



## Medford City Council Meeting

# Revised Agenda

**November 19, 2015**

**12:00 Noon & 7:00 p.m.**

**Medford City Hall, Council Chambers  
411 West Eighth Street, Medford, Oregon**

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### 10. Roll Call

Employee Recognition

### 20. Approval or Correction of the Minutes of the November 12 Regular Meeting

### 30. Oral Requests and Communications from the Audience

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

### 40. Consent Calendar

### 50. Items Removed from Consent Calendar

### 60. Ordinances and Resolutions

60.1 COUNCIL BILL 2015-117 An ordinance amending sections 8.801, 8.802, 8.803, 8.804, 8.805, 8.806, 8.807, and 8.812 of the Medford Code pertaining to transient lodging tax.

60.2 COUNCIL BILL 2015-120 An ordinance authorizing the City's participation in the National Cooperative Purchasing Alliance.

60.3 COUNCIL BILL 2015-121 A resolution initiating annexation to the City of Medford of an approximate 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single Family Residential 00 (SFR-00), and withdrawal of said property from Medford Rural Fire Protection District No. 2, effective pursuant to state law. (A-15-096)

60.4 COUNCIL BILL 2015-106 SECOND READING – An ordinance amending the contract with Ogden Roemer Wilkerson Architecture pertaining to redesign services of Fire Stations #2, and #4 in an amount not to exceed \$136,500.

60.5 COUNCIL BILL 2015-125 An ordinance amending the existing Construction Manager/General Contractor (CMGC) contract with Adroit Construction, Inc. and acceptance of a Guaranteed Maximum Price (GMP) of \$7,422,499.82 for the construction of Fire Stations #2 and #4.

60.6 COUNCIL BILL 2015-119 SECOND READING – An ordinance replacing sections 5.650 and 5.654 of the Medford Code pertaining to control of recreational and medical marijuana.

### 70. Council Business

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**80. City Manager and Other Staff Reports**

- 80.1 Travel Medford update by Annie Jenkins
- 80.2 Freshwater Trust Temperature Trading by Cory Crebbin
- 80.3 Quarterly Financial Report by Alison Chan
- 80.4 Further reports from City Manager

**90. Propositions and Remarks from the Mayor and Councilmembers**

- 90.1 Proclamations issued:  
Small Business Saturday – November 28, 2015
- 90.2 Further Council committee reports
- 90.3 Further remarks from Mayor and Councilmembers

**100. Adjournment to the Evening Session**

**EVENING SESSION**  
**7:00 P.M.**

**Roll Call**

**110. Oral Requests and Communications from the Audience**

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

- 110.1 Police Officer Recognition
- 110.2 Oregon Stewardship

**120. Public Hearings**

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

- 120.1 CONTINUED. Consideration of a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements. (CP-14-114)
- 120.2 COUNCIL BILL 2015-122 An ordinance vacating unimproved portions of Farmington Avenue and Normil Terrace within the southerly portion of Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road. (SV-15-101) (Land Use, Quasi-Judicial)

- 120.3 Consideration of an appeal of the Site Plan and Architectural Commission determination that it lacked jurisdiction to hear the request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. (AC-15-013) (Land Use, Appeal)
- 120.4 COUNCIL BILL 2015-123 An ordinance amending sections 10.012, 10.184, 10.713, 10.743, and 10.746 of the Medford Code pertaining to housing types, parking standards, criteria, and definitions. DCA-15-103 (Legislative)

**130. Ordinances and Resolutions**

**140. Council Business**

**150. Further Reports from the City Manager and Staff**

**160. Propositions and Remarks from the Mayor and Councilmembers**

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

**170. Adjournment**



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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**DEPARTMENT:** Finance

**PHONE:** (541) 774-2030

**STAFF CONTACT:** Alison Chan, Finance Director

**AGENDA SECTION:** Ordinances and Resolutions

**MEETING DATE:** November 19, 2015

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## **COUNCIL BILL 2015-117**

An ordinance amending Sections 8.801, 8.802, 8.803, 8.804, 8.805, 8.806, 8.807, and 8.812 of the Medford Code pertaining to transient lodging tax.

## **ISSUE STATEMENT & SUMMARY:**

Changes to Chapter 8 of the Medford City Code as it pertains to Transient Lodging Taxes (TLT) are being proposed. There are many changes but they are a result of only three issues. The first issue is to add a grace period of five days between the due date and when penalties are assessed.

The second issue is recognition of Online Travel Companies (OTCs). With the changing market place the City of Medford code needs to be updated to reflect OTC transactions and clarify TLT collection responsibility.

The third issue is changing the City of Medford's definitions, exemptions and procedures to mirror the State of Oregon rules for Transient Lodging Tax in order to simplify compliance for operators. Once these changes are approved, the City will modify the monthly forms to be very similar in format to the State of Oregon TLT forms.

## **BACKGROUND:**

Several months ago a hotel was assessed penalties for late filing and payment of their monthly TLT. The hotel requested a waiver of the penalties. Council discussion resulted in a request that a five day grace period be added to the code. The code language presented today has the five day grace period.

Since July, 2015 staff has been working with Online Travel Companies (OTCs) to educate them on the City processes for TLT compliance. The City code needs to be updated to include OTC transactions and clarify TLT collection responsibility.

And finally, the State of Oregon enacted a state TLT of 1% that operators were required to collect. In order to facilitate the operator's compliance, the City of Medford is proposing to change its code to mirror the state requirement.

### **A. Council Action History**

Study sessions held on September 17 and October 22, 2015

### **B. Analysis**

Currently TLT returns are assessed penalties if they are not received on the last business day of the month. Proposed code changes would not change the due date but would add a five day grace period before penalties are assessed. Additional proposed code language recognizes OTCs and their responsibility to collect TLT. And finally, proposed code changes are to make the City of Medford definitions, exemptions and procedures mirror the State of Oregon in order to simplify compliance for the operators.

### **C. Financial and/or Resource Considerations**

None



**CITY OF MEDFORD  
AGENDA ITEM COMMENTARY**

Item No: 60.1

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**D. Timing Issues**  
None

**STRATEGIC PLAN:**

Theme: Responsive Leadership

Goal 12: Ensure financial stewardship and long-term municipal financial stability for City services, assets and facilities.

**COUNCIL OPTIONS:**

Approve the ordinance.

Modify the ordinance.

Deny the ordinance.

**STAFF RECOMMENDATIONS:**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION:**

I move approval of the ordinance modifying chapter 8 of the Medford City Code.

**EXHIBITS:**

Ordinance

ORDINANCE NO. 2015-117

AN ORDINANCE amending sections 8.801, 8.802, 8.803, 8.804, 8.805, 8.806, 8.807, and 8.812, of the Medford Code pertaining to transient lodging tax.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 8.801 of the Medford Code is amended to read as follows:

8.801 Definitions.

Except where the context otherwise requires, the following definitions govern the construction of this ordinance.

(1) ~~"Hotel" means any structure, or any portion of any structure which is occupied or intended or designed for transient occupancy for twenty seven (27) days or less, for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, space in mobile home or trailer parks, or similar structure or portions thereof so occupied, provided such occupancy is for twenty seven days or less.~~

**"Transient Lodging" means:**

**(a) Hotel, motel and inn dwelling units that are used for temporary overnight human occupancy;**

**(b) Spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or**

**(c) Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy.**

(2) "City Council" means the City Council of the City of Medford, Oregon.

(3) "Occupancy" means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any ~~room or rooms in a hotel, or space in a mobile home or trailer park or portion thereof~~ **transient lodging.**

(4) "Operator" means **a person that furnishes transient lodging** ~~the person who is proprietor of the hotel in any capacity.~~ Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this ordinance and shall have the same duties and liabilities as his principal. Compliance with the provisions of this ordinance by either the principal or managing agent shall be considered to be compliance by both. **Operator herein shall also include a Transient Lodging Tax Collector as defined by state law and transient lodging intermediary.**

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(8) "Rent" means the ~~consideration charged,~~ **total retail price, including all charges other than taxes, rendered for the sale, service or furnishing of transient lodging** whether or not received by the operator, for the occupancy of **transient lodging** ~~space in a hotel~~ valued in money, goods, labor,

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credits, property, or other consideration valued in money, without any deduction.

