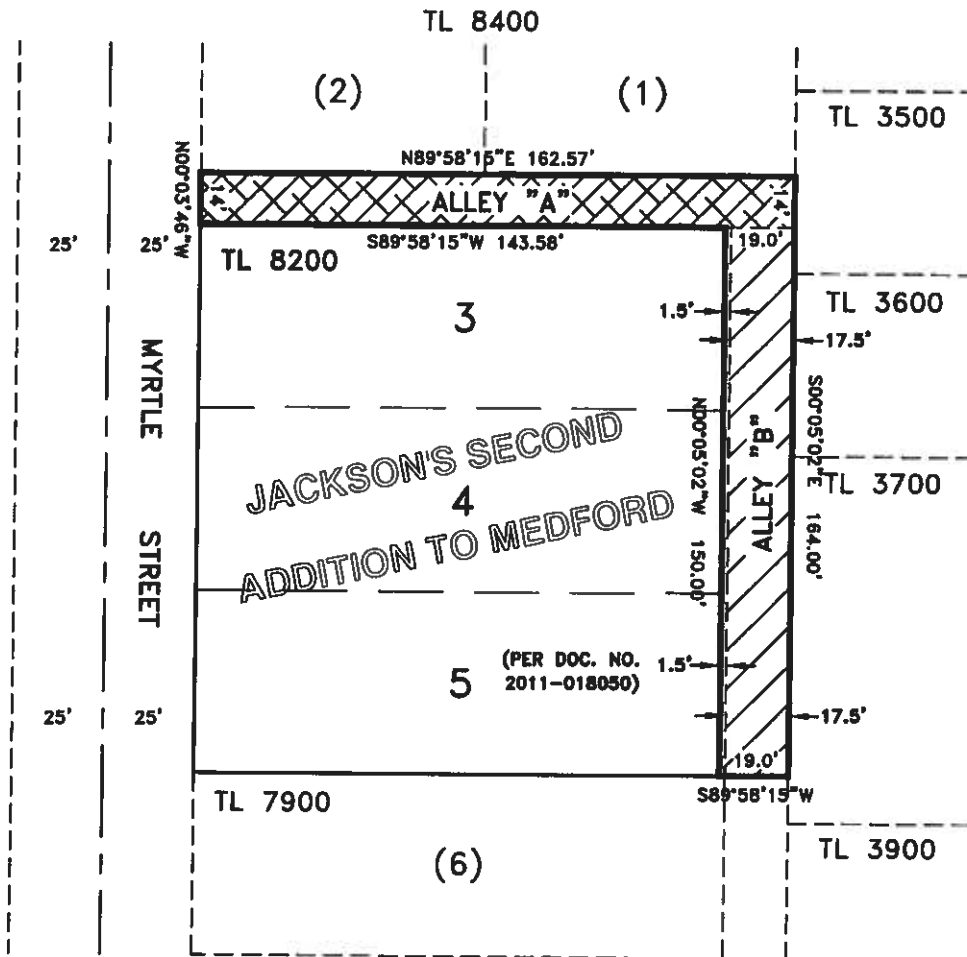


EXHIBIT "B"

ALLEY VACATION

Located In:

JACKSON'S SECOND ADDITION TO MEDFORD
 the Northeast 1/4 of Section 30,,
 Township 37 South, Range 1 West, W.M.,
 City of Medford,
 Jackson County, Oregon
 (See attached Exhibit "A")



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David M. Minnici

OREGON
 JULY 25, 1988
 DAVID M. MINNECI
 2349

EXPIRES 12/31/20

371W30AC TL 8200

<p>HOFFBUHR & ASSOCIATES, INC. 880 GOLF VIEW DR. SUITE 301 MEDFORD, OR 97504 (541) 778-6841 FAX (541) 770-2278</p>	BY: DAVID MINNECI	LS 2349
	DATE:	AUGUST 12, 2020
	PROJECT:	ROGUE COMMUNITY HEALTH
	PROJECT NO.	20-089
	DRAWING FILE NO.	20089SVAC.DWG
	SCALE:	1" = 40'
	REVISION NO.	ONE
	REVISION DATE:	AUGUST 31, 2020
	BASIS OF BEARING:	SURVEY NO. 20816
	DRAWN BY:	DM
REVIEWED BY:	DM	
SHEET 1 OF 1		

After Recording Return To:
Rogue Community Health
Attention: Facilities Dept.
1000 East Main Street
Medford, Oregon 97504

Grantors:
Community Health Center, an Oregon Non-Profit Corporation
The Community Health Center, a corporation

Grantee:
City of Medford, a municipal corporation
Of the State of Oregon

Consideration:
Condition of land use approval

**Until a change is requested, all
Tax Statements shall be sent to
the following name and address:**
No Change

PUBLIC ACCESS EASEMENT

Community Health Center, an Oregon Non-Profit Corporation and The Community Health Center, a corporation, GRANTORS, grant to the CITY OF MEDFORD, a municipal corporation of the State of Oregon, GRANTEE, a perpetual, non-exclusive easement for vehicular, pedestrian, public, and emergency access in the following location:

Refer to Exhibit "A" for description and Exhibit "B" for pictorial, incorporated herewith and made a part hereof.

Grantor reserves the right to use and possess such land within the easement as shall not interfere with Grantee's use thereof for the purposes above set forth. Grantor shall not cause any buildings or permanent structures to be constructed over any part of the easement without Grantee's consent. Grantor shall not place any fences, chains, or other temporary obstructions over any part of the easement without Grantee's consent. Grantor shall reasonably maintain the easement area to render it usable for its intended purpose of vehicular, pedestrian, public, and emergency access and shall not obstruct the easement with the exception of temporary obstructions necessary for construction or maintenance.

Any portion of this easement that is encompassed within a street dedication shall automatically extinguish at the time the street is dedicated and accepted for public right-of-way purposes.

PUBLIC ACCESS EASEMENT
Page 1 of 4

DRAFT

Grantee will defend, indemnify, and hold harmless Grantor for any lawsuits, claims, or other liability arising out of negligent or wrongful acts or omissions of Grantee's officers, employees, and agents to the extent of the liability described for local public entities in the Oregon Tort Claims Act. Grantor will defend, indemnify, and hold harmless Grantee for any lawsuits, claims, or other liability arising out of negligent or wrongful acts or omissions of Grantor's officers, employees, and agents. This paragraph does not convey to either party liability for any negligent or wrongful acts or omissions of a non-party to this easement.

This easement touches and concerns the land and is intended to bind grantor, its heirs, successors, and assigns.

Dated this ____ day of _____, 2023.

Community Health Center, an Oregon Non-Profit Corporation

By: _____
Calisa N. Warnke
CFO/CAO

STATE OF OREGON)
) ss.
County of Jackson)

On this ____ day of _____, 2023 personally appeared the above-named Calisa N. Warnke, and acknowledged said instrument to be her voluntary act.

Notary Public for Oregon

Dated this ____ day of _____, 2023.

The Community Health Center, a corporation

By: _____
Calisa N. Warnke
CFO/CAO

STATE OF OREGON)
) ss.
County of Jackson)

On this ____ day of _____, 2023 personally appeared the above-named Calisa N. Warnke and acknowledged said instrument to be her voluntary act.

Notary Public for Oregon

By signing below, Grantee accepts the grant of the above-described easement.

CITY OF MEDFORD

By: _____
[Name]
[Title]

STATE OF OREGON)
) ss.
County of Jackson)

On this ____ day of _____, 2023 personally appeared the above-named
_____, as _____ of the City of
Medford, and acknowledged said instrument to be their voluntary act.

Notary Public for Oregon

Exhibit "A"

A strip of land, variable in width, being more particularly described as follows:

Commencing at the Northwest corner of Lot 5 of Jackson's Second Addition to Medford, according to the Official Plat thereof filed for record April 7, 1909 in Volume 1, Page 163 of Plats in Jackson County, Oregon, said point being on the Easterly right-of-way line of Myrtle Street; thence, along said Easterly line, South 00°03'46" East 18.00 feet to the **POINT OF BEGINNING**; thence, leaving said Easterly line, North 89°58'15" East 143.62 feet; thence South 82°08'43" East 19.20 feet; North 89°56'35" East 138.86 feet to the Westerly right-of-way line of Portland Avenue; thence, along said Westerly line, South 00°02'26" West 20.00 feet; thence, leaving said Westerly line, South 89°56'35" West 138.84 feet; thence South 00°05'02" East 9.37 feet to a point on the Easterly prolongation of the Southerly line of said Lot 5; thence, along said Easterly prolongation, South 89°58'15" West 19.00 feet to the Southeast corner thereof; thence North 00°05'02" West 19.17 feet; thence South 89°58'15" West 143.63 feet to the aforesaid Easterly right-of-way line of Myrtle Street; thence, along said Easterly line, North 00°03'46" West 12.83 feet to the Point of Beginning.



David M. Minnecci
L.S. 2349 - Oregon
Expires 12-31-24
Hoffbuhr and Associates, Inc.

20-089
Public Access Easement
August 11, 2020
(Revised April 13, 2023)
(20089PAE.doc.)

PUBLIC ACCESS EASEMENT
Page 4 of 4

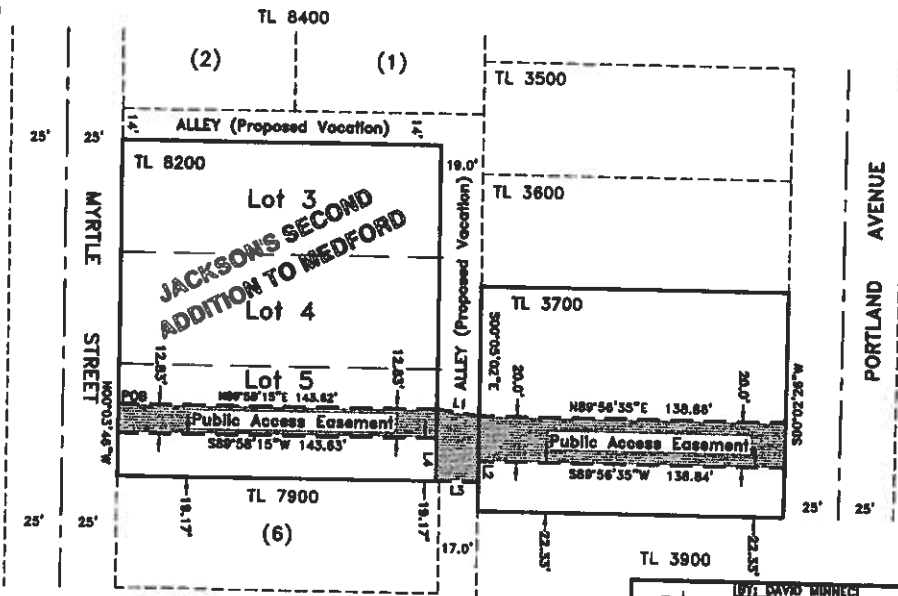
EXHIBIT "B"
PUBLIC ACCESS EASEMENT

Located In:
JACKSON'S SECOND ADDITION TO MEDFORD
 the Northeast 1/4 of Section 30,
 Township 37 South, Range 1 West, W.M.,
 City of Medford,
 Jackson County, Oregon
 (See attached Exhibit "A")

DRAFT

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
David M. Minick
 OREGON
 DIVISION OF LAND
 2249
 EXPIRES 12/31/24

371W30AC TL 3700, 8200



LINE TABLE

LINE	BEARING	DISTANCE
L1	S82°08'43"E	19.20'
L2	S00°05'02"E	9.57'
L3	S89°58'15"W	19.00'
L4	N00°09'02"W	19.17'

HOFFBUHR
 & ASSOCIATES, INC.
 800 GOLF VIEW DR.
 SUITE 201
 MEDFORD, OR 97504
 (541) 755-0411
 FAX (541) 770-8700

BY: DAVID MINICK
 DATE: APRIL 12, 2023
 PROJECT: ROGUE COMMUNITY HEALTH
 DRAWING NO. 20-089
 DRAWING FILE NO. 20089FAS2.DWG
 SCALE: 1" = 50'
 REVISION NO.
 REVISION DATE:
 BASIS OF BEARING: SURVEY NO. 20816
 DRAWN BY: DMN
 REVIEWED BY:
 SHEET 1 OF 1