(9) "Rent package plan" means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this ordinance shall be the same charge made for rent when consideration is not a part of a package plan. **This concept is intended to follow state law regarding services included in the fee for purposes of determining the total retail price.**

**Example taken from State of Oregon Administrative Rules 150-320-305**

**Example 1: The ABC Bed and Breakfast charges \$100 per night for a room. Guests are provided a breakfast that is included in the per-night fee. Guests may also have lunch or dinner at ABC and may charge the cost of these meals to their room. ABC will collect tax on \$100 per night because the breakfast is included in the room fee. The tax does not apply to any charges for optional meals purchased by ABC's guests.**

**Example 2: The High Mountain Resort offers winter lodging packages for customers. Customers can purchase a weekend package that includes two nights lodging and two ski lift tickets for a nearby ski resort for \$250. Their regular charge for weekend lodging during the winter for a two night stay is \$200. The state lodging tax will be collected on \$200 because that represents the charge for providing lodging.**

**Example 3: The Highlife Hotel charges a standard room rate based on single occupancy. The Young family has two children and a dog. They rent a room for one night. The basic room rate is \$80 per night. There is a \$10 charge for a second adult. There is no charge for the children. The Youngs request a crib that costs an additional \$10. There is also a \$10 charge for the family dog. The state lodging tax applies to all of the additional fees as well as the standard room rate. The total amount subject to tax is \$110.**

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(12) "Transient" means any individual who exercises occupancy or is entitled to occupancy in a ~~hotel~~ **transient lodging** for a period of twenty-seven consecutive calendar days or less, counting portions of ~~paid~~ calendar days as full days. The day a transient checks out of the ~~hotel~~ **transient lodging** shall not be included in determining the 27-day period if the transient is not charged rent for that day by the operator. Any such individual so occupying space in a ~~hotel~~ **transient lodging** shall be deemed to be a transient until the period of 27 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

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(13) "Transient Lodging Intermediary" means a person that facilitates the retail sale of **transient lodging and charges for the occupancy of the transient lodging.**

Section 2. Section 8.802 of the Medford Code is amended to read as follows:

8.802 Tax Imposed.

For the privilege of occupancy in any ~~hotel~~ **transient lodging**, on and after January 1, 2006, ~~each~~

~~transient shall pay a tax in the amount of nine percent (9%) of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city.~~ (1)(a) A tax of nine percent (9%) is imposed on any consideration rendered for the sale, service or furnishing of transient lodging.

(b)(A) The tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.

(B) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the operator's business.

(c) The tax shall be collected by the operator that receives the consideration rendered for occupancy of the transient lodging.

(d) The tax imposed by this subsection is in addition to and not in lieu of any state transient lodging tax.

(2) The transient shall pay the tax to the operator of the ~~hotel~~ **transient lodging** at the time the rent is paid. The operator shall enter the tax on his records when rent is collected if the operator keeps his records on the cash accounting basis and when earned if the operator keeps his records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. If for any reason the tax due is not paid to the operator of the ~~hotel~~ **transient lodging**, the Finance Director may require that such tax shall be paid directly to the city. ~~In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishing of rooms, accommodations, and parking space in mobile home parks or trailer parks.~~

Section 3. Section 8.803 of the Medford Code is amended to read as follows:

8.803 Collection of Tax by Operator; Rules for Collection.

(1) Every operator renting rooms in this city, the occupancy of which is not exempted under the terms of this ordinance, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owing by the operator to the city. **In addition the tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the city.**

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Section 4. Section 8.804 of the Medford Code is amended to read as follows:

8.804 Operator's Duties.

Each operator shall collect the tax imposed by this ordinance at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records, and any receipt rendered by the operator. No operator ~~of a hotel~~ shall advertise that the tax or any part of

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The tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this ordinance.

Section 5. Section 8.805 of the Medford Code is amended to read as follows:

8.805 Exemptions.

No tax imposed under this ordinance shall be imposed upon:

~~(1) Any occupant for more than 27 successive calendar days; (a person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient);~~

~~(2) Any occupant whose rent is of a value less than \$2.00 per day;~~

~~(3) Any person who rents a private home, vacation cabin, or like facility from any owner who rents such facilities incidentally to his own use thereof;~~

~~(4) Any occupant whose rent is paid for hospital room or to a medical clinic, convalescent home or home for aged people, or to a public institution owned and operated by a unit of government.~~

**(1) Transient Lodging in a hospital, health care facility, long term care facility or any other residential facility that is licensed, registered or certified by the Department of Human Services or the Oregon Health Authority;**

**(2) A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;**

**(3) Transient Lodging in a private residence that is used by members of the general public for temporary human occupancy for fewer than 30 days per year;**

**(4) Transient Lodging, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter; other than this temporary emergency exception, the taxes herein apply to state and local government workers;**

**(5) Transient Lodging at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or**

**(6) Transient Lodging that is leased or otherwise occupied by the same person for a consecutive period of 27 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:**

**(a) All dwelling units occupied are within the same facility; and**

**(b) The person paying consideration for the transient lodging is the same person throughout the consecutive period.**

Section 6. Section 8.806 of the Medford Code is amended to read as follows:

8.806 Registration of Operator; Form and Contents; Execution; Certification of Authority.

Every person engaging or about to engage in business as an operator ~~of a hotel~~ in this city shall register with the Finance Director on a form provided by him.

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Said certificate shall, among other things, state the following:

- (a) The name of the operator;
- (b) The address of the ~~hotel~~ **transient lodging**;
- (c) The date upon which the certificate was issued;

(d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Lodgings Tax Ordinance of the City of Medford by registration with the Finance Director for the purpose of collecting from transients the room tax imposed by said City and remitting said tax to the Finance Director. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a ~~hotel~~ **transient lodging** without strictly complying with all local applicable laws including but not limited to those requiring a permit from any board, commission, department or office of the City of Medford. This certificate does not constitute a permit."

Section 7. Section 8.807 of the Medford Code is amended to read as follows:

8.807 Due Date; Returns and Payments.

~~(1) The tax imposed by this ordinance shall be paid by the transient to the operator at the time that rent is paid. All amounts of such taxes collected by any operator are due and payable to the Finance Director on a monthly basis on or before the last day of the month immediately following for the preceding month; and are delinquent if not paid by the due date.~~

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(4) The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Finance Director at his office either by personal delivery, ~~or by mail,~~ **or by any commercially reasonable means, including but not limited to electronic or telephonic transfer, or private delivery service(PDS). For purposes of determining delinquencies, the date of delivery is the later of receipt of the return or receipt of the tax by the Finance Director.** If the return is mailed, the postmark date **from the United States Postal Service** shall be considered the date of delivery for determining delinquencies. **Private delivery services (PDS) shipping date may be treated as an equivalent to United States Postal Service for purposes of the postmark rule. If the return is delivered in person, it must be received on or before the due date during business hours. (8am-5pm, Monday-Friday). For purposes of imposing penalties and interest for delinquent filing, a 5 day grace period shall be given. This means that any return and tax remittance delivered within 5 days of the due date will not be assessed penalties and or interest.**

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Section 8. Section 8.812 of the Medford Code is amended to read as follows:

8.812 Lien.

The tax imposed by this ordinance together with the interest and penalties herein provided and the filing fees paid to the County Clerk of Jackson County, Oregon, and advertising costs which may be incurred when same becomes delinquent as set forth in this ordinance shall be and, until paid, remain a lien from the date of its recording with the County Clerk of Jackson County, Oregon, and superior to all subsequent recorded liens on all tangible personal property used in the ~~hotel~~ **transient lodging**

of an operator within Medford and may be foreclosed on and sold as may be necessary to discharge said lien, if the lien has been recorded with the County Clerk of Jackson County, Oregon.

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PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (\* \* \*) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.2

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**DEPARTMENT:** Finance  
**PHONE:** 541-774-2030  
**STAFF CONTACT:** Alison Chan

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** November 19, 2015

**COUNCIL BILL 2015-120**

An ordinance authorizing the City's participation in the National Cooperative Purchasing Alliance.

**ISSUE STATEMENT & SUMMARY:**

Ordinance authorizing the City's participation in the Cooperative National Cooperative Purchasing Alliance (NCPA).

**BACKGROUND:**

**A. Council Action History**

Council has approved participation in cooperatives that use competitive bidding processes that meet Oregon competitive procurement requirements. Western States Cooperative Alliance (WSCA), National Purchasing Partners, US Communities, National Joint Purchasing Alliance and General Services Administration cooperatives have saved the City time and money with volume buying power using cooperative contracts that have been competitively solicited.

**B. Analysis**

In support of providing and maintaining effective technology services and keeping costs and equipment downtime to a minimum, procurement of this type of equipment is necessary. The WSCA cooperative previously used no longer has a contract with Dell and none of our other currently approved cooperatives have contracts with Dell. The State has contracted with CDWG, which does offer Dell, however prices have been found to be substantially more than previous contracts.

**C. Financial and/or Resource Considerations**

The financial consideration for this cooperative is potentially up to \$200 savings per computer.

**D. Timing Issues**

The approval of this cooperative is required to place the order for computers cycling out for replacement.

**STRATEGIC PLAN:**

Theme: Responsive Leadership

Goal 14: In an open and transparent manner effectively deliver municipal services that Medford citizens need, want and are willing to support.

Objective 12.6: Align technology investments in support of the goals, objectives and action items identified in the City's Strategic Plan.

Action 12.6c: Proactively manage technology investments for maximum lifecycle efficiency.

**COUNCIL OPTIONS:**

1. Approve the resolution ordinance.
2. Deny the resolution ordinance.



**CITY OF MEDFORD  
AGENDA ITEM COMMENTARY**

Item No: 60.2

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**STAFF RECOMMENDATIONS:**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION:**

I move to approve the ordinance authorizing the participation in the National Cooperative Purchasing Alliance (NCPA).

**EXHIBITS:**

Ordinance  
Draft Findings.

ORDINANCE NO. 2015-120

AN ORDINANCE authorizing the City's participation in the National Cooperative Purchasing Alliance.

WHEREAS, the City has benefited from participation in other cooperative contracts and anticipates that the National Cooperative Purchasing Alliance program will be beneficial as well; and

WHEREAS, per the Findings attached as Exhibit A and incorporated herein, the National Cooperative Purchasing Alliance program allows the City of Medford to purchase off of established contracts that have been competitively bid by a lead government agency, which saves the City time and money by not going through the same process of competitive bidding; and

WHEREAS, the program is sponsored by various government agencies with the specific purpose of reducing procurement costs by leveraging group volume; all contracts are competitively bid and meet the competitive procurement requirements for the State of Oregon; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the City of Medford's participation in the National Cooperative Purchasing Alliance program is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

## EXHIBIT A

### FINDINGS

The City of Medford intends to establish a contract or price agreement through an interstate cooperative procurement.

#### BACKGROUND:

- PROPOSED COOPERATIVE PURCHASING GROUP

The National Cooperative Purchasing Alliance aggregates purchasing volume of participating public agencies and universities across the country in order to receive larger volume discounts from suppliers. All of the contracts in their portfolio are competitively bid by a lead public agency

- BENEFIT OF JOINING

By multiple agencies joining forces and combining their purchasing power all participating agencies can take advantage of lower priced goods and services. Another added savings is that each participating agency does not have to conduct their own individual solicitation, which results in additional cost savings.

- SOLICITATION REVIEW

The solicitations meet the procurement requirements of the State of Oregon. Based on that council can make the following findings:

#### FINDINGS:

1. All contracts awarded through the National Cooperative Purchasing Alliance collective group of agencies have been awarded by competitive bid. This meets the cooperative procurement process in ORS 279B.055
2. Solicitation documents state that the successful bidder will offer their prices and services to all government agencies nationally. This satisfies ORS 279A.215.
3. Solicitation documents substantially meet Oregon's public procurement regulations by including:
  - a. A time and date by which the proposals must be received and a place at which the bids must be submitted.
  - b. The name and title of the person designated for the receipt of proposals.
  - c. A description of the procurement.
  - d. A statement that the contracting agency may cancel the procurement or reject any or all bids.
  - e. All contractual terms and conditions.

- f. The method of contractor selection.
  - g. A description of the manner in which proposals will be evaluated.
3. All solicitations bid through the National Cooperative Purchasing Alliance use clear and concise specifications, and encourage reasonable competition within their industries.
  4. Medford procurements utilizing the National Cooperative Purchasing Alliance contracts make no substantial changes.
  5. This agreement is in the best interest of the City of Medford.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

**Item No: 60.3**

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**DEPARTMENT:** Planning Department  
**PHONE:** (541) 774-2380  
**STAFF CONTACT:** James E. Huber, AICP, Planning Department

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** November 19, 2015

**COUNCIL BILL 2015-121**

A resolution initiating annexation to the City of Medford of an approximate 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single Family Residential 00 (SFR-00), and withdrawal of said property from Medford Rural Fire Protection District No. 2, effective pursuant to state law.

**ISSUE STATEMENT & SUMMARY:**

Consideration of a request to initiate an annexation to the City of Medford of an approximately 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single Family Residential 00 (SFR-00) and removal from Medford Rural Fire Protection District No. 2, effective when notice is received from the Secretary of the State. (A-15-096)

**BACKGROUND:**

An application was submitted by the property owner requesting annexation of the subject property addressed at 788 Cherry Street. The property is located in the southwest ward.

**A. Council Action History**

None.

**B. Analysis**

The property is located within the City's Urban Growth Boundary and is contiguous with the City limits along portions of the north, east, and west property lines. The applicant/owner has submitted the request for annexation and has consented in writing. The property has a General Land Use Plan (GLUP) designation of Urban Medium (UM) Density which can accommodate the Multi-Family Residential 15 (MFR-15) City zoning designation. The property is currently zoned Rural Residential 2.5 (RR-2.5) a County zoning designation.

**C. Financial and/or Resource Considerations**

None.

**D. Timing Issues**

The public hearing for this matter is scheduled before the City Council on Thursday, December 17, 2015.

**STRATEGIC PLAN:**

Theme: Healthy Economy  
Goal 6: Maintain and enhance community livability.

**COUNCIL OPTIONS:**

1. Approve the resolution.
2. Modify the resolution.
3. Deny the resolution.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.3

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**STAFF RECOMMENDATIONS:**

Staff recommends approving the request to initiate the annexation.

**SUGGESTED MOTION:**

I move to approve the resolution to initiate the annexation.

**EXHIBITS:**

Resolution  
Vicinity map

RESOLUTION NO. 2015-121

A RESOLUTION initiating annexation to the City of Medford of an approximate 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR- 2.5) to Single Family Residential 00 (SFR-00), and withdrawal of said property from Medford Rural Fire Protection District No. 2, effective pursuant to state law.

WHEREAS, the area situated in Jackson County, Oregon, described as Lot Number 4 of Block Number 4 of the Nickell addition to the City of Medford according to the duly recorded plat thereof, known as 788 Cherry Street, Medford, OR 97501, map number 37-2W-26 DD, taxlot 2500, Jackson County Assessor Number 1-043344-4, as shown on the map attached as Exhibit A attached hereto and incorporated herein, is contiguous to the City of Medford; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. The City Council elects to dispense with submitting the question of the proposed annexation to the electors of the City.

Section 2. A public hearing on the annexation and zone change shall be held at the hour of 7:00 p.m. on the 17th day of December, 2015, before the City Council of the City of Medford, Oregon, in City Hall Council Chambers, 411 W. 8th Street, of said city. Following the hearing, the council will consider a proposed ordinance annexing the territory, changing the zoning and withdrawing the area from Medford Rural Fire Protection District #2.

Section 3. The City Recorder is directed to give notice of the time, place and purpose of the public hearing provided for in Section 2 hereof by publishing notice thereof once each week for two consecutive weeks prior to the date of said hearing in a newspaper of general circulation in the City of Medford and by causing notices thereof to be posted in four (4) public places in the city for the said period of time.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

# Vicinity Map

Application Name/Description:

**Schafer Family Trust**

Proposal:

**Annexation**

File Numbers:

**A-15-096**

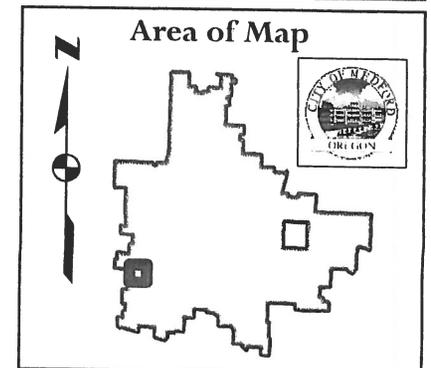
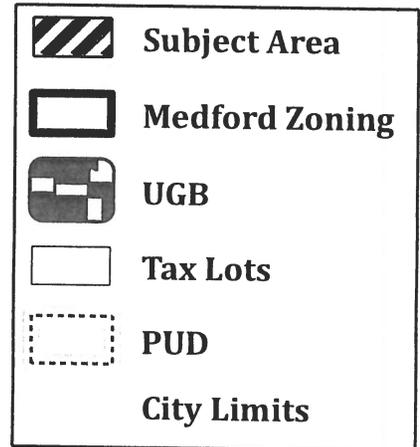
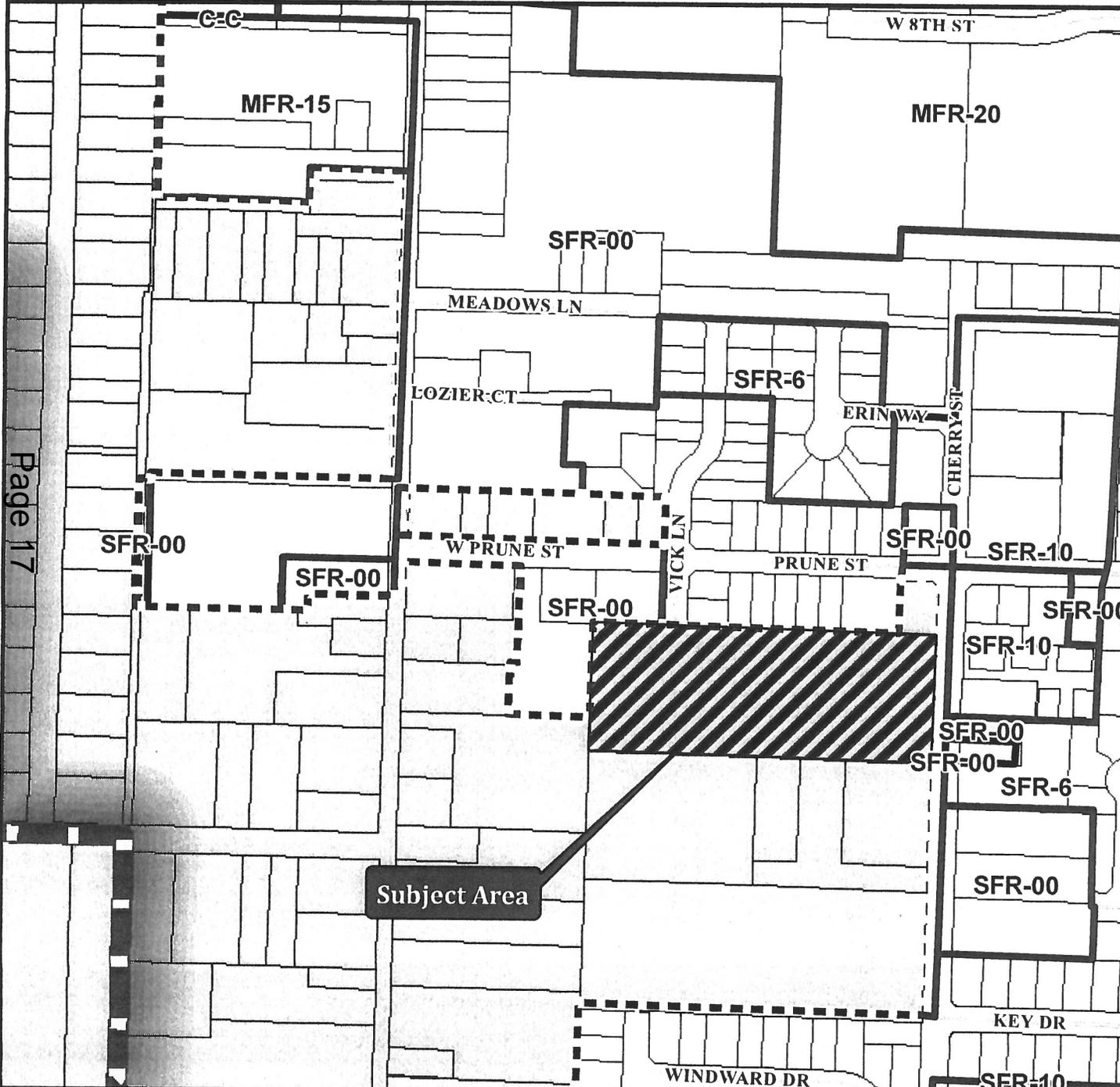
Applicant:

**Merna Schaffer Family Trust -  
Beverly Weaver & Gina Taylor**

Map/Taxlot:

**372W26DD TL 2500**

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07/10/2015



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

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**DEPARTMENT:** Fire & City Manager  
**PHONE:** (541) 774-2300  
(541) 774-2657

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** November 19, 2015

**STAFF CONTACT:** Brian Fish, Fire Chief  
Greg McKown, Facilities & Project Manager

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## COUNCIL BILL 2015-106

SECOND READING. An ordinance amending the contract with Ogden Roemer Wilkerson Architecture pertaining to redesign services of Fire Stations #2, and #4 in an amount not to exceed \$136,500.

## ISSUE STATEMENT & SUMMARY:

The Fire Department and Facilities Management Division of the City Manager's Office are requesting approval of an ordinance to amend the existing contract with Ogden Roemer Wilkerson Architecture for redesign services of Fire Station #2, Fire Station #3 and Fire Station #4. Per their motion and vote at their October 15, 2015 meeting, the ordinance now amends the contract in an amount not-to-exceed \$136,500, prorated to include Fire Stations #2 and #4 only.

## BACKGROUND:

### A. Council Action History

On December 18, 2014, Council Bill 2014-162 was approved by a vote of 3 to 2 and required a second reading.

On December 29, 2014 Ordinance 2014-162 was approved and a contract was awarded to Ogden Roemer Wilkerson Architecture (ORW) in the amount of \$535,000.00 to complete the design of the three fire stations for the last phase of design development through project completion.

On September 17, 2015 Council approved a motion directing staff to proceed with the existing CMGC and modify the architect contract to redesign the three fire stations to incorporate the value engineering presented to Council.

On October 1, 2015 Council approved a motion directing staff to proceed with subcontractor solicitation and development of a construction GMP on Fire Station #2 and Fire Station #4 after redesigning the three fire stations to incorporate the value engineering presented to Council.

On October 15, 2015 Council voted on an ordinance authorizing the approval of Amendment #1 to the existing contract with Ogden Roemer Wilkerson Architecture for redesign services in an amount not to exceed \$136,500, prorated to include only Fire Stations #2 and #4. Due to a 6-2 vote, a second reading on the ordinance is required.

### B. Analysis

After Council direction on September 17, 2015 to proceed with the existing CMGC and redesign the three fire stations to incorporate the value engineering presented to Council, a cost has been received by ORW for redesign services and is before Council for consideration.

### C. Financial and/or Resource Considerations

\$10,631,960 of bond proceeds were allocated to the Fire Station 2, Fire Station 3, and Fire Station 4 projects BR0071, BR0072, and BR0073. Therefore, acceptance of the



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

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amendment for an amount not-to-exceed \$136,500 is within the funds available for the project.

## D. Timing Issues

The redesign schedule will impact the project's time line to solicit subcontractor proposals and develop a construction GMP. In order to have these projects move forward to construction, it is imperative that the redesign be completed as quickly as possible.

## STRATEGIC PLAN:

### Theme: Safe Community

Goal 1: Ensure a safe community by protecting people, property and the environment.

Objective 1.7: Fund and implement a phased-in approach to update all Fire facilities as identified in the Fire Facilities *Master Plan*.

Action Item 1.7a: Implement a combined "work group" to assist in the planning and development of the finalized plans for the proposed new Fire facilities #2, 3 & 4.

## COUNCIL OPTIONS:

1. Approve the ordinance authorizing the amendment of the ORW contract for re-design services not-to-exceed \$136,500, prorated to include only Fire Stations #2 and #4.
2. Deny the ordinance authorizing the amendment of the ORW contract for re-design services not to exceed \$136,500, prorated to include only Fire Stations #2 and #4.

## STAFF RECOMMENDATIONS:

Staff recommends approval of the amendment to the contract with Ogden Roemer Wilkerson Architecture in an amount not-to-exceed \$136,500, prorated to include only Fire Stations #2 and #4.

## SUGGESTED MOTION:

I move to approve the ordinance authorizing approval of Amendment No.1 in an amount not to exceed \$136,500 to the contract with Ogden Roemer Wilkerson Architecture for redesign services, prorated to include only Fire Stations #2 and #4.

## EXHIBITS:

Ordinance

Contract Amendment on file with the City Recorder

ORDINANCE NO. 2015-106

AN ORDINANCE amending the contract with Ogden Roemer Wilkerson Architecture pertaining to redesign services of Fire Stations #2, and #4 in an amount not to exceed \$136,500.

WHEREAS, on December 29, 2014 Ordinance 2014-162 was approved and a contract was awarded to Ogden Roemer Wilkerson Architecture in the amount of \$535,000 to complete the design of the three fire stations (#2, #3, #4) for the last phase of development; and

WHEREAS, on September 17, 2015 Council approved a motion directing staff to proceed with the existing CMGC and modify the architect contract to redesign the three fire stations to incorporate the value engineering presented to Council; and

WHEREAS, on October 1, 2015 Council approved a motion directing staff to proceed with subcontractor solicitation and development of a GMP on Fire Station #2 and #4; now, therefore

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an amendment to the existing contract with Ogden Roemer Wilkerson Architecture pertaining to redesign services of Fire Stations #2, #3, and #4 in an amount not to exceed \$136,500, which agreement is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2015

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

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**DEPARTMENT:** City Manager's Office      **AGENDA SECTION:** Ordinances and Resolutions  
**PHONE:** (541) 774-2657      **MEETING DATE:** November 19, 2015  
**STAFF CONTACT:** Greg McKown, Facilities & Project Manager

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## **COUNCIL BILL 2015-125**

An ordinance amending the existing Construction Manager/General Contractor (CMGC) contract with Adroit Construction, Inc. and acceptance of a Guaranteed Maximum Price (GMP) of \$7,422,499.82 for the construction of Fire Stations #2 and #4.

## **ISSUE STATEMENT & SUMMARY:**

An ordinance amending the existing Construction Manager/General Contractor (CMGC) contract with Adroit Construction Inc. and acceptance of a Guaranteed Maximum Price (GMP) of \$7,422,499.82 for the construction of Medford Fire Stations #2 and #4.

## **BACKGROUND:**

The GMP of \$7,422,499.82 includes \$7,150,000 for the construction of Fire Stations #2 and #4, \$22,500 in preconstruction cost, and \$249,999.82 for the temporary apparatus bay at Fire Station #4. The Temporary Apparatus Bay project at Fire Station 4 was completed under the Adroit CMGC contract, however, this was a general fund capital improvement project budgeted in the current biennial budget.

### **A. Council Action History**

On November 21, 2013 Council approved Resolution 2013-166 authorizing an inter-fund loan relating to the City's limited tax revenue bonds, series 2013 for the purpose of project financing, establishing an interest rate and repayment schedule, and delegating authority to authorized representatives and related matters. On December 5, 2013, the City sold \$38.155 million in bonds at a 4.42% interest rate.

On May 15, 2014, Council authorized an exemption from competitive bidding and awarded a Construction Manager/General Contractor contract to Adroit Construction. The contract authorized pre-construction services in an amount not to exceed \$22,500, and authorized construction in an amount not to exceed \$8,960,000.00 for three new fire stations (Stations #2, #3 and #4).

On September 17, 2015, Council approved a motion directing staff to proceed with the existing CMGC and to modify the architect contract to redesign the three fire stations to incorporate the value engineering items presented to Council.