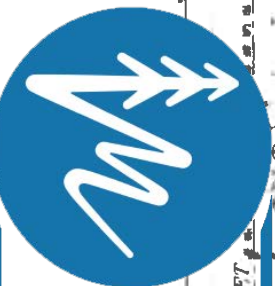
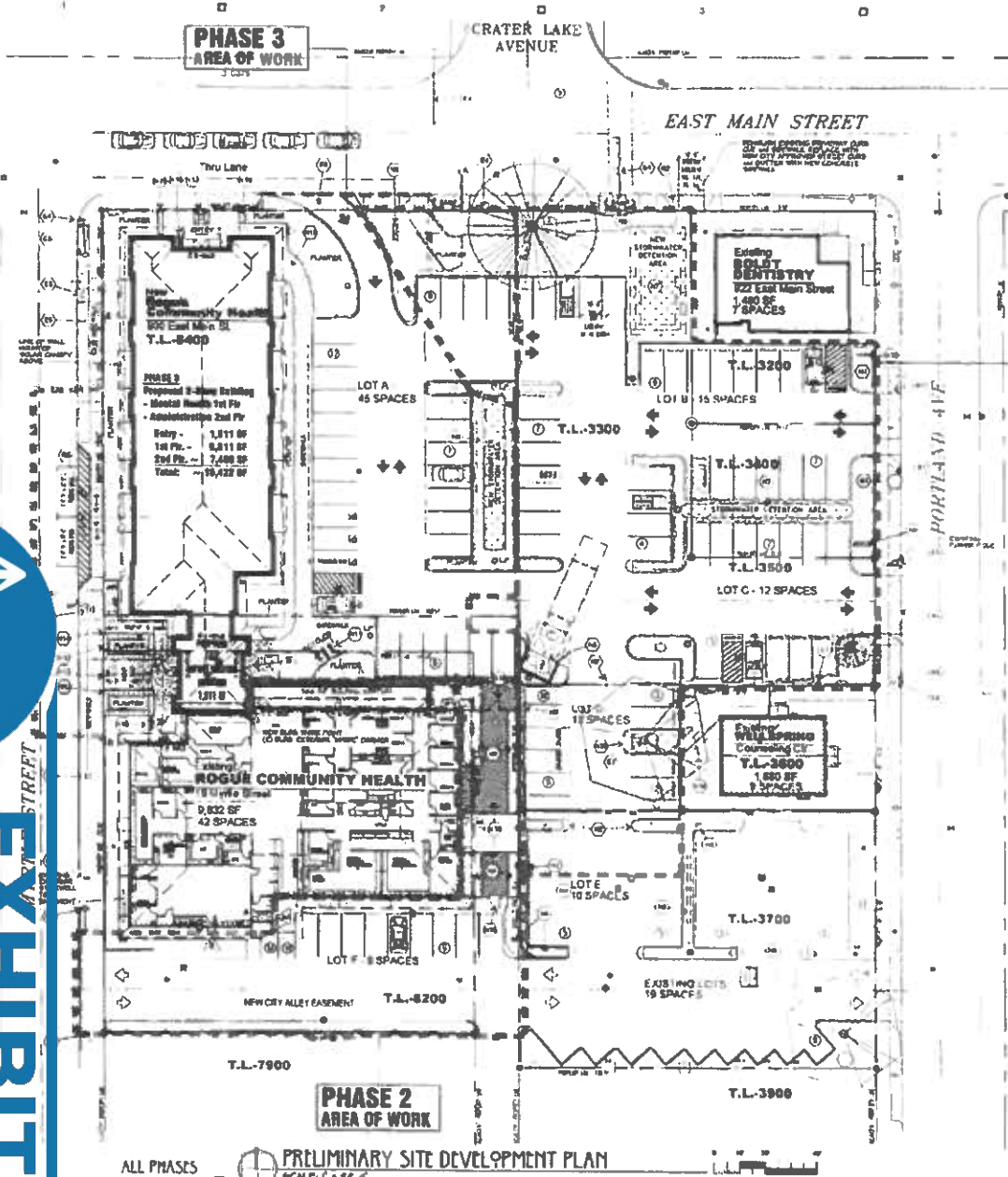


EXHIBIT 9



PHASE 3
AREA OF WORK

PHASE 1
AREA OF WORK

PHASE 2
AREA OF WORK

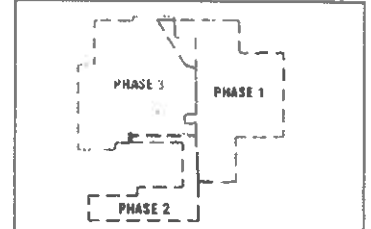
PRELIMINARY SITE DEVELOPMENT PLAN
SCALE: 1" = 20'-0"

GENERAL NOTES:

- 1) PROTECT EXISTING SURVEY POINTS, CORNERS, PINS, ETC.
- 2) GENERAL LOCATION OF PROPOSED IMPROVEMENTS WITH EXISTING VEGETATION TO BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE.
- 3) THE EXISTING, EXPOSED, EXPOSED, EXPOSED AND STREET CURBS TO BE MAINTAINED ON THE EXISTING SIDE.
- 4) EXISTING TO BE REMOVED OR REPLACED EXISTING:
- 5) EXISTING CONCRETE DRIVEWAY TO BE REMOVED & REPLACED AS PER CITY OF PORTLAND (2017) (2017).
- 6) EXISTING DRIVEWAY TO BE REMOVED & REPLACED AS PER CITY OF PORTLAND (2017) (2017).
- 7) EXISTING CONCRETE CURB TO BE REMOVED.
- 8) EXISTING CONCRETE CURB TO BE REMOVED.
- 9) EXISTING WATER METER TO BE REMOVED AND STREET FROM THE CAPTIONED EXISTING POWER PILES CHANGED BY CONCRETE REBAR PLASTER PILES AREA, EXISTING APPROXIMATE TO BE RELOCATED.
- 10) EXISTING "WELLSPRING COUNSELING ONLY" SIGN TO BE RELOCATED NEARBY SIGN LOCATION WITH CHANGE.
- 11) EXISTING TRAMP ENCLOSURE TO BE REMOVED.

- EXISTING SITE CONDITIONS IDENTIFIED TO REMAIN:
- 1) EXISTING CONCRETE WATER TO REMAIN.
- 2) EXISTING EXISTING SIGN FROM SIGN (C.B.) TO REMAIN.
- 3) EXISTING SIGN FROM SIGN (C.B.) TO REMAIN.
- 4) EXISTING EXISTING SIGN FROM SIGN (C.B.) TO REMAIN.
- 5) EXISTING EXISTING SIGN FROM SIGN (C.B.) TO REMAIN.
- 6) EXISTING EXISTING SIGN FROM SIGN (C.B.) TO REMAIN.
- 7) EXISTING EXISTING SIGN FROM SIGN (C.B.) TO REMAIN.
- 8) EXISTING EXISTING SIGN FROM SIGN (C.B.) TO REMAIN.
- 9) EXISTING EXISTING SIGN FROM SIGN (C.B.) TO REMAIN.
- 10) EXISTING EXISTING SIGN FROM SIGN (C.B.) TO REMAIN.

- NEW SITE WORK:
- 1) NEW 4 FT WIDE LANDSCAPE BUFFER AS PER IAC SECTION 2.1.4.1.1.
- 2) NEW TYPE II CONCRETE PARKING CURB.
- 3) NEW 4 FT WIDE CONCRETE WHEEL STOP.
- 4) NEW SIGN OF VEHICLE FINDER STRIPS.
- 5) NEW SIGN WITH ACCESSIBLE PARKING SPACE WITH ASSOCIATED LOOKING SIGN AND SIGNAGE.
- 6) NEW LANDSCAPE AREA.
- 7) NEW SIGNAGE IDENTIFICATION AREA.
- 8) NEW SIGN FROM EXISTING WITH LANDSCAPE GATES.
- 9) NEW SIGNAGE WITH VEHICLE SIGN (TYPE I) CONSENT AND SIGN LOCATION.
- 10) NEW SIGNAGE WITH VEHICLE SIGN (TYPE II) CONSENT AND SIGN LOCATION.
- 11) NEW SIGNAGE WITH VEHICLE SIGN (TYPE III) CONSENT AND SIGN LOCATION.
- 12) NEW SIGNAGE WITH VEHICLE SIGN (TYPE IV) CONSENT AND SIGN LOCATION.
- 13) NEW SIGNAGE WITH VEHICLE SIGN (TYPE V) CONSENT AND SIGN LOCATION.
- 14) NEW SIGNAGE WITH VEHICLE SIGN (TYPE VI) CONSENT AND SIGN LOCATION.
- 15) NEW SIGNAGE WITH VEHICLE SIGN (TYPE VII) CONSENT AND SIGN LOCATION.
- 16) NEW SIGNAGE WITH VEHICLE SIGN (TYPE VIII) CONSENT AND SIGN LOCATION.
- 17) NEW SIGNAGE WITH VEHICLE SIGN (TYPE IX) CONSENT AND SIGN LOCATION.
- 18) NEW SIGNAGE WITH VEHICLE SIGN (TYPE X) CONSENT AND SIGN LOCATION.
- 19) NEW SIGNAGE WITH VEHICLE SIGN (TYPE XI) CONSENT AND SIGN LOCATION.
- 20) NEW SIGNAGE WITH VEHICLE SIGN (TYPE XII) CONSENT AND SIGN LOCATION.



- PHASE KEY**
NOTE TO SCALE
- PHASE 1:**
- 1) REMOVAL OF EXISTING PARKING LOT AND NEW TRAMP WATER IDENTIFICATION AREA.
 - 2) REMOVAL OF EXISTING SIGN AND CONCRETE SIGN FROM EXISTING SIGN (C.B.) TO REMAIN.
 - 3) REMOVAL OF EXISTING SIGN, CURB, AND EXISTING SIGNAGE, SIGNAGE OF A SIGNAGE SIGN (C.B.) TO REMAIN.
 - 4) REMOVAL OF EXISTING SIGN (C.B.) TO REMAIN.
- PHASE 2:**
- 1) REMOVED EXISTING PARKING LOT.
 - 2) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 3) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 4) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 5) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 6) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
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 - 12) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 13) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 14) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 15) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
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 - 19) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 20) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
- PHASE 3:**
- 1) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 2) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 3) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 4) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
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 - 13) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
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 - 16) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 17) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 18) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 19) REMOVED EXISTING SIGN (C.B.) TO REMAIN.
 - 20) REMOVED EXISTING SIGN (C.B.) TO REMAIN.

GARY A. CAPRINA ARCHITECT
ARCHITECTURE PLANNING
1100 North River Lane
Madison, Oregon 97304
Tel: 503.772.3883
www.garycaprina.com

JR STEEL INC.
COMMERCIAL & INDUSTRIAL
1100 North River Lane
Madison, Oregon 97304
Tel: 503.772.3883
www.jrsteel.com

Rogue Community Health
PROJECT LOCATION:
1100 North River Lane
Madison, Oregon 97304
Map & Text Reference:
3/17/2014, 10:00

CLIENT:
ROGUE COMMUNITY HEALTH
1100 North River Lane
Madison, Oregon 97304
Tel: 503.772.3883

A1.0
PRELIMINARY SITE DEVELOPMENT PLAN
NO. 0105
DATE: 08/20/2019
BY: [Signature]

SUMMARY CONDITIONS OF APPROVAL

**Rogue Community Health Master Plan
East Main Street (TLs 3300-3500, 3700, 8200, 8400)**

AC-19-053

A. Streets**1. Street Dedications to the Public:**

- East Main Street, Portland Avenue, Myrtle Street, and Alley G-8 – No additional right-of-way is required.
- Dedicate 10-foot Public Utility Easements (PUE) along this Developments respective frontages.

2. Improvements:**Public Streets**

- East Main Street, Portland Avenue and Myrtle Street – Improvements have been completed.
- Alley (G-8) – A concrete ribbon gutter will be required at the new northern terminus of the existing alley.
- New Public Alley Easement – The master site plan shows a new public alley easement running along the south side of TL 8200 in Phase 2 of the project as well as the need for an alley vacation of the existing public alley. Public Works suggest that the new public alley easement is recorded and constructed prior to the vacation and demolition of the portion of the existing alley to be vacated. The City will need 3 months from the completion and dedication of the new alley easement to vacate the remainder of the alley to the north.

Lighting and Signing

- Developer supplies and installs all street lights at own expense.

Access and Circulation

- The memorandum of understanding allows the right-in-only driveway on E Main St to remain and be modified geometrically to minimize the opportunity for vehicles to exit at that location. The applicant's engineer shall work collaboratively with Public Works to refine the design of this driveway prior to the submittal of building permits.
- In accordance with MLDC 10.550, the applicant shall submit cross-access easements, in a form acceptable to the City, providing access to and from each tax lot that is a part of this masterplan.
- The applicant has requested a patient drop off area on Myrtle Street. The patient drop off area shall be designed in accordance with the requirements of United States Access Board's Proposed Rights-of-Way Guidelines (PROWAG) Section R310, Passenger Loading Zones. The applicant's engineer shall work collaboratively with Public Works to refine the design of this feature prior to the submittal of building permits.

Other

- There are no pavement cutting moratoriums currently in effect along this frontage to East Main Street, Portland Avenue or Myrtle Street.

B. Sanitary Sewer:

- Ensure or construct separate individual sanitary sewer connection
- Cap remaining unused laterals at the main.

C. Storm Drainage:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers verification of stormwater facility construction.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.
- = City Code Requirement
- = Discretionary recommendations/comments

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

P:\Staff Reports\AC\2019\AC 19-052 (TLs 3300-3500_3700_8200_8400) Rogue Community Health Master Plan\AC 19-052 (TLs 3300-3500_3700_8200_8400) Page 48 of 60

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY ST
MEDFORD, OR 97504
www.ci.medford.or.us



EXHIBIT
TELEPHONE (541) 774-3000
FAX (541) 774-2552



City of Medford






-  Subject Tax Lots
-  Alley
-  New Public Access Easement
-  Tax Lots
-  Photo Location & Direction

Photo Key Map

2019 Aerial



Rogue Community Health
 Alley Vacation
 37-1W-30AC tax lots 3700 & 8200



CSA Planning LTD



EXHIBIT

0 50 Feet



1 West-east Alley leg looking East



2 North-south Alley looking North



3 South parking lot to be reconfigured to accommodate new east-west alley easement



4 Exit onto Myrtle Street from new east-west alley leg to be reconfigured to allow for 2-way traffic

Legend

2 Photo ID Number

Site Photos

Alley Vacation

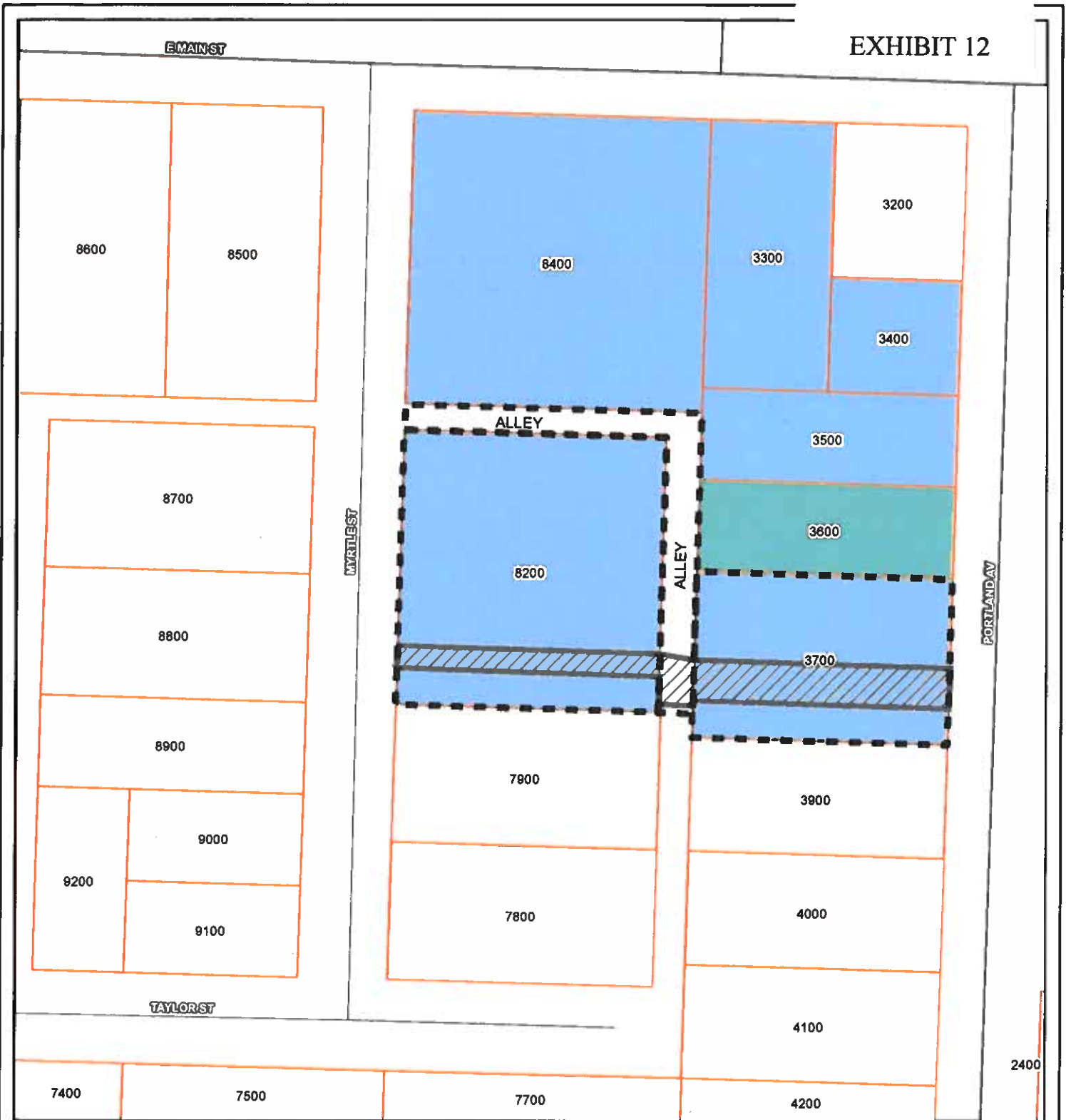
Rogue Community Health







37-1W-30AC tax lots 3700 & 8200



CSA Planning, Ltd

July 2020



-  Subject Tax Lots
-  Alley
-  New Public Access Easement
-  Tax Lots
-  Rogue Community Health
-  Wellspring Counseling

Adjacent Ownership

Rogue Community Health
 Alley View
 37-1W



EXHIBIT
K

8200

37.5 0 75 Feet

CSA Planning Ltd.

Vacation Application – Type IV

WRITTEN CONSENT OF OWNER

I/We, Legner Enterprises, LLC, the property owner(s) of
Tax Lot(s) 3600 on Jackson County
Assessor Map 37-1W-30AC, hereby consent to the filing of an
application for vacation of alley adjacent to said property, and will
allow CSA Planning, Ltd. to represent me
before the City of Medford approving authority.







Signed: Bernard L. Legner
Print Name: Bernard L. Legner
Date: July 16, 2021

Signed: Diane L. Legner
Print Name: Diane L. Legner
Date: July 16, 2021

Signed: _____
Print Name: _____
Date: _____

Signed: _____
Print Name: _____
Date: _____



-  Subject Tax Lot
-  New Alley Easement
-  Alleys To Be Vacated
-  Tax Lots
-  200-400 ft Buffers
-  Notice Area Tax Lots

Notice Area Map

Rogue Community Health
 Alley Vac
 37-1W-3

CSA Planning

Page 197

75 0 50 Feet

EXHIBIT M

City of Medford, Oregon, Ltd. City of Medford, GIS: Jackson County GIS



PUBLIC WORKS DEPARTMENT STAFF REPORT

Alley G-8

Vacate Alley (Rogue Community Health)

Project: Consideration of a request to vacate the northern two sections of the public alley right-of-way running through the center of the block bounded by Myrtle Street, East Main, and Portland Avenue.

Location: The alley right-of-way starts at Myrtle Street, approximately 160 feet south of Main Street. Section A is 14-feet wide and runs 162.6 feet east from Myrtle Street; and Section B of the alley is 19-feet wide and runs south from Section A for 150 feet. The alley is located within the C-S/P (Commercial, Service/Professional) zoning district).

Applicant: Applicant: Rogue Community Health; Agent: CSA Planning Ltd.; Planner: Dustin Severs.

A. Transportation Comments

Alley (G-8) – A concrete ribbon gutter will be required at the new northern terminus of the existing alley to depict where public maintenance ends. This shall be constructed or bonded for prior to City Council approval of the subject vacation application.

New Public Alley Easement – The approved master site plan (AC-19-052) shows a public alley easement running along the south side of TL 8200 in Phase 2 of the project as well as the need for an alley vacation of the existing public alley. The new Public Alley Easements shall be recorded or at minimum, submitted to Engineering, reviewed, approved and ready to record prior to the City Council approval of the subject vacation application. The new Public Alley Easement shall be for the benefit of the public and not limited to specific properties.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs





TO: Planning Department, City of Medford

FROM: Wendy Williams, P.E., Staff Engineer

SUBJECT: SV-23-177, Rogue Community Health Alley Vacation

PARCEL ID: Alley north and east of 371W30AC8200 (Rogue Community Health) off Myrtle St -
Abutting parcels: 372W30AC TL 8400, 3500, 3600 and 3700

PROJECT: Consideration of a request to vacate the northern two sections of the public alley right-of-way running through the center of the block bounded by Myrtle Street, East Main, and Portland Avenue. The alley right-of-way starts at Myrtle Street, approximately 160 feet south of Main Street. Section A is 14-feet wide and runs 162.6 feet east from Myrtle Street; and Section B of the alley is 19-feet wide and runs south from Section A for 150 feet. The alley is located within the C-S/P (Commercial, Service/Professional) zoning district.

Agent contact: CSA Planning (Jay@csaplanning.com)

City Planner: Dustin Severs

Associated Files: AC-19-053

MEMO DATE: 7/11/2023

LAND DEVELOPMENT COMMITTEE DATE: 7/12/2023

I have reviewed the above project application as requested. Comments are as follows:

COMMENTS

1. Medford Water Commission (MWC) has an existing 8" water main within the abutting parcels to the east (TL 3500, 3600 and 3700). The main angles over into the alley near the southern edge of this proposed vacation. Although there is an easement over the main within the adjacent parcels, there is no existing easement over the main within the alley area. Depending on the final terminus location of the vacation, an easement may be required to cover the existing main.
2. The project is within MWC's Gravity Pressure Zone.



EXHIBIT





Medford Fire Department Land Development Report

Review/Project Information

Reviewed By: Farrington, Tanner

Review Date: 07/07/2023

Meeting Date: 07/12/2023

LD File #: SV23-00177 **Associated File** AC19-
#1: 00053

Planner: Dustin Severs

Applicant: Jay @ CSA

Site Name: Rogue Community Health

Project Location: Public alley right-of-way running through the center of the block bounded by Myrtle Street, East Main, and Portland Avenue.

ProjectDescription: Consideration of a request to vacate the northern two sections of the public alley right-of-way running through the center of the block bounded by Myrtle Street, East Main, and Portland Avenue. The alley right-of-way starts at Myrtle Street, approximately 160 feet south of Main Street. Section A is 14-foot wide and runs 162.6 feet east from Myrtle Street; and Section B of the alley is 19-foot wide and runs south from Section A for 150 feet. The alley is located within the C-S/P

Specific Development Requirements for Access & Water Supply

Reference	Comments	Conditions	Description
Approved	Approved as submitted with no additional conditions or requirements.		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 adopted Fire, Building, Mechanical Codes and applicable referenced NFPA Standards.

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



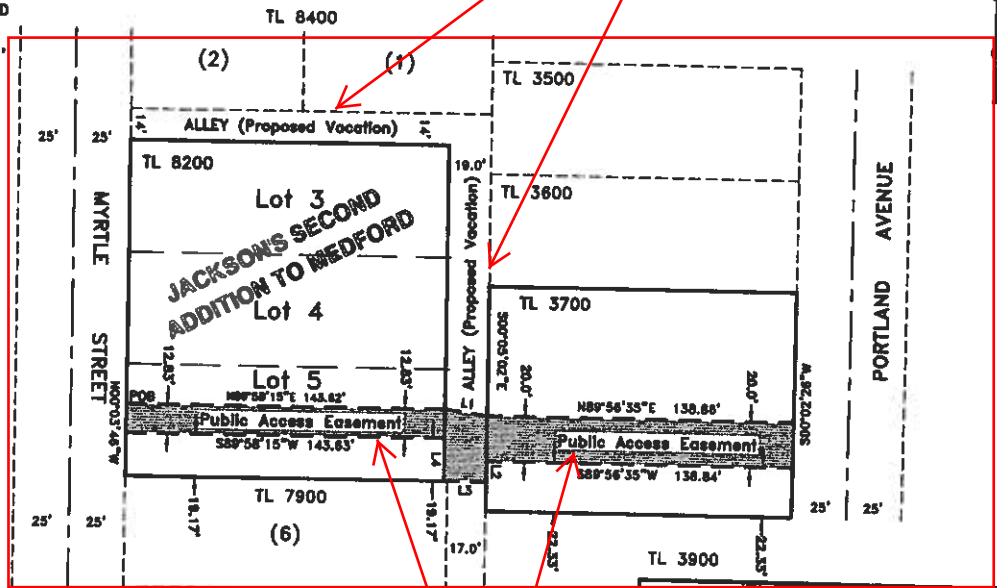
EXHIBIT "B"
PUBLIC ACCESS EASEMENT

Located In:
JACKSON'S SECOND ADDITION TO MEDFORD
 the Northeast 1/4 of Section 30,
 Township 37 South, Range 1 West, W.M.,
 City of Medford,
 Jackson County, Oregon
 (See attached Exhibit "A")

DRAFT

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
David M. Minnici
 OREGON
 DIVISION OF LAND
 2249
 EXPIRES 12/31/24

371W30AC TL 3700, 8200



LINE TABLE

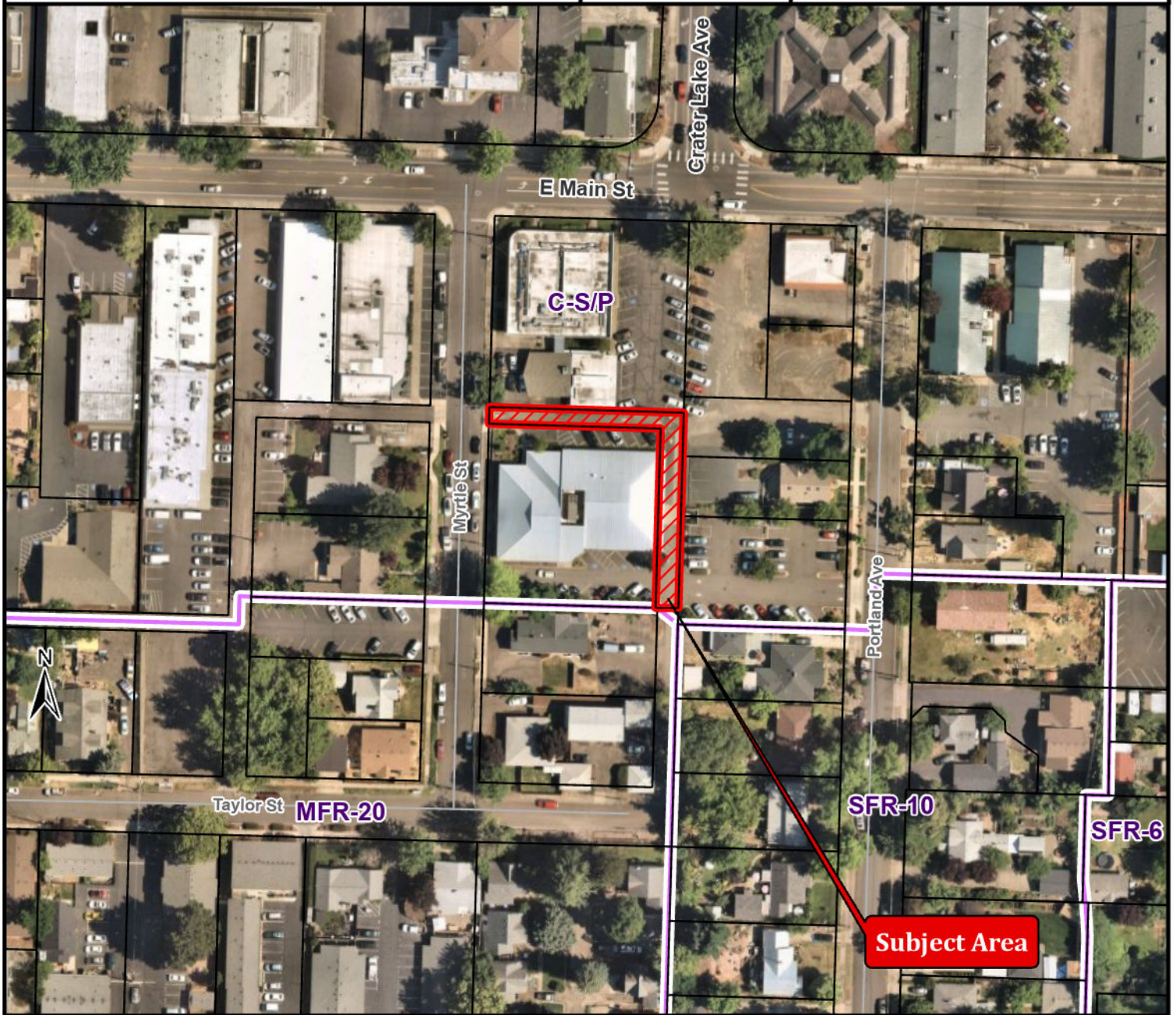
LINE	BEARING	DISTANCE
L1	$S82^{\circ}08'43''E$	19.20'
L2	$S00^{\circ}05'02''E$	9.57'
L3	$S89^{\circ}58'15''W$	19.00'
L4	$N00^{\circ}02'02''W$	19.17'