On October 1, 2015, Council approved a motion directing staff to proceed with subcontractor solicitation and development of a construction GMP on Fire Station #2 and Fire Station #4, after redesigning the three fire stations to incorporate the value engineering presented to Council.

On November 12, 2015, Council requested the Guaranteed Maximum Price Amendment to the Adroit Construction CMGC contract be added to the November 19, 2015 Council meeting for review.

### **B. Analysis**

Staff worked with Adroit Construction to develop a GMP amendment for the construction of Fire Stations #2 and #4 as directed by Council. This GMP is being proposed by Adroit



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

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prior to completion of the value engineering redesign and subcontractor bidding on these projects.

**C. Financial and/or Resource Considerations**

Bond proceeds in the amount of \$10,631,960 were allocated to the development of three new fire stations at Fire Station #2, #3 and #4. However, due to costs coming in higher than expected; only Fire Station #2 and Fire Station #4 will now be developed. Therefore acceptance of a GMP of \$7,422,499.82 is within the funds available for the project.

**D. Timing Issues**

Authorization of the construction GMP amendment at this time with Adroit Construction will move the projects forward and help to maintain a completion date of February 12, 2017.

**STRATEGIC PLAN:**

**Theme: Safe Community**

Goal 1: Ensure a safe community by protecting people, property and the environment.

Objective 1.7: Fund and implement a phased-in approach to update all Fire facilities as identified in the Fire Facilities *Master Plan*.

Action Item: 1.7a: Implement a combined "work group" to assist in the planning and development of the finalized plans for the proposed new Fire facilities #2, 3 & 4.

**COUNCIL OPTIONS:**

1. Approve the ordinance authorizing the amendment to the CMGC contract with Adroit Construction, Inc, accepting the construction GMP of \$7,422,499.82.
2. Deny the ordinance authorizing the amendment to the CMGC contract with Adroit Construction Inc., accepting the construction GMP of \$7,422,499.82.

**STAFF RECOMMENDATIONS:**

Staff recommends the approval of the ordinance authorizing amendment to the contract with Adroit Construction Inc., accepting the construction GMP of \$7,422,499.82.

**SUGGESTED MOTION:**

I move to approve the ordinance authorizing amendment to the CMGC contract with Adroit Construction Inc., accepting the construction GMP of \$7,422,499.82.

**EXHIBITS:**

Ordinance

Contract amendment is on file in the City Recorder's office.

ORDINANCE NO. 2015-125

AN ORDINANCE amending the existing Construction Manager/General Contractor contract with Adroit Construction Inc. and acceptance of a Guaranteed Maximum Price of \$7,422,499.82 for the construction of Fire Stations #2 and #4.

WHEREAS, City Council approved Resolution 2013-166 on November 21, 2013 authorizing an inter-fund loan relating to the City's limited tax revenue bonds for the purpose of project financing and,

WHEREAS, on December 5, 2013 the City sold \$38.155 million in bonds at a 4.42 percent interest rate and,

WHEREAS, City Council approved Ordinance 2014-61 on May 15, 2014 authorizing an exemption from competitive bidding and awarding a Construction Manager/General Contractor contract to Adroit Construction to authorize pre-construction services in an amount not to exceed \$22,500 and construction in an amount not to exceed \$8,960,000 for new Fire Stations #2, #3, and #4, and,

WHEREAS, on September 17, 2015 Council was informed of an \$11,619,549 preliminary estimate of construction costs that exceeded the budget allocated for these projects and approved a motion to proceed with the existing contract and modify the architect contract to redesign the three Fire Stations to incorporate the value engineering items presented to Council and,

WHEREAS, on October 1, 2015 Council approved a motion directing staff to proceed with subcontractor solicitation and development of a Guaranteed Maximum Price on Fire Stations #2 and #4 after redesigning the Fire Stations to incorporate the value engineering items presented to Council and,

WHEREAS, on November 12, 2015 Council requested staff bring the Guaranteed Maximum Price for the Construction Manager/General Contractor contract with Adroit Construction to the next Council meeting; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an amendment to the existing Construction Manager/General Contractor contract with Adroit Construction Inc. and acceptance of a Guaranteed Maximum Price of \$7,422,499.82 for the construction of Fire Stations #2 and #4, which agreement is on file in the City Recorder's office, is

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# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.6

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- 4) Separate the offenses for Offensive Marijuana Odor and Ban on Outdoor Production of Marijuana (Sections 5.652 and 5.653); and
- 5) Striking the severability clause (*former* 5.654), as an applicable severability clause already exists in section 1.050 of the Medford Code.

## Version 2

The amended ordinance would prohibit the production of marijuana outright in residential areas (outdoor and indoor). Version 2 does away with the unlawful odor offense contained in the current ordinance and Version 1 of the amended ordinance. Because Version 2 works as a total ban on the production of marijuana in residential zones, staff believes that the inclusion of the offensive odor section would be unnecessary.

As with Version 1 of the ordinance, staff has amended section 5.650 to capture the Council's intent, ensured that vacant land in residential areas are subject to the ordinance, and stricken the severability clause.

## November 12, 2015 Special City Council Meeting

At the November 12, 2015 Special City Council Meeting, the Council voted to adopt Version 2 of the ordinance. The Council heard from Lt. Kevin Walruff of the Medford Police Department, who presented crime statistics related to marijuana and marijuana homegrows, as well as summaries of specific marijuana-related cases. In addition, Council expressed concern regarding the additional traffic in residential areas generated by persons with marijuana grows, as well as the potential risks to homeowners, neighbors and firefighters responding to fires associated with indoor marijuana grows in residential areas.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Staff does not anticipate that this ordinance will unreasonably affect City finances or resources. However, Council should be aware that either version of the amended ordinance, especially Version 2, will more than likely be challenged in court.

## **STRATEGIC PLAN:**

This agreement supports the City of Medford Strategic Plan Theme: Safe Community.

Goal 1: Ensure a safe community by protecting people, property and the environment.

## **COUNCIL OPTIONS:**

1. Approve Version 1 of the amended ordinance amending sections 5.650 through 5.654 of the Medford Code (Control of Recreational Marijuana) prohibiting outdoor recreational and medical marijuana grows in residential areas and related housekeeping changes.
2. Approve Version 2 of the amended ordinance amending sections 5.650 through 5.654 of the Medford Code (Control of Recreational Marijuana) prohibiting indoor and outdoor recreational and medical marijuana grows in residential areas and related housekeeping changes.
3. Decide to not adopt either version.
4. Suggest amendments to versions 1 or 2 of the amended ordinance.

## **STAFF RECOMMENDATIONS:**

Staff recommends adopting Version 1 of the amended ordinance, if the Council desires to go down the path of limiting the production of marijuana in residential areas. Staff would also recommend that in the alternative, Council should consider striking any reference to limiting production of marijuana in residential zones and have city staff work to protect the public health, safety and welfare of the public by enforcing the offensive odor of marijuana provision currently on the books.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.6

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**SUGGESTED MOTION:**

I move to approve Version 1 of the ordinance amending sections 5.650 through 5.654 of the Medford Code (Control of Recreational and Medical Marijuana) prohibiting the outdoor production of recreational and medical marijuana in residential zones and its related housekeeping amendments.

**EXHIBITS:**

Ordinance

ORDINANCE NO. 2015-119

AN ORDINANCE replacing sections 5.560 to 5.653 of the Medford Code pertaining to control of recreational and medical marijuana.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 5.560 of the Medford Code is replaced to read as follows:

5.650 Intent and Purpose of Sections 5.650 to ~~5.654~~ **5.653**.

~~The City Council of the City of Medford recognizes that citizens of the state of Oregon may both use and grow recreational and medicinal marijuana in accordance with state law. However, the City Council also recognizes that the production of marijuana, without appropriate safeguards in place, can have a detrimental effect upon public safety and neighboring citizens. The City Council finds and declares that the health, safety and welfare of its citizens are promoted by limiting the production of recreational and medical marijuana grows in residential areas and ensuring that the offensive odor of marijuana does not travel to other properties.~~

**The City Council of the City of Medford recognizes that Oregon law permits authorized persons to grow marijuana for both medical and recreational purposes. However, the City Council also recognizes that the production of marijuana in residential areas can have a detrimental impact upon public health, safety and welfare. The City Council finds and declares that the health, safety and welfare of its citizens are promoted by prohibiting the production of recreational and medical marijuana in residential areas.**

Section 2. Section 5.651 of the Medford Code is replaced to read as follows:

5.651 Definitions.

Words and phrases used in Sections 5.650 to 5.654 shall have the following meanings ascribed to them:

(1) ~~“Dwelling” means any building or portion thereof containing living facilities, such as a house, apartment or manufactured home. The term includes any accompanying accessory building and outdoor areas of a dwelling, if any.~~

(2) ~~“Homegrown Marijuana” means the marijuana produced for recreational use by a person in accordance with state law.~~

(3) ~~“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. The term includes any and all homegrown and medical marijuana as defined in this section.~~

(4) ~~“Marijuana cultivator” means a medical marijuana grower or recreational marijuana homegrower. The term includes any landlord or property owner that permits or allows marijuana to be produced at a dwelling.~~

(5) ~~“Medical Marijuana” means the marijuana produced for medicinal use in accordance with the Oregon Medical Marijuana Act.~~