BY: DAVID MINNICI (LR 2349)
 DATE: APRIL 12, 2023
 PROJECT: ROGUE COMMUNITY HEALTH
 DRAWING FILE NO. 20-089
 DRAWING FILE NO. 20089FAS2.DWG
 SCALE: 1" = 50'
 REVISION NO.
 REVISION DATE:
 BASIS OF BEARING: SURVEY NO. 20816
 DRAWN BY: CMM
 REVIEWED BY:
 SHEET 1 OF 1

HOFFBUHR
 & ASSOCIATES, INC.
 800 GOLF VIEW DR.
 SUITE 201
 MEDFORD, OR 97504
 (541) 755-0411
 FAX (541) 770-8700

Public Access Easement




Alley Vacation

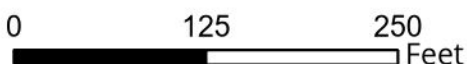


Project Name:
Rogue Community Health Street Vacation

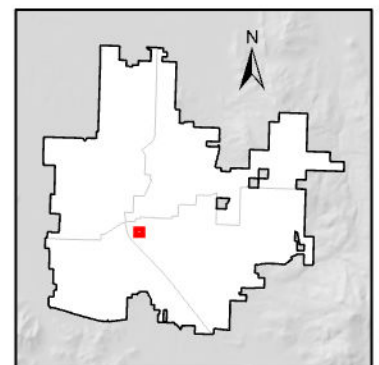
Map/Taxlot:
Right-of-Way

Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts



Date: 6/21/2023





STAFF REPORT

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

Project Synergy Zone Change
Applicant/Agent: Synergy Planning Group, LLC.

File no. ZC-23-187

To Planning Commission *for August 10, 2023, hearing*

From Dustin Severs, Planner III

Reviewer Kelly Akin, Assistant Planning Director

Date August 3, 2023

BACKGROUND

Proposal & Vicinity Map

Consideration of a request for a change of zone of a single parcel, totaling approximately 0.69 acres (0.74 gross acres). The parcel is located immediately south of the E. McAndrews/N. Foothill off-ramp and is fronted by N. Foothill Road along its westerly boundary. The request is to change the zoning from SFR-00 (Single-Family Residential, one dwelling per existing lot) to SFR-4 (Single-Family Residential, four dwellings per gross acre) (371W21AB TL 1200).



Subject Site Characteristics

GLUP UR (Urban Residential)
Zoning SFR-00
Overlay None
Use Vacant Land

Surrounding Site Characteristics

North Zone: SFR-4
 Use: N. Foothill/E. McAndrews off-ramp
South Zone: SFR-00
 Use: Residential
East Zone: SFR-4
 Use: Residential
West Zone: SFR-4
 Use: Residential

Related Projects

PA-23-081 Pre-application conference to discuss cottage cluster development

Applicable Criteria

MLDC 10.204: Zone Change Criteria

(2) Zone Change Approval Criteria. The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (a) through (c) below:

(a) 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.

(b) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (b)(i), (b)(ii), (b)(iii), or (b)(iv). 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.

(c) 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 (iii) 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.

- (i) 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.*
- (ii) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060, commonly referred to as the Transportation Planning Rule (TPR); approval under subsection (9) of the TPR is not allowed. The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety and, when possible, shall base findings for the required improvements on the safety review required by the Transportation Impact Analysis (TIA), see Section 10.461(5)(r). When a roadway's Average Daily Trip (ADT) values are shown to exceed the street functional classification as identified in the TSP, per Section 10.461 Transportation Impact Analysis (TIA), a Comprehensive Plan Amendment may be required.*
- (iii) 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. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the Jackson 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:
 - (A) 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;*
 - (B) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;*
 - (C) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools, mandatory car-sharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.**

Approval Authority

This is a Type III land use decision. The Planning Commission is the approving authority under MLDC 10.110(4).

ISSUES AND ANALYSIS

Project Summary

Existing Site/History

The subject site consists of a single, vacant parcel totaling approximately 0.69 acres. The parcel is fronted by N. Foothill Road, a Regional Arterial Street, along its westerly boundary; and E. McAndrews Road, a Major Arterial Street, along its northerly boundary. The parcel abuts the N. Foothill/E. McAndrews off-ramp intersection at its northwest corner. The northern portion of the site includes significant slopes leading up to the off-ramp.



Subject Proposal

The applicant is requesting a change of zone from SFR-00 to SFR-4 to develop the property as a cottage cluster development. The applicant has provided a conceptual of site plan of the future development (Exhibit D). Per MLDC 10.818A, Cottage Cluster Developments with no greater than eight units are reviewed as a Type I land use action, with the Planning Director serving as the approving authority.

Criteria Compliance

GLUP/TSP Consistency

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. A TIA was not required with this zone change application.

Locational Criteria

There are no locational criteria for a zone change to SFR-4.

Facility Adequacy

MLDC 10.204(3) requires demonstration that Category A facilities (storm drainage, sanitary sewer, water and transportation) must already be adequate in condition, capacity and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

The agency comments included in Exhibits E-G demonstrate that Category A facilities will be adequate to serve the property at the time it is developed.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits E-G), it can be found that there are adequate facilities to serve the future development of the site.

Other Agency Comments

None.

Committee Comments

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

Neighbor Comments

None.

FINDINGS AND CONCLUSIONS

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

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and consistency with the Transportation System Plan has been demonstrated.
The Commission can find that this criterion is met.
- With regard to Criterion 2, there are not locational criteria for a zone change to SFR-4.
The Commission can find that this criterion is not applicable.
- With regard to Criterion 3, the agency comments, included as Exhibits E-G, demonstrate that Category A facilities will 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 a Final Order of approval for ZC-23-187, per the staff report, dated August 3, 2023, including:

- Exhibits A through G.

EXHIBITS

Applicant Submittals

- A Findings of fact and conclusions of law, received August 2, 2023.
- B Legal Description, received August 2, 2023.
- C Assessor's Map, received June 12, 2023.
- D Conceptual Plan for future cottage cluster development, received June 12, 2023.

Agency Reports

- E Public Works Report, received July 19, 2023.
- F Medford Water Commission report, received July 19, 2023.
- G Fire Department Report, received July 19, 2023.

Vicinity Map

PLANNING COMMISSION AGENDA:

AUGUST 10, 2023

August 2nd 2023

Attention: Dustin Severs (dustin.severs@cityofmedford.org)

Applicant / Agent:

Patrick C. Larson (Synergy Building Group)

Subject Findings in relationship to zone change approval criteria as defined in MLDC 10.204

Map/Taxlot - 371W21AB / TL 1200 (North Foothill Road @ East McAndrews Road

Acreage: .69

Current Zoning: SFR-00

Proposed Zoning: SFR-4

File Number: ZC-23-187

(Foothill Cottage Cluster Development)

As it relates to Zone Change Approval Criteria:

(1): As it relates to the GLUP & Transportation System Plan:

It was determined by Peter T. Mackprang (Associate Traffic Engineer / City of Medford) June 12th 2023, that a Traffic Impact Analysis was not required with this particular zone change.

(2): As it relates to Facility Adequacy:

On May 5th, 2023, Alena Belz P.E. (Utilities Engineer with the City of Medford Public Works) determined via the existing sewer system data, that the addition of the proposed 6 unit cottage cluster development, would not have a negative impact on the current sewer system capacity (downstream). Therefore, she indicated that there would be no sewer restrictions placed on the property and a sewer study would not be required. Medford Water Commission (Wendy Williams P.E. Staff Engineer) also granted approval for the water utility improvement as it relates to this property / development (approx. July 13th, 2023).

(3): As it relates to the Locational Criteria:

It has been indicated that there are no locational criteria for a zone change to SFR-4

EXHIBIT 'A'

File No. 560460AM

Beginning at a 1" iron pipe from which the Northeast corner of Donation Land Claim No. 63, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, bears North 651.21 feet and East 344.16 feet; thence South 41° 25' East 334.26 feet; thence South 29° 48' 40" West, 81.81 feet; thence South 40° 27' 30" West 128.02 feet, to a 1" iron pipe on the South line of Lot 2, Block 1 PIERCE SUBDIVISION in Jackson County, Oregon, according to the official plat thereof now of record; thence North 89° 37' 20" West along the south line of said lot 99.09 feet to a 1" iron pipe; thence continue North 89° 37' 20" West 60.0 feet to the Southwest corner of Lot 2; thence North 0° 14' 20" East along the West line of said Lot 2, a distance of 417.98 feet; thence East 60.0 feet to the point of beginning.

EXCEPTING THEREFROM the following described premises: Beginning at the Southwest corner of Lot 2, Block 1, PIERCE SUBDIVISION in Jackson County, Oregon, according to the official plat thereof, now of record; thence North 0° 14' 20" East along the West line of Lot 2, a distance of 65.00 feet; thence South 89° 27' 20" East, parallel to the South line of Lot 2, a distance of 162.0 feet, more or less to the West line of the Medford Irrigation District Canal; thence South 40° 28' 20" West, along the West line of said canal to a 1" iron pin on the South line of said Lot 2; thence North 89° 37' 20" West, along the South line of said lot 99.09 feet, to a 1" iron pipe; thence continue North 89° 37' 20" West 60.0 feet to the Southwest corner of said lot and the point of beginning.

ALSO EXCEPTING THEREFROM the following: A parcel of land lying in the NE 1/4 of Section 21, Township 37 South, Range 1 West Of the Willamette Meridian, Jackson County, Oregon and being a portion of that property Described in that deed to Lone Pine Villages, LLC, a Limited Liability Company recorded January 16, 2001 as Document No. 01-01849 of the Official Records of Jackson County; the Said parcel being that portion of said property included in a strip of land variable in width, lying On the Northerly side of the center line of East McAndrews Road, which center line is described as follows:

Beginning at Engineer's center line Station 31+09.88, said station being 871.88 feet South And 822.33 feet East of the North 1/4 corner of Section 21, Township 37 South, Range 1 West of the Willamette Meridian; thence North 64°52'37" East 595.96 feet; thence along the arc of a 477.46 foot radius curve right (the long chord of which bears South 89°53'55" East 406.96 feet) 420.41 feet; thence South 64°40'27" East 531.92 feet; thence along the Arc of a 716.20 foot radius curve right (the long chord of which bears South 49°43'22" East 369.55 feet) 373.78 feet; thence South 34°46'18" East 429.19 feet; thence along the arc of a 477.46 foot radius curve left (the long chord of which bears South 61°34'48" East 430.68 feet) 446.81 feet; thence South 88°23'19" East 823.15 feet; thence along the arc of a 477.46 foot radius curve right (the long chord of which bears South 57°08'24" East 495.37 feet) 520.81 feet; thence South 25°53'30" East 1644.15 feet; thence along the arc of a 954.93 foot radius curve left (the long chord of which bears South 42°25'28" East 543.48 feet) 551.10 feet; thence South 58°57'27" East 490.87 feet to Engineer's center line Station 99+38.

The widths in feet of the strip of land above referred to are as follows:

Station to	Station	Width on Northerly Side of Center line
31+20	31+81.28	0 in a straight line to 74.33
31+81.28	35+76	74.33 in a straight line to 45

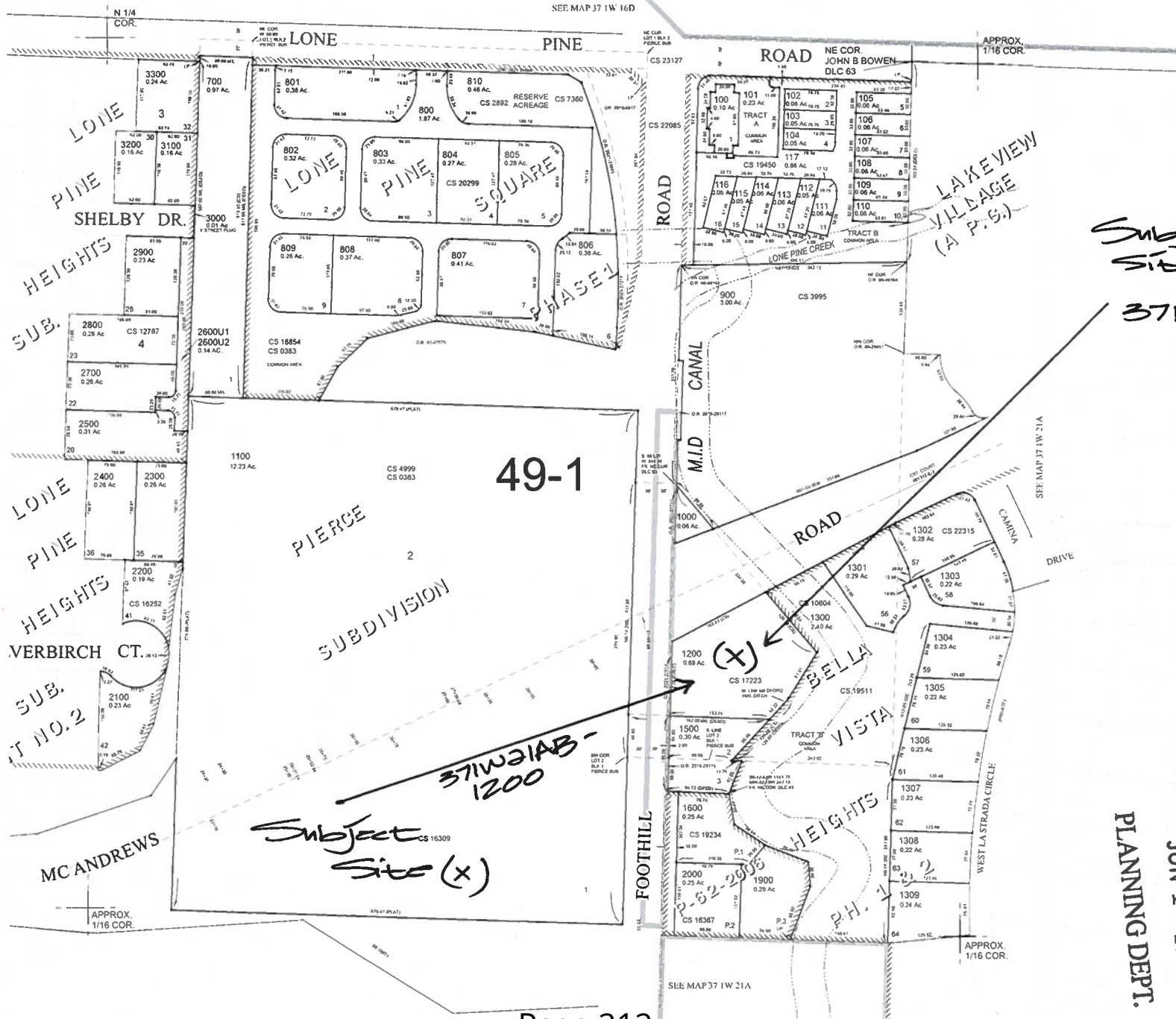
ALSO EXCEPTING THEREFROM the following: A parcel of land lying in the NE1/4 of Section 21, Township 37 South, Range 1 West Of the Willamette Meridian, Jackson County, Oregon and being a portion of that property Described in that deed to Lone Pine Villages, LLC, a Limited Liability Company recorded January 16, 2001 as Document No. 01-01849 of the Official Records of Jackson County; the Said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of East McAndrews Road, which center line is described as the following:

The widths in feet of the strip of land above referred to are as follows:

Station to	Station	Width on Southerly Side of Center Line
31+13.86	35+00	58.42 in a straight line to 40
35+00	36+00	40

ALSO EXCEPTING THEREFROM that portion dedicated to the public of the City of Medford by Stipulated General Judgment recorded June 25, 2021 as No. 2021-027717, Official Records of Jackson County, Oregon.

ALSO EXCEPTING THEREFROM any portion lying Northerly of East McAndrews Road.

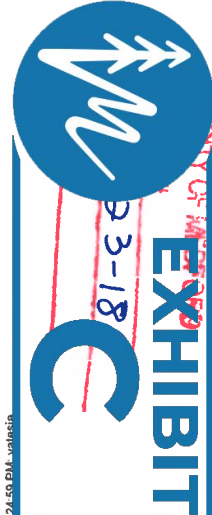


CANCELLED TAX LOT NUMB
 1400 ADDED TO 1300
 1700 ADDED TO 1300
 1800 ADDED TO 1300
 200-600 ADDED TO 800

Subject Site (x)
 371W21AB-1200

Subject Site (x)
 371W21AB-1200

RECEIVED
 JUN 12 2023
 PLANNING DEPT.



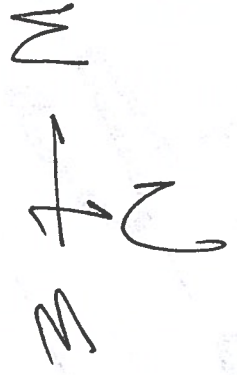
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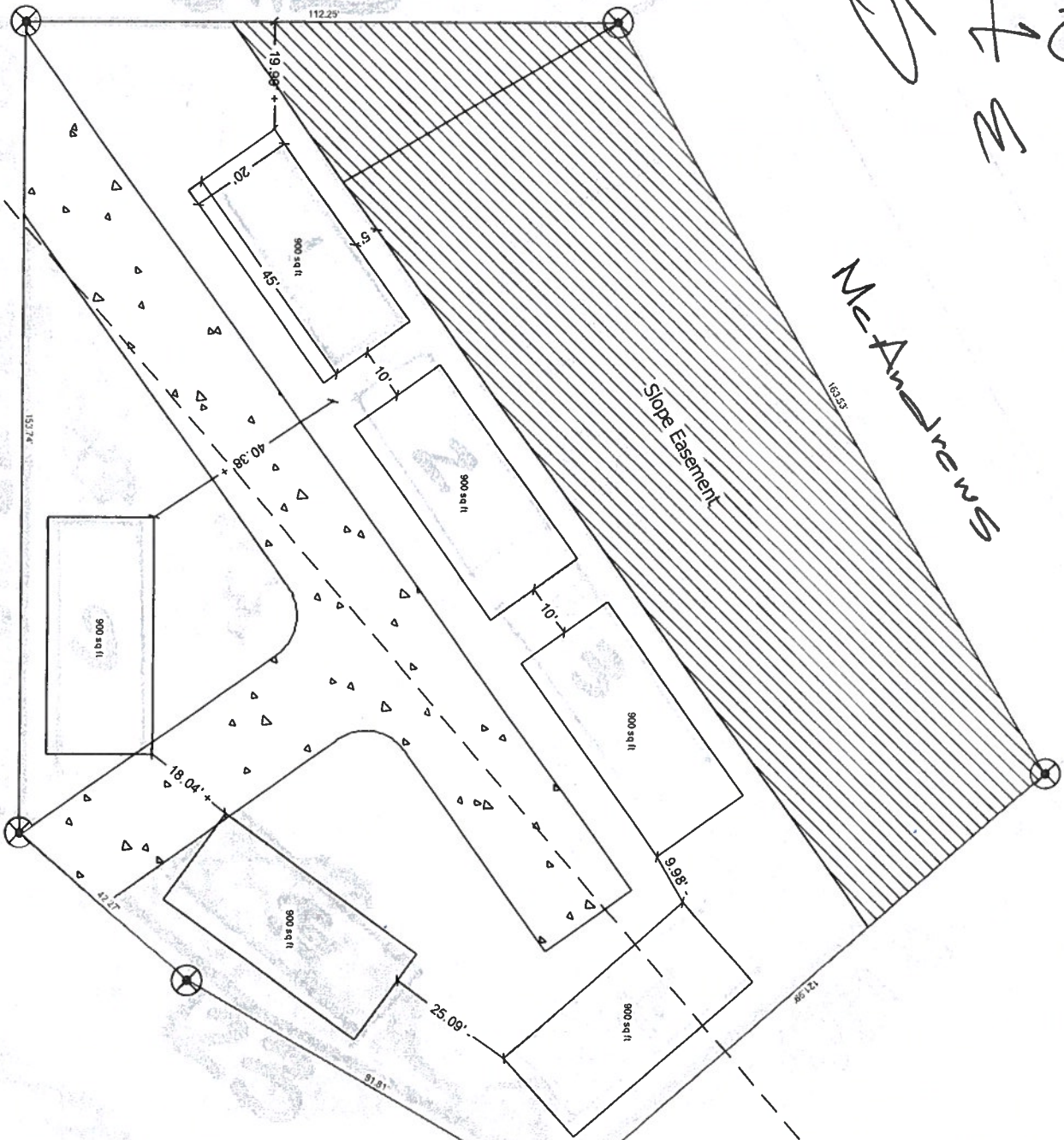
PLANNING DEPT.

Foothills



McAndrews

Slope Easement



EXHIBIT

EXHIBIT 2C

FILED

2023 JUN 12

D

FOOTHILL - COTTAGES

17



PUBLIC WORKS DEPARTMENT STAFF REPORT

North Foothill Road @ East McAndrews Road (TL 1200) Zone Change

Project: Consideration of a request for a change of zone of a single parcel, totaling approximately 0.69 acres (0.74 gross acres).

Location: The parcel is located immediately south of the E. McAndrews/N. Foothill off-ramp and is fronted by N. Foothill Road along its westerly boundary. The request is to change the zoning from SFR-00 (Single-Family Residential, one dwelling per lot) to SFR-4 (Single-Family Residential, four dwellings per gross acre) (371W21AB TL 1200).

Applicant: Applicant/Agent: Patrick Larson; Planner: Dustin Severs

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

I. Sanitary Sewer Facilities

The Medford sanitary sewer system can serve the proposed zone change.

II. Storm Drainage Facilities

Development of this property will require stormwater detention, retention, and stormwater quality facilities, which shall comply with Medford Land Development Code (MLDC) Sections 10.486 and 10.729 and the Rogue Valley Stormwater Quality Design Manual.



III. Transportation System

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

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

Prepared by: Garrett D. Knox
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.



TO: Planning Department, City of Medford

FROM: Wendy Williams, P.E., Staff Engineer (wendy.williams@medfordwater.org)

SUBJECT: ZC-23-187 Foothill Zone Change

PARCEL ID: 371W21AB1200

PROJECT: Consideration of a request for a change of zone of a single parcel, totaling approximately 0.69 acres (0.74 gross acres). The parcel is located immediately south of the E. McAndrews/N. Foothill off-ramp and is fronted by N. Foothill Road along its westerly boundary. The request is to change the zoning from SFR-00 (Single-Family Residential, one dwelling per lot) to SFR-4 (Single-Family Residential, four dwellings per gross acre). Associated files:

Agent contact: Patrick Larson (223romans1218@gmail.com)

City Planner: Dustin Severs

Associated Files: PA-23-081

MEMO DATE: 8/1/2023

LAND DEVELOPMENT COMMITTEE DATE: 7/19/2023

I have reviewed the above project application as requested. Conditions and Comments are as follows:

COMMENTS

1. Medford Water Commission (MWC) has no objection to the requested zone change.
2. For any planned changes on the property, please keep the following requirements and information in mind that all requirements listed in the LDC memo for PA-23-081 dated April 11, 2023 (attached hereto for reference) still apply.



**EXHIBIT
F**



TO: Planning Department, City of Medford

FROM: Wendy Williams, P.E., Staff Engineer (wendy.williams@medfordwater.org)

SUBJECT: PA-23-081; Synergy Cottage Cluster

PARCEL ID: 371W21AB1200; SE corner of Foothills Rd and E McAndrews Rd

PROJECT: Pre-application to discuss a proposal for a cottage cluster development on a single parcel totaling 0.69 acres, located at the corner of N. Foothill Road and the E. McAndrews / N. Foothill Road off ramp. The property is zoned SFR-00 (single-family residential, one dwelling per lot).

Agent contact: Synergy Building Group, Jon Tatos (jtatos@icloud.com)

City Planner: Dustin Severs

Associated Files: None

MEMO DATE: 4/11/2023

LAND DEVELOPMENT COMMITTEE DATE: 4/19/2023

I have reviewed the above project application as requested. Conditions and Comments are as follows:

PROJECT-SPECIFIC CONDITIONS

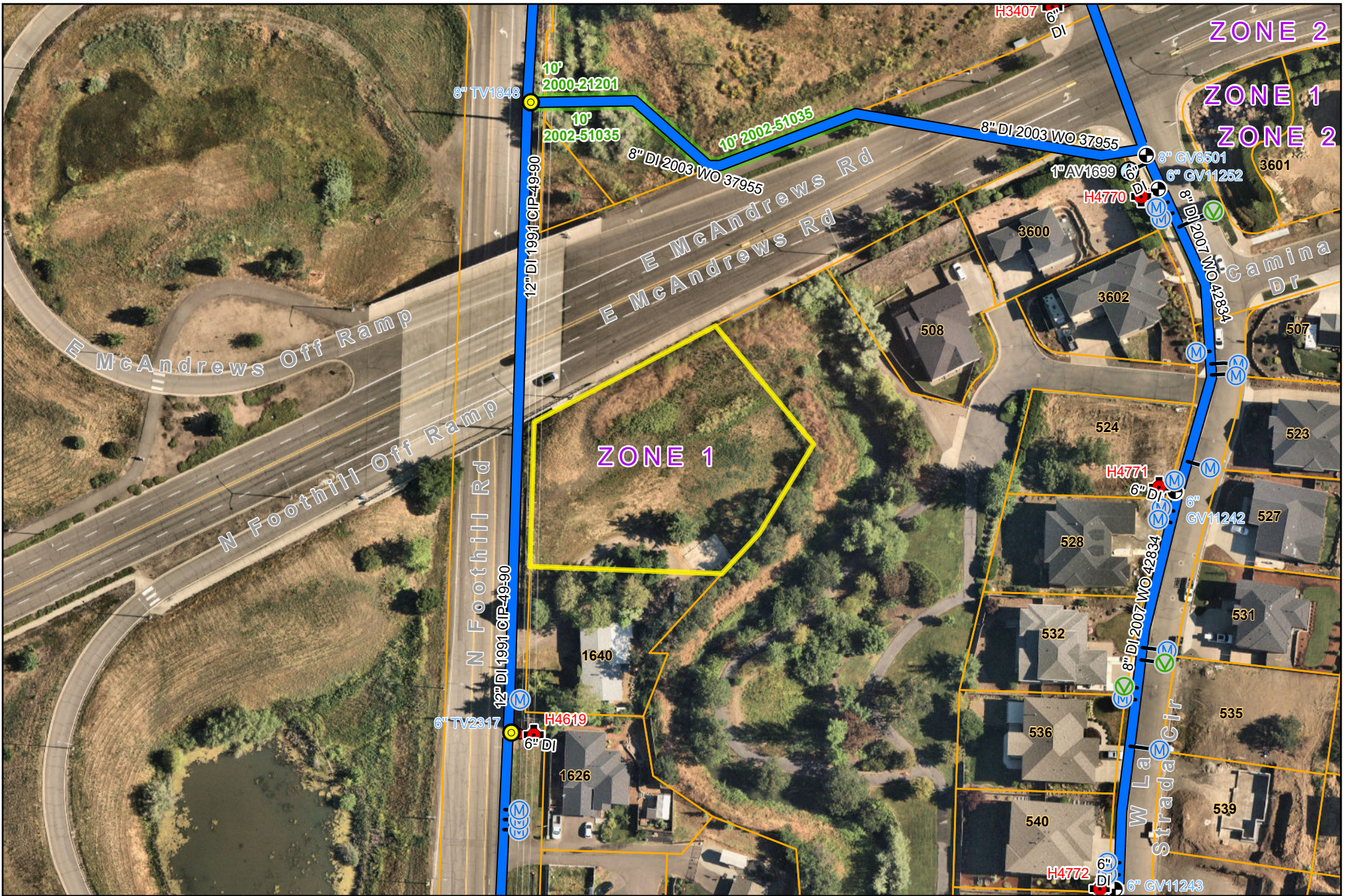
1. Construction of a Medford Water Commission (MWC) 24" main within Foothill Road will commence in June 2023. Services can be tapped from this main. Please submit a plan for this work as soon as possible to ensure that the work can be done prior to pavement installation on Foothill Road.
2. We understand and have no objection to the Owner/Developer requesting individual 5/8"x3/4" services for each unit. Such work will likely include a tap and short section of 4" main to be installed from which the multiple services would be tapped. Water meters may not be located within driveways including flares.
3. If all units will have individual services and remain on one lot (not being partitioned now), each service will require installation of an Oregon Health Authority approved backflow device for all water services (domestic, irrigation, fire). Appropriate backflow prevention devices will be verified on all new and existing services during plan review. New backflow prevention devices shall be tested by an Oregon-certified backflow assembly tester. See the Oregon Health Authority's website for list of certified testers at the following web link:
<https://www.oregon.gov/oha/PH/healthyenvironments/drinkingwater/crossconnection/pages/publiclist.aspx>.

STANDARD CONDITIONS

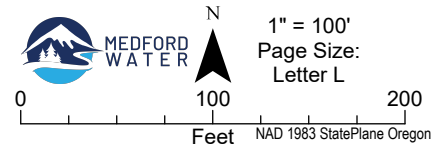
1. The water facility planning/design/construction process will be done in accordance with the current Medford Water Commission (MWC) “Regulations Governing Water Service” and “Standards for Water Facilities/Fire Protection Systems/Backflow Prevention Devices.”
2. Applicant’s plans, easement documents and other relevant documents shall be submitted directly to MWC for review at EngineeringReview@MedfordWater.org. For the best possible coordination, it is suggested that submittal to MWC occur concurrently with submittal of the utility site plans to the City of Medford.
3. The applicant’s Civil Engineer shall coordinate with MWC Engineering staff for approval of water facility plans. Expect additional comments once water construction plans are submitted. The project may be further “Conditioned” at time of future development applications.
4. Applicant’s Civil Engineer shall coordinate with MWC Engineering staff for size and location of the water meter(s) and payment of any installation and SDC fees. Please carefully consider the proposed locations for water services to ensure that adequate separation will be provided between the proposed trees and existing and proposed water facilities. Water meters may not be located within driveways, including flares.
5. Appropriate easements must be dedicated over public water main facilities (including fire services, fire hydrants, ARVs and water services/meters) which cross through or lie within private property.
6. If partitioning the lot now or in the future, note that water services (including irrigation services) may not be “shared” across property lines; each lot must have its own water service(s).
7. Hydrant locations required for firefighting will be determined by the Medford Fire Department (MFD). MWC may define additional hydrant locations required for the overall water system.

COMMENTS

1. The project is within MWC’s Zone 1 Pressure Zone.
2. When static water pressure exceeds 80 psi, the installation of Pressure Reducing Valves (PRV) is required per Uniform Plumbing Code. Pressure Reducing Valves, if necessary, shall be installed on the “private” side of the water meter as close as possible to the water meter. Please note on the plan sets the location(s) of existing or proposed PRVs.



Medford Water Facilities
 371W21AB1200





Medford Fire Department Land Development Report

Review/Project Information

Reviewed By: Fairrington, Tanner

Review Date: 07/10/2023
Meeting Date: 07/19/2023

LD File #: ZC23-00187 **Associated File #1:** PA23-00081

Planner: Dustin Severs

Applicant: Patrick Larson 223romans1218@gmail.com

Site Name: Foothill Zone Change

Project Location: Immediately south of the E. McAndrews/N. Foothill off-ramp and is fronted by N. Foothill Road along its westerly boundary

Project Description: Consideration of a request for a change of zone of a single parcel, totaling approximately 0.69 acres (0.74 gross acres). The parcel is located immediately south of the E. McAndrews/N. Foothill off-ramp and is fronted by N. Foothill Road along its westerly boundary. The request is to change the zoning from SFR-00 (Single-Family Residential, one dwelling per lot) to SFR-4 (Single-Family Residential, four dwellings per gross acre) (371W21AB TL 1200).

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments	Description
507.1	An adequate firefighting water supply shall be provided in accordance with OFC 507, Appendices B & C and Medford Municipal Code Section 7.023. - This requirement appears to be met by the existing hydrant just to the south.	Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. See Appendix D108 x201c;Uniform Alternate Construction Standard for One and Twofamily Dwellings.x201d;
OFC 503.2.1	Fire Apparatus Access shall meet the requirements of OFC 503, Appendix D and, Medford Municipal Code Chapter 10, including 10.430. An apparatus access road with a minimum clear width of 20 ft. shall be provided within 150 ft. of all portions of the property. The required clear width of 20 ft. may result in parking restrictions. A minimum required inside turning radius of 28 ft. Outside turning radius shall be a minimum of 38 ft. and a maximum of 48 ft. Alternates may be submitted for approval with supporting turning templates. - Access will be required to extend within 150 ft. of all exterior portions of each structure. Access shall be 20 ft. min. width, and 28 ft. min. inside radii shall be provided. - Easements shall be provided to meet required access, including the required paved area, shoulders, and grading	Fire apparatus access roads and fire lanes shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road or fire lane shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road or fire lane shall be constructed as asphalt, concrete or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds. (See also OFC 503.4; D102.1) The turning radius on fire department access roads and fire lanes shall meet the following Medford Fire Department requirements: Minimum Inside Turning Radius: 25 feet Minimum Outside Turning Radius: 25 feet (OFC 503.4)



Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

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JUN 12 2023

PLANNING DEPT.

W
N
S
E

McAndrews

COPTHILL - COTTAGES

CITY OF MEDFORD

File # 20-23-187

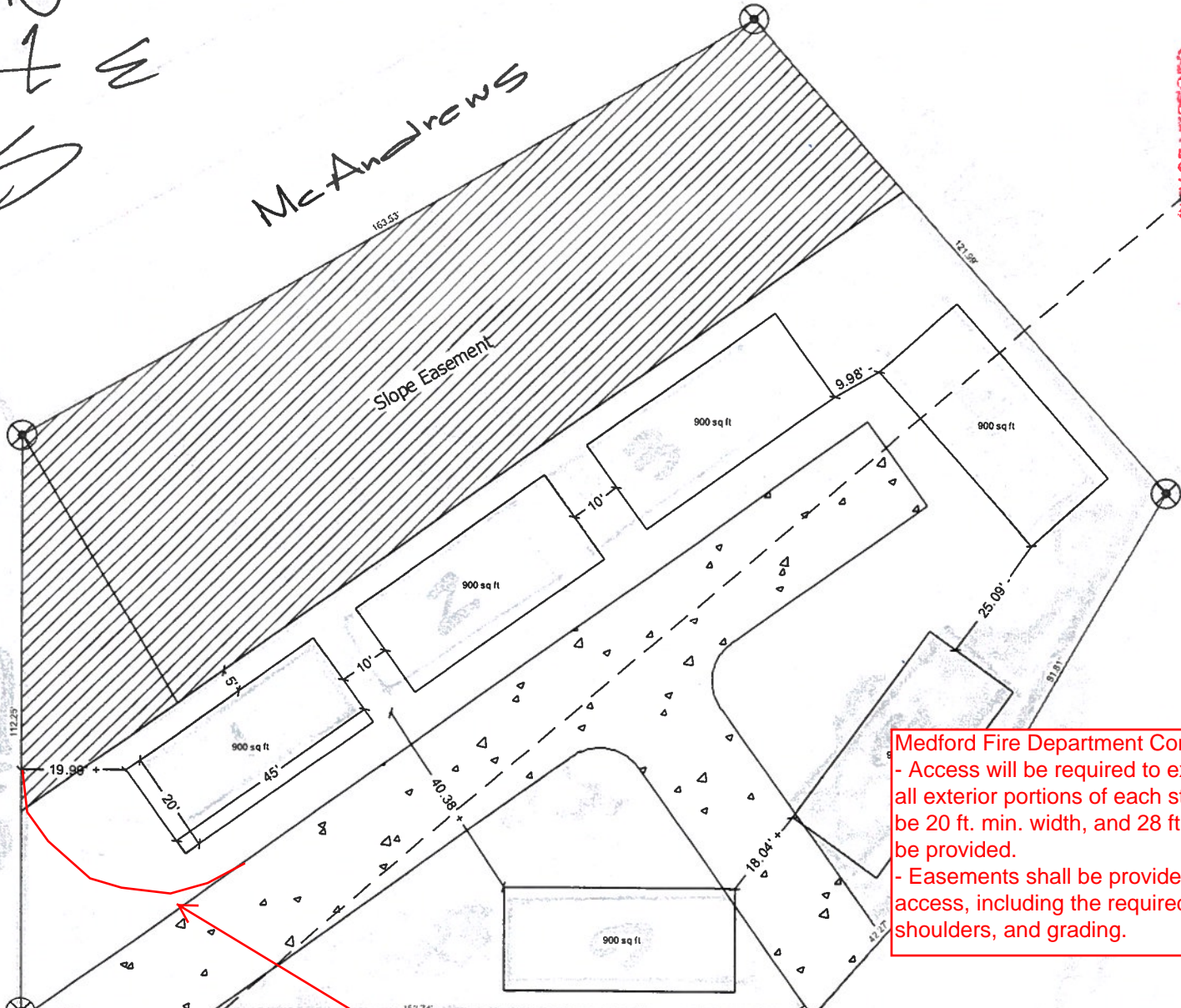
Slope Easement

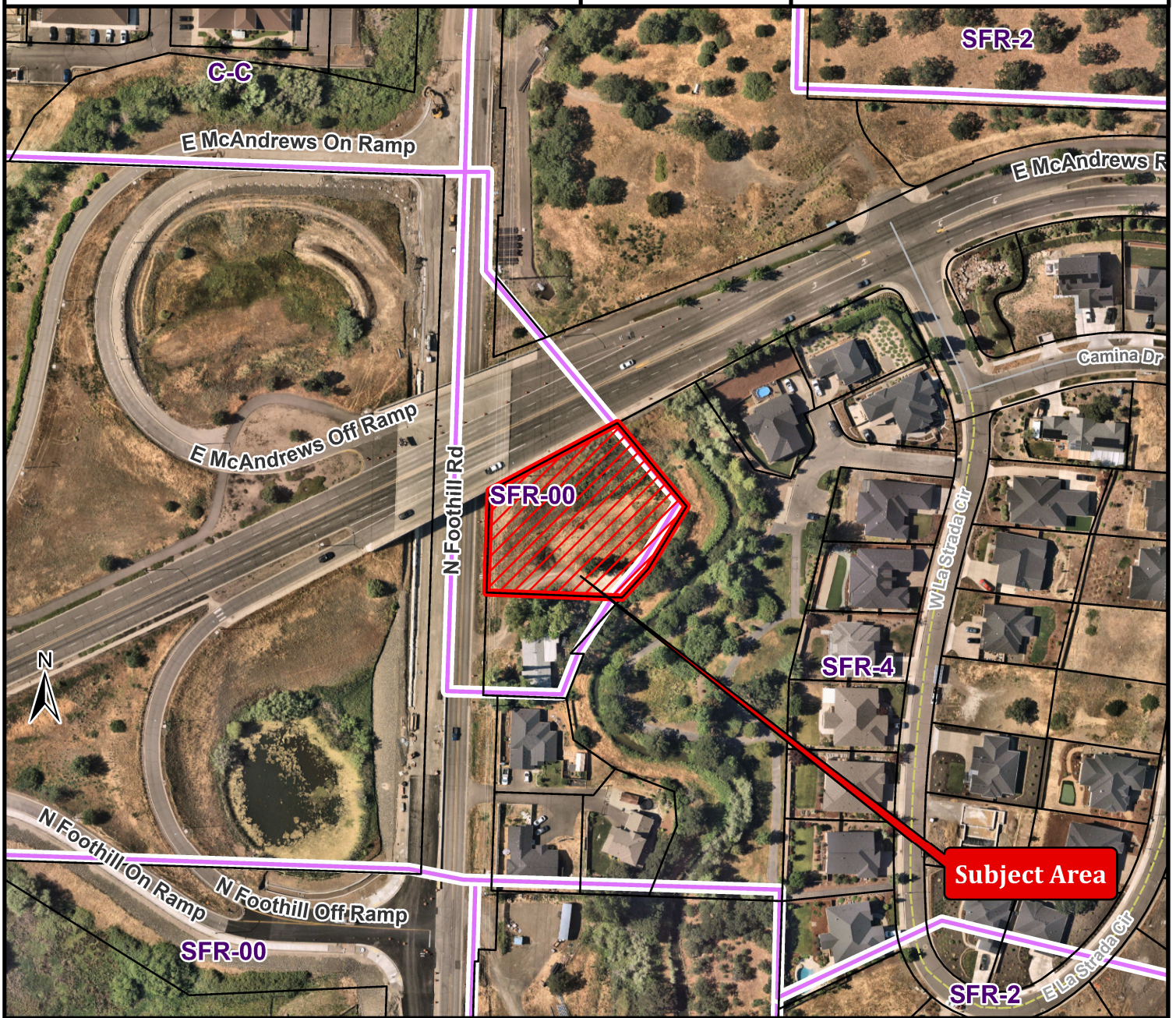
Medford Fire Department Conditions:

- Access will be required to extend within 150 ft. of all exterior portions of each structure. Access shall be 20 ft. min. width, and 28 ft. min. inside radii shall be provided.
- Easements shall be provided to meet required access, including the required paved area, shoulders, and grading.