~~(6) "Medical Marijuana Grower" means any person engaged in the production of medical marijuana in accordance with state law. The term includes persons authorized to produce marijuana pursuant to the Oregon Medical Marijuana Act; including, but not limited to, a registry identification cardholder, designated primary caregiver, or person responsible for a marijuana grow site.~~

~~(7) "Production of Marijuana" means the planting, cultivation, growing or harvesting of marijuana, and includes the trimming or drying of marijuana leaves or flowers.~~

~~(8) "Property" means any home, business or publicly owned property and right of way.~~

~~(9) "Recreational Marijuana Homegrower" means a person engaged in the production of homegrown marijuana in accordance with state law.~~

**Words and phrases used in Sections 5.650 to 5.654 shall have the following meanings ascribed to them:**

**(1) " Dwelling" means any building or portion thereof containing living facilities, such as a house, apartment or manufactured home. The term includes the accessory buildings and outdoor areas of a dwelling, if any.**

**(2) " Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. The term includes any and all homegrown and medical marijuana as defined in this section.**

**(3) " Marijuana cultivator" means a medical marijuana grower or recreational marijuana homegrower. The term includes any landlord or property owner that permits or allows marijuana to be produced at a dwelling.**

**(4) " Medical Marijuana Grower" means any person engaged in the production of medical marijuana in accordance with state law. The term includes persons authorized to produce marijuana pursuant to the Oregon Medical Marijuana Act; including, but not limited to, a registry identification cardholder, designated primary caregiver, or person responsible for a marijuana grow site.**

**(5) " Production of Marijuana" means the planting, cultivation, growing or harvesting of marijuana, and includes the trimming or drying of marijuana leaves or flowers.**

**(6) " Recreational Marijuana Homegrower" means a person engaged in the production of homegrown marijuana in accordance with state law.**

Section 3. Section 5.652 of the Medford Code is replaced to read as follows:

**5.652 ~~Offensive Marijuana Odor; Limitation on Outdoor Marijuana Grows.~~ Ban on Production of Marijuana.**

~~(1) No marijuana cultivator shall cause or allow an offensive odor of marijuana to emanate from a dwelling to any other property.~~

~~(2) No dwelling shall contain more than four (4) marijuana plants at any time, effective November 1, 2015.~~

~~(3) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.~~

**(1) No marijuana cultivator shall engage in the production of marijuana at a dwelling or on vacant land in residential areas.**



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 120.1

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**DEPARTMENT:** Planning  
**PHONE:** 541-774-2380  
**STAFF CONTACT:** James E. Huber, AICP, Planning Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** November 19, 2015

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**PUBLIC HEARING**

CONTINUED. Consideration of a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

**ISSUE STATEMENT & SUMMARY:**

File number CP-14-114 is a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

The proposed UGB amendment contains a total of nearly 3,800 acres of land, of which about 400 acres are either already developed or unbuildable, resulting in a total of almost 3,400 usable acres: 1,520 acres for future development and 1,877 acres for Prescott and Chrissy Parks. The developable acres consist of 884 acres for residential development and 636 acres for employment uses.

**BACKGROUND:**

The process of expanding the City's UGB has been ongoing in some capacity for the past 10 years and staff has been actively working on the expansion proposal since the adoption of the Regional Plan in 2012. The Planning Commission held a hearing on staff's recommendation for expansion on March 12, 2015. The Commission then met with staff at an April 6, 2015 study session to work through issues related to the project before continuing deliberation on the matter at the May 14, 2015 meeting. At that meeting, the Commission passed the attached recommendation for UGB expansion on a 4-3 vote.

**A. Council Action History**

Council approved UGBA Phase 1 (city file number CP-13-032) in December 2014, which intensified land uses for more than 500 acres of land within the existing UGB. Council held hearings on this second phase on August 6, 13, and 20, 2015. The hearing was closed and the record was left open indefinitely.

**B. Analysis**

UGBA Phase 1 allowed the City to meet a greater portion of its residential and employment land need for the next 20 years within its existing UGB, but more land is still needed to meet the overall demand. The City is limited to selecting from its identified Urban Reserve when choosing where to expand to meet the need. The Planning Commission used the boundary locational factors of statewide planning Goal 14 in selecting properties from the Urban Reserve to include in its recommendation for boundary expansion.

**C. Financial and/or Resource Considerations**

Discussion of water, sewer, and transportation conditions is contained in the commission report.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 120.1

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**D. Timing Issues**

The Department of Land Conservation and Development (DLCD) has agreed that the City can continue to use the population figures from the Population Element of the Comprehensive Plan because the City had initiated the UGB amendment process prior to the adoption of the Portland State University (PSU) population figures. This agreement does not have a specific expiration date, but it could be argued that the City must use the new population numbers if the process is stopped, or restarted.

**STRATEGIC PLAN:**

Theme: Healthy Economy

Goal 6: Maintain and enhance community livability

Action 6.2b: Maintain a current inventory of buildable residential land and periodically compare it to the needs identified in the Housing Element of the Comprehensive Plan.

Goal 7: Encourage a diverse economy

Objective 7.1: Ensure there is a long term supply of appropriately located and serviceable commercial and industrial land.

Theme: Quality Public Services

Goal 8: Provide recreational activities and opportunities to improve the lives of Medford residents.

Action 8.1b: Pursue the inclusion of Prescott and Chrissy Parks into the City's Urban Growth boundary.

Goal 9: Provide a safe, multi-modal, efficient and well planned transportation system.

Goal 10: Provide efficient and effective sewer and storm water services.

**COUNCIL OPTIONS:**

1. Adopt the recommendation of the Planning Commission as amended by staff as indicated in the commission report dated July 21, 2015
2. Modify the recommendation of the Planning Commission

**STAFF RECOMMENDATIONS:**

The Planning Commission recommended approval of the urban growth boundary amendment, as shown in "Exhibit A" of the commission report (minus the three additions from staff indicated in the commission report dated July 21, 2015), at their May 14, 2015 hearing by a 4-3 vote.

**SUGGESTED MOTION:**

I move to adopt the comprehensive plan and urban growth boundary amendment included in the commission report dated July 21, 2015 and supplements to it, and to direct staff to prepare an ordinance for adoption at a later date.

**EXHIBITS:**

None



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.2

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**DEPARTMENT:** Planning Department

**PHONE:** [(541) 774-2380

**STAFF CONTACT:** James E. Huber, AICP, Department Director

**AGENDA SECTION:** Public Hearings

**MEETING DATE:** November 19, 2015

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## **COUNCIL BILL 2015-122**

An ordinance vacating unimproved portions of Farmington Avenue and Normil Terrace within the southerly portion of Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road.

## **ISSUE STATEMENT & SUMMARY:**

An ordinance for the vacation of Farmington Avenue and Normil Terrace; segments of unimproved rights-of-way within the southerly portion of the Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road. (SV-15-101)

## **BACKGROUND:**

The Applicant's Findings of Fact and Conclusions of Law identify that these sections of rights-of-way are currently unimproved and contain no utilities. In 2014, the Planning Commission approved LDS-13-121, a tentative subdivision plat, which created nine reserve acreage lots. The purpose of the nine lot subdivision was for master planning and disposition purposes for Cedar Landing. Five of the subject lots created in LDS-13-121 (Sky Lakes 7A) are located south of Cedar Links Drive. The area south of Cedar Links Drive is now identified as High Cedars Phases 1-5.

Farmington Avenue and Normil Terrace were dedicated as unimproved rights-of-way to provide legal access to interior lots approved in 2014. With the 2015 approval of a revised plan for the southerly portion of the Cedar Landing PUD (PUD-15-043 and LDS-15-044), the alignments of Farmington Avenue and Normil Terrace were slightly adjusted. The previously dedicated streets must now be vacated and will be re-dedicated with the plats for High Cedars. The Public Works Department recommends that the ordinance vacating the rights-of-way be recorded concurrently with the final plat that will re-dedicate the rights-of-way. No public or private utility companies have requested that a public utility easement be placed upon the vacated rights-of-way.

### **A. Council Action History**

On September 17, 2015, the City Council adopted Resolution No. 2015-91 initiating the vacation of the subject rights-of-way and setting the public hearing for November 19, 2015.

### **B. Analysis**

On October 22, 2015, the Planning Commission held a public hearing on the proposed vacation and forwarded a recommendation for approval to the City Council per the attached Staff Report dated October 15, 2015.

### **C. Financial and/or Resource Considerations**

No fiscal impacts have been identified.

### **D. Timing Issues**

No timing issues have been identified.

## **STRATEGIC PLAN:**

*Theme:* Quality Public Services

*Goal 11:* Provide efficient and state-of-the-art development application review.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 120.2

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**COUNCIL OPTIONS:**

1. *Adopt the ordinance.*
2. *Modify the ordinance.*
3. *Deny the ordinance.*

**STAFF RECOMMENDATIONS:**

Staff recommends adoption of the ordinance.

**SUGGESTED MOTION:**

I move to adopt the ordinance approving the vacation.

**EXHIBITS:**

Ordinance

Staff Report to the Planning Commission, including Exhibits A through H, dated October 15, 2015

PowerPoint Presentation from the Planning Commission meeting of October 22, 2015

ORDINANCE NO. 2015-122

AN ORDINANCE vacating unimproved portions of Farmington Avenue and Normil Terrace within the southerly portion of Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road.

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2015-91 initiated proceedings for the vacation; and

WHEREAS, the City Council fixed 7:00 p.m. on November 19, 2015, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area; and

WHEREAS, the City Recorder has given notice of the time and place for said hearing as required by law; and

WHEREAS, at the time and place set for hearing the City Council heard all objections to the proposed vacation; and

WHEREAS, on the basis of the facts and conclusions stated in the Staff Report dated October 15, 2015, on file in the Planning Department, the City Council has deemed it to be in the public interest that said area be vacated; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That segments of unimproved rights-of-way, of Farmington Avenue and Normil Terrace within the southerly portion of Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road, described in Exhibits A and B attached hereto and incorporated herein, is hereby vacated and the ownership of the said area hereby vacated shall become vested as provided by law.

Section 2. The Council finds and determines that written objections were not received from the owners of a majority of the area affected by the vacation.

Section 3. The Council finds and determines that the vacation of said area in the city of Medford is in the public interest and does not damage or cause a deterioration of the market value of any real property of non-consenting owners (if any) abutting the same or any portion thereof and that no damage on account thereof shall be allowed.

Section 4. The City Recorder is hereby directed to cause a certified copy of this ordinance, together with any map, plat or other record showing the area, to be filed with the County Surveyor of



**STAFF REPORT**

for a type-B decision: Vacation

PROJECT Cedar Links Street Vacation of Farmington Avenue and Normil Terrace  
 Applicant: Cedar Investment Group LLC; Agent: CSA Planning Ltd.

FILE NO. SV-15-101

TO Planning Commission for 10/22/2015 hearing

FROM Desmond McGeough, Planner II

REVIEWER Kelly Akin, Principal Planner *ka*

DATE October 15, 2015

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**BACKGROUND**

Proposal

Consideration of a request for the vacation of Farmington Avenue and Normil Terrace; segments of unimproved rights-of-way within the southerly portion of the Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road (see Vicinity Map).

Subject Site Characteristics

Zoning SFR-4  
 GLUP UR (Urban Residential)  
 Use Vacant Golf Course

Surrounding Site Characteristics

North	SFR-4	Vacant Golf Course
South	SFR-4	Vacant Golf Course
East	SFR-4	Vacant Golf Course
West	SFR-4	Vacant Golf Course

Related Projects

PUD-05-035 Cedar Landing PUD  
 LDS-05-036 Cascade Terrace Subdivision  
 LDS-05-037 Sky Lakes Subdivision

PUD-05-035 Termination of 5.47 acre portion of PUD for park property in 2011  
LDS-13-121 Sky Lakes Village Subdivision Phases 7A & 7B  
PUD-13-119 PUD Revision  
E-14-059 Exception to required right-of-way dedication  
PUD-14-136 PUD Revision  
LDS-14-137 Sky Lakes Village Phase 1 Tentative Plat  
LDS-14-138 The Village at Cedar Landing Phase 1 Tentative Plat  
PUD 15-043 High Cedars at Cedar Landing PUD Revision (South of Cedar Links Drive)  
LDS-15-044 Tentative Plat for High Cedars at Cedar Landing, Phase 1-5

### Applicable Criteria

Oregon Revised Statue Chapter 271.130

Medford Municipal Code §10.202, Vacation Criteria

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

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- (3) If initiated by the Council, the applicable criteria found in ORS 271.130.

### **ISSUES AND ANALYSIS**

#### Background

The Applicant's Findings of Fact and Conclusions of Law identify that this section of right-of-way is currently unimproved and contain no utilities. In 2014 the Planning Commission approved LDS-13-121, a final subdivision plat creating, in part, 9 reserve acreage lots (See applicants Exhibit 3 – Exhibit B). The purpose of the nine lots was in part for master planning and disposition purposes for Cedar Landing. Five of the subject lots created in LDS-13-121 (Sky Lakes 7A) are located south of Cedar Links Drive, which is now identified as High Cedars Phases 1-5.

Farmington Avenue and Normil Terrace were included in this 2014 plat as dedicated non-improved right-of-way to provide legal access to interior lots within the south portion of Cedar Landing. With the approval of PUD-15-043 and LDS-15-044, both Farmington Avenue and Normil Terrace were included as part of the High Cedars Phase 1-5 Plat. However, the subject rights-of-way were shifted slightly in the new design. Therefore, the previously dedicated streets must now be vacated and re-dedicated. The

Public Works Department recommends that the ordinance vacating the rights-of-way be recorded concurrently with the final plat that will re-dedicate the rights-of-way.

#### Ownership after Vacation

The subject rights of way for Farmington Avenue and Normil Terrace were included as part of the final plat of Sky Lakes at Cedar Landing, Phase 7A in 2014. Therefore, the ownership of all areas to be vacated will revert to Cedar Investment Group LLC. The new modified rights of-way for Farmington Avenue and Normil Terrace are to be dedicated to the City of Medford as required by and consistent with PUD-15-043 and LDS-15-044.

#### Easements

The applicant's findings note that there are no utilities running through the public right-of-way. Therefore, a public utility easement over the subject area is not required. Staff has not received any comment from any utility indicating a need to reserve a public utility easement.

#### **COMPLIANCE WITH VACATION CRITERIA**

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

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

The Applicant's Findings demonstrate that the subject vacation is in compliance with the Goals and Policies of the Comprehensive Plan. The subject streets are not classified as higher order streets under the Medford Street Functional Classification Plan. The subject rights-of-way are currently unimproved and have no utilities located within the corridors. The subject rights-of-way will be relocated with the future platting for High Cedars at Cedar Landing Phases 1-5. Criterion 1 has been met.

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

The proposed vacation was not initiated by petition; therefore, the findings required by ORS 271.120 are not necessary.

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

The proposal will comply with the requirement of ORS.271.130 if the City Council can make the following findings:

- a. That the owners of more than 50% of the affected area do not object in writing; and,
- b. That the vacation will not substantially affect the market value of any abutting property where the owner objects, unless the City provides for paying damages to the owner.

The City Council initiated the vacation on September 17, 2015, by Resolution No. 2015-91; therefore, this criterion applies. To date, no written objections have been received. The vacation will not substantially affect the market value of any abutting property. The findings that address Criterion 3 can be made at the public hearing.

#### Committee Comments

No comments were received from the Bicycle and Pedestrian Advisory Committee regarding the vacation.

#### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the Applicant's Findings (Exhibit B) and recommends the Commission adopt the findings as presented.

#### **RECOMMENDED ACTION**

Forward a favorable recommendation to the City Council on application SV-15-101 per the Staff Report dated October 15, 2015, including Exhibits A-H.

#### **EXHIBITS**

- A Conditions of Approval
- B Applicant's Finding of Fact, including Exhibits 1-10, received July 14, 2015,
- C Legal descriptions of Farmington Avenue & Normil Terrace Street Vacations, received July 14, 2015.
- D Public Works Report, dated September 30, 2015
- E Medford Water Commission Staff Memorandum, dated September 30, 2015
- F Medford Fire Department Report, prepared September 29, 2015
- G Oregon Department of Transportation e-mail correspondence, received September 28, 2015.
- H Correspondence from Century Link, received September 18, 2015  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**OCTOBER 22, 2015**

**EXHIBIT A**

Cedar Landing Street Vacation – Farmington Avenue & Normil Terrace

SV-15-101

Conditions of Approval

October 15, 2015

**CODE CONDITIONS**

1. The applicant shall comply with the Public Works Department Report dated September 30, 2015 (Exhibit D).

CITY OF MEDFORD  
EXHIBIT # A  
File # SV-15-101  
1021

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

RECEIVED  
JUL 14 2015  
PLANNING DEPT.

IN THE MATTER OF THE VACATION OF )  
FARMINGTON AVENUE AND NORMIL )  
TERRACE, UNIMPROVED RIGHT-OF- )  
WAY LOCATED WITHIN THE )  
SOUTHERLY PORTION OF THE CEDAR )  
LANDING PLANNED UNIT )  
DEVELOPMENT ADJACENT TO THE )  
PROPERTY DESCRIBED IN THE )  
JACKSON COUNTY ASSESSMENT )  
RECORDS AS TOWNSHIP 37 SOUTH, )  
RANGE 1 WEST, SECTION 16CA TAX )  
LOT 2200 AND TOWNSHIP 37 SOUTH, )  
RANGE 1 WEST, SECTION 16D, TAX )  
LOT 7000; LYING SOUTH OF CEDAR )  
LINKS DRIVE AND WEST OF FOOTHILL )  
ROAD IN THE CORPORATE LIMITS OF )  
THE CITY OF MEDFORD, OREGON )  
  
Applicant: City of Medford, Oregon )  
Agent: CSA Planning, Ltd. )

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

*Applicant's Exhibit 1*

I

SCOPE AND NATURE OF THE ACTION

This matter concerns the vacation of Farmington Avenue and Normil Terrace, both of which are within the Cedar Landing Planned Unit Development (PUD). The vacations were made a condition of approval in earlier approvals granted by the Planning Commission concerning this PUD under municipal files PUD-15-043 and LDS-15-044.