Existing hydrant H4619 is within 600 ft.

Access to this point shall meet access requirements, including 20 ft. min clear width and 28 ft. min. inside radius, and an easement shall be provided.






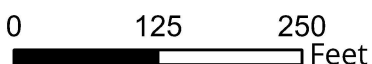


Project Name:
Synergy Building Group Zone Change to SFR-4

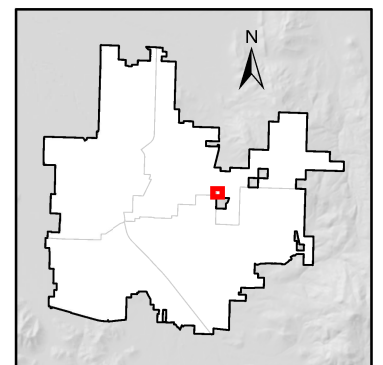
Map/Taxlot:
371W21AB TL 1200

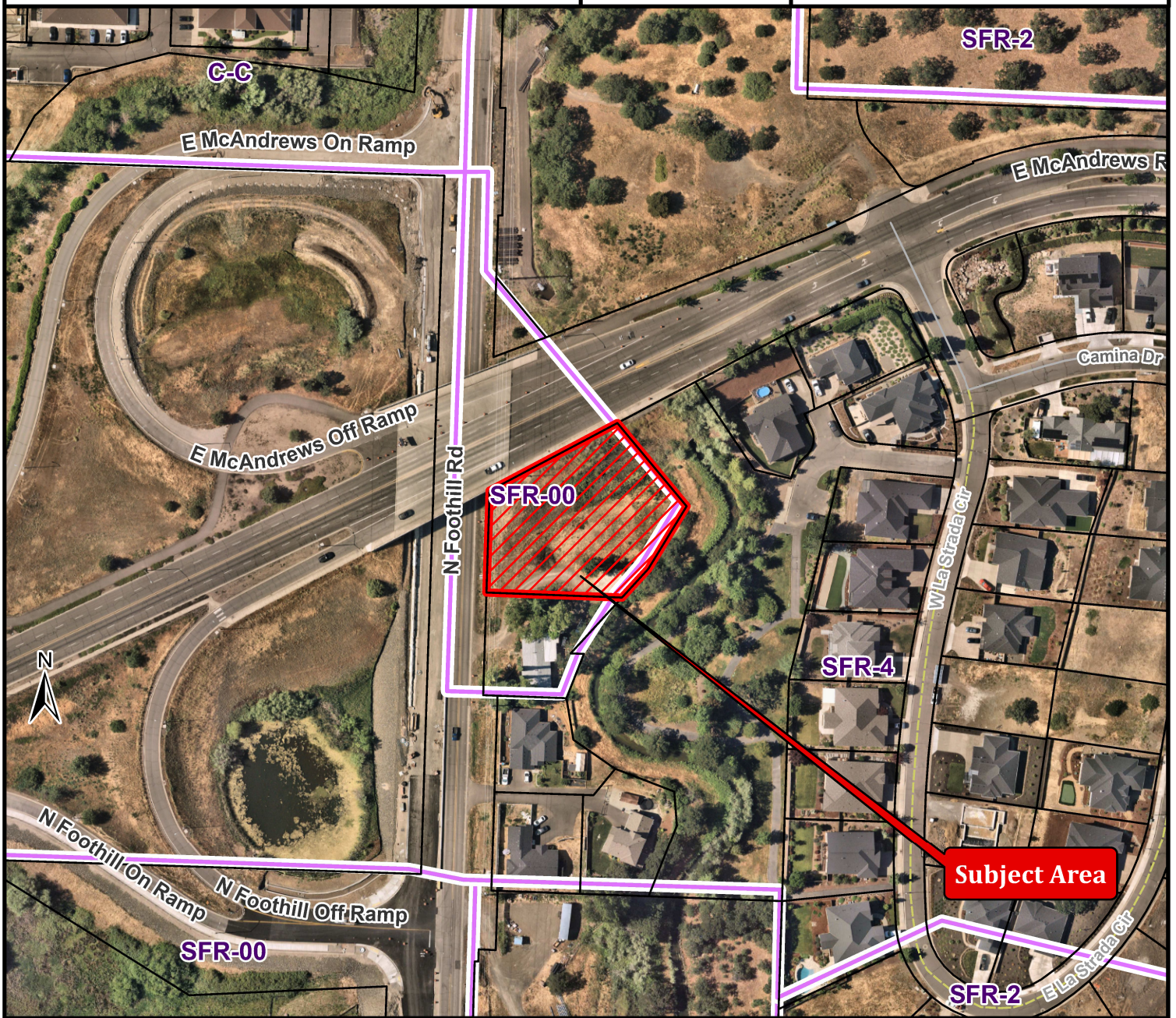
Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts



Date: 6/28/2023






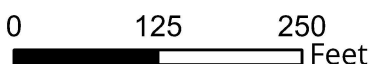


Project Name:
Synergy Building Group Zone Change to SFR-4

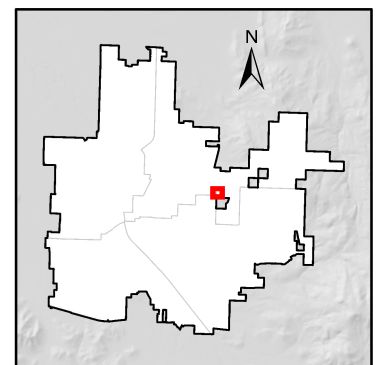
Map/Taxlot:
371W21AB TL 1200

Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts



Date: 6/28/2023





STAFF REPORT

for a Type IV legislative decision: **Development Code Amendment**

Project Cosmetology School Amendment
File no. DCA-23-207
To Planning Commission *for 8/10/2023 hearing*
From Sarah Sousa, Planner III
Reviewer Carla Angeli Paladino, Principal Planner
Date August 3, 2023

BACKGROUND

Proposal

A legislative amendment to modify Article III in Chapter 10 of the Medford Municipal Code to allow cosmetology schools in the Light Industrial zone.

History

The Medford Municipal code lists cosmetology schools in the same Standard Industrial Classification (SIC) as beauty shops (SIC 7231) and allows them in all the commercial zones but none of the industrial zones. CSA Planning provided a letter asking the City to separate cosmetology schools from the beauty shop use and continue to allow them in the commercial zones but also as conditional uses in the Light Industrial and General Industrial zones.

The Planning Commission held two study sessions to discuss the amendment. One was held on May 22, 2023 and another on July 10, 2023. The commission agreed separating these types of schools out from the beauty shop classification makes sense. However, whether to allow them in the General Industrial zone was mixed.

The Planning Commission initiated this amendment on June 8, 2023.

Approving Authority

This proposed plan authorization is a Type IV legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code Sections 10.214 and 10.218.

ANALYSIS

There are justifications for treating cosmetology schools separate from beauty shops. While the operation of a cosmetology school includes hands on training in the form of walk-in clients who receive services like haircuts and manicures, much of the time students are in sit-down classes receiving training on topics such as tools, equipment, and career development.

The letter provided by CSA Planning lists uses allowed in the Light Industrial zones that are similar to cosmetology schools or more intense in regards to traffic impacts. Such examples include vocational schools, colleges, universities, eating and drinking places, banks, real estate offices, and insurance companies.

Currently, the City allows other vocational schools in the Light Industrial zone. This includes business colleges, real estate schools, nursing schools, and trade schools. Because of this, staff supports cosmetology schools in the Light Industrial zones as a permitted use without the requirement for a conditional use permit approval.

Allowing cosmetology schools in the General Industrial zone is also a request from the applicant. The CSA Planning letter points out not all industrial locations may be suitable for a cosmetology school and a conditional use permit is a way to ensure that this type of school would operate in a manner compatible with surrounding uses.

However, the General Industrial zone may not be appropriate for cosmetology schools. Other vocational schools are not permitted in the General Industrial zone. In addition, the General Industrial zone is designated for more intense industrial uses as described in the Comprehensive Plan. It states that the General Industrial zone is "land for industrial uses in which production and processing activities involve a degree of noise, vibration, air pollution, radiation, glare, fire, and explosive hazards". Therefore, staff does not support this portion of the request to allow cosmetology schools via a conditional use permit in the General Industrial zone.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code Section 10.218. The criteria are rendered in italics; findings and conclusions in roman type.

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

10.218 (A) . Explanation of the public benefit of the amendment.

Findings

The purpose of the amendment is to provide more opportunities for locating cosmetology schools in Medford. The service industry is a main component of the City's economy and offering more areas to locate trade schools to train this workforce is beneficial to better meet the service needs of the public.

Conclusions

Trade schools, such as cosmetology schools, are beneficial uses that serve to train individuals for the service industry. Allowing cosmetology schools in more areas is in keeping with the allowance given to other trade schools.

This criterion is satisfied.

10.218 (B). The justification for the amendment with respect to the following factors:

1. *Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

The Comprehensive Plan addresses goals, policies, and implementation measures for economic growth. The following supports the amendment:

Economic Element -

Policy 1-5(f): Evaluate replacing the Standard Industrial Classification system of classifying permissible land uses with a system that emphasizes development pattern types (form based code) and/or broad land use categories.

Conclusions

While the amendment does not specifically replace the Standard Industrial Classification in place, it does address one of the oddities within the current system. Listing cosmetology schools under the beauty shop category instead of under trade schools implies the use is a service rather than a school.

The amendment will enable cosmetology schools to locate in the Light Industrial zones, where trade schools are currently already allowed by re-

classifying them in the trade school category. This serves to equalize cosmetology schools with other vocational schools.

This criterion is found to be satisfied.

2. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

Findings

The proposal was distributed to internal and external agencies for review and comment in preparation for a Land Development meeting held on August 2, 2023. Planning staff received official “no comments” from the Medford Building Department and Medford Water Commission.

Legal staff have also reviewed the proposed code language and have not brought up any concerns.

Conclusions

The proposal has been made available through the land development distribution. To date, no comments or concerns have been brought up.

This criterion is found to be satisfied.

3. *Public comments.*

Findings

As this is a citizen-initiated code amendment, a letter was submitted detailing the purpose and rationale for the amendment.

The drafted proposal was e-mailed to the Planning Department’s Proposed Code Amendment Interested Parties list which consists of local land use planners, surveyors, engineers, and other engaged citizens.

The amendment is also posted on the Planning Department’s Planning Projects webpage on the City’s website where the public can view a copy of the proposal.

Study sessions were held with the Planning Commission in May and July of 2023.

No public comments have been received yet on this proposal.

Conclusions

No public comments, other than from the applicant, have been submitted.

This criterion is found to be satisfied.

4. *Applicable governmental agreements.*

Findings

There are no known governmental agreements that relate to this amendment.

Conclusions

This criterion is found to be not applicable as no known governmental agreements are impacted by this proposal.

RECOMMENDED ACTION

Based upon the findings and conclusions that all the approval criteria are either satisfied or not applicable, forward a favorable recommendation for adoption of DCA-23-207 to the City Council per the staff report dated August 3, 2023, including Exhibits A through D.

EXHIBITS

- A Proposed amendment
- B Letter submitted by CSA Planning received March 20, 2023
- C Planning Commission Study Session Minutes Excerpt for May 22, 2023
- D Planning Commission Study Session Minutes for July 10, 2023

PLANNING COMMISSION AGENDA: AUGUST 10, 2023

Cosmetology School Amendment (DCA-23-207)

(Blue lettering = proposed addition / Red strikethrough = words to be removed)

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

(1) The uses allowed within each commercial and industrial zoning district are based on the Standard Industrial Classification (SIC) Manual, 1987 Edition. This chapter classifies uses by Industry Group Number (3 digits) of the SIC Manual. When necessary to resolve any ambiguity in defining a use classification as per this chapter the Industry Number (4 digit) classification contained in the SIC Manual shall be used as the acceptable reference source.

(2) There are six classifications in the following tables that do not appear in the SIC Manual; "Business Offices," (001); Parks, Recreation, and Leisure Facilities" (002); "Marijuana-related businesses" (003); "Psilocybin-related business" (004); "Severe Event Shelters" (005), and "Dwelling Units" (881). "Dwelling Units" is in the Services group, but this is not intended to suggest any relationship to the SIC classification scheme. In this context the use classification "Dwelling Units" includes housing types that are allowed in the MFR-30 zoning district.

(3) All uses have been identified by zoning district as either permitted, permitted subject to special use standards, conditional, or not permitted.

"P" = Permitted Uses.

"Ps"=Special Use (see Special Use Regulations).

"C"=Conditional uses - permitted subject to approval of a Conditional Use Permit.

"Cs"=Conditional uses permitted subject to approval of a Conditional Use Permit and the applicable Special Use Regulations.

"X"=Uses specifically prohibited.

"*"=Permitted when within an EA overlay district.

nec = not elsewhere classified

72PERSONAL SERVICES. This major group includes establishments primarily engaged in providing services generally to individuals.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
721	Laundry, Cleaning, & Garment Services	P	P	P	P	P	X	X	X
722	Photographic Studios, Portrait	P	P	P	P	P	X	X	X
723	Beauty Shops For cosmetology schools see 824	P	P	P	P	P	X	X	X
724	Barber Shops	P	P	P	P	P	X	X	X
725	Shoe Repair Shops and Shoeshine Parlors	P	P	P	P	P	X	X	X
726	Funeral Service and Crematories	X	X	Ps	Ps	Ps	Ps	X	X
729	Misc. Personal Services	P	P	P	P	P	X	X	X

The special use reference for funeral service and crematories corresponds with special use section 10.815.

82EDUCATIONAL SERVICES. This major group includes establishments furnishing formal academic or technical courses, correspondence schools, commercial and trade schools, and libraries, but not including job training.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
821	Elementary and Secondary Schools	C	C	C	C	C	X	X	X
822	Colleges and Universities	P	P	P	p	P	P	X	X
823	Libraries	P	P	P	P	P	P	X	X
824	Vocational Schools	P	P	P	P	P	P	X	X
	Cosmetology Schools	P	P	P	P	P	P	X	X
829	Schools & Educational Services, nec	P	P	P	P	P	P	X	X

The special use reference for funeral service and crematories corresponds with special use section 10.815.



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Jay@CSAplanning.net

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MAR 20 2023

PLANNING DEPT.

March 20, 2023

City of Medford Planning Commission
411 W 8th Street
Medford, Oregon 97501

RE: Land Development Code Use Table Amendment

Request

CSA is writing to the Planning Commission on behalf of a client with a request that the Planning Commission consider initiating a Major Type IV Amendment to the Medford Land Development Code.

Although considered a Major Amendment, the sought after change is relatively narrow. The specific request is to add a separate use classification to MLDC Chapter 10.337 list of allowed uses. Specifically, we request the following changes:

- Add Cosmetology School as a separate outright permitted use in the C-S/P, C-N, C-C, C-R, and C-H zones (matching the existing regulations applied to Beauty Shops) and as a Conditional Use in the I-L and I-G zones.

Analysis

Presently, the City uses the Standard Industrial Classification ("SIC") system for defining uses. SIC was originally developed by the US government in the 1930s in order to classify and analyze economic activities. The system was last updated by the government in 1987. Rapid changes in technology and an emphasis in the modern economy on services have left the code unresponsive. The North American Industry Classification System ("NAICS") has generally replaced the SIC system throughout the statistical agencies in United States, and for good reason. In 1997, the federal Office of Management and Budget published a notice¹ announcing the decision to move all statistical agencies from SIC to NAICS. NAICS was justified as the first classification system using the "principle that producing units that use similar production processes should be grouped together in the classification."

The treatment of Cosmetology schools is a good example of how SIC and NAICS differ. The NAICS system classifies Cosmetology schools under the education sector, similar to other vocational schools. In the SIC system, Cosmetology schools are lumped together as a use with "Beauty Shops", as found at SIC Code 723. Although Cosmetology schools do include hands on training in the form of haircuts for walk-in customers, they are *primarily* educational establishments that are intended to provide career training.

For example, the curriculum for Phagan's Beauty School includes classes on anatomy, microbiology, tools and equipment, chemistry, regulations, and career development among other topics. Under the City's code, Vocational Schools are outright permitted in the I-L zone. If Cosmetology schools had been lumped under this classification, instead of Beauty Shops, then they would already be allowed in an industrial zone.

Cosmetology schools as a vocational school is reflected in state regulation. For example, Oregon Revised Statute Chapter 345 - Career Schools includes regulation for Cosmetology schools in addition to other vocational schools. A list of licensed private

¹ https://www.census.gov/naics/federal_register_notices/notices/fr09ap97.pdf



career school regulated by the state includes cosmetology schools along with welding, trucking, and numerous other professions².

It is therefore reasonable to conclude that, even though they do have some similar operational aspects to "Beauty Shops" as broadly defined, Cosmetology schools operate in a distinct enough manner as to warrant a separate definition in Medford's use table.

Compatibility of Use

We believe that it would be correct to add Cosmetology schools as an outright permitted use in commercial zones, which is consistent with how the use is currently regulated as a sub use of Beauty Shops. In addition, we would request that the use table add Cosmetology Schools as a conditional use in the I-L and I-G zones.

Given the operational profile, it would be expected that the primary impacts of a Cosmetology school would be traffic from walk-in customers and odor from the chemicals used for perms, bleach, nails, and cleansing agents. The odors can be significant and may require special ventilation systems. Interestingly, some existing industrial buildings have ventilation better suited to handle these issues than many commercial buildings.

There are numerous uses in industrial zones that have traffic impacts that may be similar to or more intense than that of Cosmetology school and several that are directly related to retail uses or walk-in customers. For example, the following is a non-exhaustive list of non industrial uses permitted in the I-L Zone:

- Vocational Schools
- Colleges and Universities
- Libraries
- Business Offices (with no material or equipment storage)
- Small Animal Clinics, Non-Livestock
- New and Used Car Dealers
- Eating and Drinking Places (limited to 6,000 square feet)
- Non-store Retailers
- Commercial Banks and Credit Unions (limited to 3,500 square feet)
- Mortgage Bankers and Brokers
- Insurance Agents, Brokers, & Service
- Real Estate Agents and Managers

The I-G zone has a more limited number of non-industrial uses, but they do include uses such as Eating and Drinking Places (similarly limited to 6,000 square feet), Fueling Stations, Temporary Food Vendors, and Job Training and Vocational Rehabilitation Services (with a Conditional Use Permit).

According to the 11th edition of the ITE traffic generation manual, a fast casual restaurant is expected to generate approximately 18.5 trips per 1,000 square feet at its PM peak hour. A beauty salon, which would be likely more intense than a cosmetology school, is expected to generate approximately 2 trips per 1,000 square feet for its PM peak hour. Put another way, a ~9,000 square foot cosmetology school is expected to generate about the same amount of traffic for its respective PM peak hour as a 1,000 square foot fast casual restaurant in its respective PM peak hour.

Odors are typically expected in any industrial zone, as they are often integral to industrial processes. For example, ammonia has a pungent odor and is often used for industrial refrigeration uses. Paints, solvents, cleaners, fuels, and adhesives all can contribute to odors and can be used in practically all industrial uses, from light industrial uses such as food production or specialty trades to heavier uses such as pulp mills or chemical production. When it comes to odors, a Cosmetology school may be more appropriate in an industrial zone than a typical commercial use in a commercial zone.

² <https://www.oregon.gov/highered/institutions-programs/private/Pages/PCS-licensed.aspx>



Under MLDC, a conditional use must either demonstrate that the proposal will cause "no significant adverse impact on the livability, value, or appropriate development" of abutting properties and surrounding areas when compared to uses permitted without a CUP or be of sufficient public interest that adverse impacts are balanced by the benefits of the proposal.

While we acknowledge that not all locations in the I-L and I-G zones may be appropriate for a Cosmetology school, the use of a CUP is a responsible approach to ensure compatibility with the surrounding area. Considering the gamut of uses and impacts already allowed in the I-L and I-G zones, it appears reasonable that placing a Cosmetology school in an industrial zone subject to a Conditional Use Permit is a suitable regulatory pathway. This would provide a level of oversight and regulation that ensures that a proposed Cosmetology school operates in a manner that is compatible with the surrounding uses.

We believe that updating the use table to include Cosmetology schools described herein above would provide value to the community and that the proposed regulatory mechanism is sufficient to ensure compatibility.

Therefore, we respectfully request that the Planning Commission initiate the proposed land use code amendment.

Very Truly Yours,

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'Jay Harland', is written over a horizontal line.

Jay Harland
President

cc. File

May 22, 2023
12:00 p.m.

Virtual via Zoom and In-Person

The regular study session of the Planning Commission was called to order at 12:00 p.m. via Zoom and an In-Person meeting on the above date with the following members and staff present:

Chair Mark McKechnie, Vice-Chair David Culbertson, Commissioners Rachel Bennett, Bill Mansfield, Jared Pulver, John Quinn, Jeff Thomas (arrived at 12:14 p.m.); Assistant Planning Director Kelly Akin, City Attorney Eric Mitton, Principal Planner Carla Angeli Paladino, Planner III Sarah Sousa, CFM Planner III Liz Hamblin. Commissioners Larry Beskow and EJ McManus were absent.

20.1 GF-23-156 Cosmetology School Amendment (see PowerPoint Presentation)

Planner III Sarah Sousa reported staff is seeking direction and discussion on a potential code revision to allow cosmetology schools in the industrial zones.

CSA Planning Ltd. is requesting the Planning Commission consider initiating a code amendment on behalf of a client. The request is to separate the cosmetology school classification out from beauty shops. Allow cosmetology schools in all commercial zones and as conditional uses in the I-L and I-G zones.

Cosmetology schools operate differently from beauty salons. Cosmetology schools have similar or greater impacts in I-L to existing allowed uses. Vocational schools are allowed in I-L zones.

Options for consideration: Option #1 – Keep the cosmetology use in its current category; Option #2 – Separate the cosmetology school into a separate category and allow them as conditional uses in I-L and I-G; Option #3 – Separate the cosmetology school use into a separate category under the vocational school classification and allow them in the Light Industrial zone; and Option #4 – Separate the cosmetology school into a separate category under the vocational school classification and allow them in the Light Industrial zone outright, but through a conditional use process in the General Industrial zone. This option also includes the allowance of other vocational schools in the General Industrial zone through a conditional use permit.

Vice-Chair Culbertson thinks the best way is to separate the cosmetology school use into a separate category and allow them as conditional uses in the I-L and I-G zones.

Commissioner Quinn agrees with cosmetology school use into a separate category and allow them as conditional uses in the I-L and I-G zones and the same for vocational schools.

Commissioner Pulver agrees with Vice-Chair Culbertson, but vocational schools have a broad reach and is nervous going down that path without knowing what they are really talking about. He would not be inclined to do anything on that. He thinks out-right permitting cosmetology schools in I-L is fine. He is not in favor of adding it to I-G conditional or not. It seems conditional use permits are being used more and more and exposes the City for disputes in terms of how the Planning Commission justifies its decisions.

Commissioner Bennett agrees with Commission Pulver and Option #3 is her preference.

It seems to Chair McKechnie that cosmetology schools are more like vocational schools than beauty salons. It should be treated the same as vocational schools.

Jay Harland, CSA Planning Ltd., commented that hearing from the Commissioners there seems to be issues with the code amendment and process. He and his client will work those issues out. There are ideas of hybrid approaches that make sense. He disagrees that this use is inappropriate for an industrial area.

Chair McKechnie agreed to move this forward to the next Planning Commission meeting for initiation.

July 10, 2023

12:00 p.m.

Virtual via Zoom and In-Person

The regular study session of the Planning Commission was called to order at 12:00 p.m. via Zoom and an In-Person meeting on the above date with the following members and staff present:

Chair Mark McKechnie, Vice-Chair David Culbertson, Commissioners Bill Mansfield, EJ McManus; Jared Pulver, John Quinn, Jeff Thomas; Assistant Planning Director Kelly Akin, Deputy City Attorney Katie Zerkel, Principal Planner Carla Angeli Paladino, Planner III Sarah Sousa, and guest Jay Harland. Commissioners Rachel Bennett and Larry Beskow were absent.

20.1 DCA-23-207 Cosmetology School Amendment (see PowerPoint Presentation)

Planner III Sarah Sousa reported staff is seeking direction and discussion on a code revision to allow cosmetology schools in the industrial zones (I-L and I-G).

CSA Planning Ltd. is requesting the Planning Commission consider a code amendment on behalf of a client. The request is to separate the cosmetology school classification out from beauty shops. Allow cosmetology schools in all commercial zones and as conditional uses in the I-L and I-G zones.

The Planning Commission discussed this at their study session on May 22, 2023, and initiated the amendment on June 8, 2023.

Cosmetology schools operate differently from beauty salons. Cosmetology schools have similar or greater impacts in I-L to existing allowed uses. Vocational schools are allowed in I-L zones.

Options for consideration: Option #1 – Separate the cosmetology school use into a separate category under the vocational school classification and allow them in the Light Industrial zone (not permitting it in I-G). Cosmetology schools have similar impacts to uses already allowed in Light Industrial zones. Vocational schools allowed in I-L (this includes business colleges, real estate schools nursing schools, and other trade schools). Option #2 – Separate the cosmetology school into a separate category under the vocational school classification and allow them in the Light Industrial zone outright, but through a conditional use process in the General Industrial zone. This option also includes the allowance of other vocational schools in the General Industrial zone through a conditional use permit. A Conditional Use Permit could help to mitigate impacts to surrounding uses. Job training and vocational rehabilitation services is currently allowed through a Conditional Use Permit in the General Industrial zones.

An email was sent to staff from Commissioner Rachel Bennett stating her preference as Option #1.

Commissioner Quinn thinks cosmetology schools are different than vocational schools and supports separating them. He does not have strong feelings whether they should or should not be in I-G zones. He would like to keep the fumes from cosmetology schools in mind moving forward.

Commissioner Pulver is leaning towards Option #1. Parking would be based on the use. These types of schools would have a high demand of parking at certain times. He could see a nonconforming use in an I-G setting versus an I-L setting.

Vice-Chair Culbertson echoes the same sentiments as Commissioner Quinn. He understands mechanical states there is supposed to be no fumes and ventilated. There needs to be protection in place for Code Enforcement to take action on the correct ventilation.

Chair McKechnie does not have a problem with the Conditional Use Permit, but he cannot imagine that a vocational school would have mitigating impacts for other uses.

Jay Harland, CSA Planning Ltd., commented that the odor issue would be why those types of uses would be in industrial zones. He likes the Conditional Use Permit in I-G because parking would be scrutinized more than a permitted use.

Commissioner Mansfield has no additional comments.

Commissioners Pulver and Bennett prefer Option #1 Chair McKechnie, Commissioner Quinn, and Vice-Chair Culbertson prefer Option #2. Commissioner Mansfield wanted to know what staff's recommendation. Ms. Paladino wanted to discuss this more with Matt Brinkley, Planning Director, but they lean more towards Option #1.

Kelly Akin, Assistant Planning Director reported that marijuana uses are allowed with special standards and not a Conditional Use Permit. It does not make sense to her to allow vocational schools under a Conditional Use Permit. She is not sure they belong in I-G. She leans towards Option #1.

Commissioners McManus and Thomas prefer Option #2.

This will go before the Planning Commission on August 10, 2023.

Tomorrow evening is the first parking evaluation meeting at 6:00 p.m. in the EOC Room 275, second floor of City Hall.

There being no further business, this study session adjourned at 12:22 p.m.

The City Recorder maintains a record of these proceedings with the agenda, minutes and documentation associated with this meeting.

Terri L. Richards
Recording Secretary