As background, the two streets were dedicated for public use (but not improved) as a condition of earlier approvals for this PUD. Later, the PUD was redesigned and placed before the Planning Commission for consideration. The revised plans were approved by the Commission and were not appealed. A consequence of the redesign was an alteration to the location of both Farmington Avenue and Normil Terrace which necessitates that the streets in their earlier locations be vacated before they would be dedicated in their slightly new locations.

In addition to these street vacations, other conditions attached to the Planning Commission's latest approval also require lot line adjustments and rededications of the street rights-of-way to properly implement the approved plans. All three requirements are being sought contemporaneously. Collectively, the adjustments, vacations and new dedications will

provide lawful access to the adjusted parcels which do not otherwise front upon a public street or approved private road.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods to vacate public streets. 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 the consent of affected property owners. Street vacations in Medford have nearly always been initiated by the Council on its own motion because this process is more streamlined and exposes the City to little or no risk. In this instance the property owner (Cedar Investment Group, LLC) requested and the Council initiated this street vacation proceeding 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.** Vicinity Map
- Exhibit 3.** Map Showing Street Vacation Areas on The Sky Lakes Village At Cedar Landing Phase 7A plat
- Exhibit 4.** Notice Area Map
- Exhibit 5.** LDS-15-044 Approved Tentative Plat
- Exhibit 6.** PUD-15-043 Approved Preliminary PUD Plan
- Exhibit 7.** Final Order PUD-15-043 and LDS-15-044
- Exhibit 8.** Jackson County Assessor plat maps 37-1W-16ca and 37-1W-16d which depict the areas proposed to be vacated.
- Exhibit 9.** Proposed Property Line Adjustments and Road Dedication Instruments and Exhibits
- Exhibit 10.** Title Report and Assessment Ownership Information
- Exhibit 11.** Completed vacation application forms with written authorization from Cedar Investment Group, LLC.

## 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)**  
**10.202 Vacation Criteria.**

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed.

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan.
- (2) If initiated by petition under ORS 271.080, the Council shall make the findings required by ORS 271.120.
- (3) If initiated by the Council, applicable criteria are found in ORS 271.130.

**Oregon Revised Statutes ("ORS") Chapter 271**

**271.080. Vacation in incorporated cities; petition; consent of property owners.**

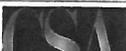
- (2) [ . . . ]The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

**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 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. [Amended by 1991 c.629 §1; 2005 c.22 §196]

**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.
- (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.

## IV

### FINDINGS OF FACT

The Council finds the following facts to be true with respect to this matter:

1. **Street Ownership:** The sections of Farmington Avenue and Normil Terrace to be vacated are unimproved and owned by the City of Medford. The rights-of-way (now to be vacated) were made requirements by the City Planning Commission in an earlier PUD proceeding as further explained in "History" below.

2. **History:**

- In 2014, the City of Medford Planning Commission approved PUD-13-119, an amendment to PUD-05-35.
- Also in 2014, the City of Medford Planning Commission approved LDS-13-121 a final plat creating, in part, 9 *reserve acreage lots* throughout the PUD. The plat was titled, "Sky Lakes Village at Cedar Landing, Phase 7A" and is included as Exhibit 3 herein. Five of the lots approved under LDS-13-121 are situated on the portion of the PUD lying south of Cedar Links Drive, including lots 95-99. Also, portions of Farmington Avenue and Normil Terrace, providing legal access from Cedar Links Drive and Foothill Road to interior lots 96 and 97 were dedicated through LDS-13-121 as unimproved public right-of-way.
- On June 11, 2015 the City of Medford Planning Commission approved files PUD 15-043 and LDS-15-044, a revision to the preliminary PUD plan and a tentative plat for the portion of the Cedar Landing PUD lying south of Cedar Links Drive. The modified PUD and tentative plat include changes to the previously approved phase boundaries and underlying road layouts.

The underlying / parent parcels require adjustment in order to align with the modified phase boundaries and Farmington Avenue and Normil Terrace require realignments in order to match the approved PUD layout and provide lawful access to adjusted lots 96 and 97. The realignment requires a vacation and dedication.

3. **Zoning:** All properties abutting the subject right-of-way for Farmington Avenue and Normil Terrace are within the Cedar Landing PUD and are zoned SFR-4.

4. **Surrounding properties description:** All properties surrounding the subject portion of Farmington Avenue are within the Cedar Landing PUD. Cedar Links Drive is located to the north. Beyond Cedar Links Drive to the north are additional portions of the Cedar Landing PUD. None of the lands surrounding the portion of Farmington Avenue to be vacated are improved.

All lands to the north, west and south of the subject portion of Normil Terrace are within undeveloped portions of the Cedar Landing PUD. Lands to the east, across Foothill Road



are zoned SFR-2 and SFR-4. The portion of Normil Terrace lying east of Foothill Road is improved and provides access to a number of residences on that side of the road.

5. **Ownership after Vacation:** The ownership of all areas to be vacated will revert to Cedar Investment Group LLC.<sup>1</sup> Following the now sought vacations, the new or modified rights-of-way for both Farmington Avenue and Normil Terrace are to be dedicated to the City of Medford as required by and in a manner consistent with PUD-15-043 and LDS-15-044
6. **Topography:** The vacation area for Farmington Avenue includes flat to gentle slopes. The vacation area for Normil Terrace includes some steep slopes. A preliminary grading plan for Normil Terrace was approved under PUD-15-043.
7. **Public Facilities and Utilities:** Neither street currently includes any public facilities or utilities. The Public Utility Easement dedicated and adjacent to both streets will be modified to align with the revised rights of way, consistent with PUD-15-043 and LDS-15-044.

## V

### **CONCLUSIONS OF LAW**

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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:

#### **Criterion 1**

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed.

- 1.) Compliance with the Public Facilities Element of the Comprehensive 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

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<sup>1</sup> Before the rights-of-way were dedicated, the right-of-way land was owned by Cedar Investment Group, LLC.

and services<sup>2</sup>, as described in the findings of fact in Section IV, public water and sanitary sewer facilities, along with electrical/telecommunications and natural gas lines do not *presently* exist within the rights-of-way intended to be vacated. However, the same but can and will be provided prior to the time that lands adjacent to the to-be-vacated rights-of-way are developed for housing.

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.

\*\*\*\*\*

### Criterion 2

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed.

2.) If initiated by petition under ORS 271.080, the Council shall make 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 10.202(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

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

*and*

#### Oregon Revised Statutes ("ORS") Chapter 271

**271.080. Vacation in incorporated cities; petition; consent of property owners. (Inapplicable parts omitted)**

2) \* \* \* The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street

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<sup>2</sup> The general adequacy of public facilities and services has been ascertained earlier under the requirements of earlier PUD and subdivision approvals.



**Findings of Fact and Conclusions of Law**  
Vacation of Farmington Avenue and Normil Terrace  
Applicant: City of Medford, Oregon

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area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

**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 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. [Amended by 1991 c.629 §1; 2005 c.22 §196]

**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.

(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 4, all lands abutting the portions of Farmington Avenue and Normil Terrace requested to be vacated are owned by Cedar Investment Group, LLC which also represents in excess of two thirds of the ownership of all real property deemed potentially affected under ORS 271.080.

The petition for vacation 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 realign both Farmington Avenue and Normil Terrace in order to comply the street and phasing layout approved under PUD-15-043 and LDS-15-044. Based on the foregoing, the Council concludes as follows:

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 (Cedar Investment Group, LLC) and all of the abutting land has testified to its support of the street vacations.
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 being processed contemporaneously with a request for dedication of right

of way for both Farmington Avenue and Normil Terrace, in a slightly modified location calculated to be consistent with the approved design in the most recent PUD approval. Based on the realignment and in consideration of the anticipated dedication, the vacation will not prevent vehicular access to any property now receiving any form of access from the streets to be vacated.

4. Beyond the properties which abut the street 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 uses or their owners because: A) no land is dependent upon the subject rights-of-way for access because the abutting and nearby land is vacant, and B) new street rights-of-way will be dedicated in the future and in only a slightly different configuration to serve future development in this PUD.
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 vacation.

## 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 10.202 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 the subject portions of Farmington Avenue and Normil Terrace are required as an earlier condition of approval imposed by the Medford Planning Commission and are necessary in order to achieve a realignment of both streets in a manner consistent with the earlier approvals that were the subject of city files PUD-15-043 and LDS-15-044.
4. The vacation of subject portions of Farmington Avenue and Normil Terrace is not a land use decision.
5. If the street vacation is a land use decision, 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 goals and policies; background text contained in the comprehensive plan do not constitute approval criteria.

- B. The streets to be vacated are neither arterials nor collector streets.
  - C. The streets to be vacated are not designated routes for bicycles or pedestrians.
  - D. There is no public water, sanitary sewer, electrical/telecommunications or natural gas facilities which now exist within the rights-of-way to be vacated and the same will be accommodated within one or more public utility easements complimentary to the re-alignment and subsequent dedications — which the city can assure before finalization of the vacation.
5. The vacations comply with MLDC 10.202(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 through the new dedications. As such, the Council concludes that its decision to vacate portions of Farmington Avenue and Normil Terrace will not produce significant impacts upon present or future land uses or their owners.

**Dated July 9, 2015 in Medford, Oregon.**

Respectfully submitted on behalf of Applicant,

CSA Planning, LTD.

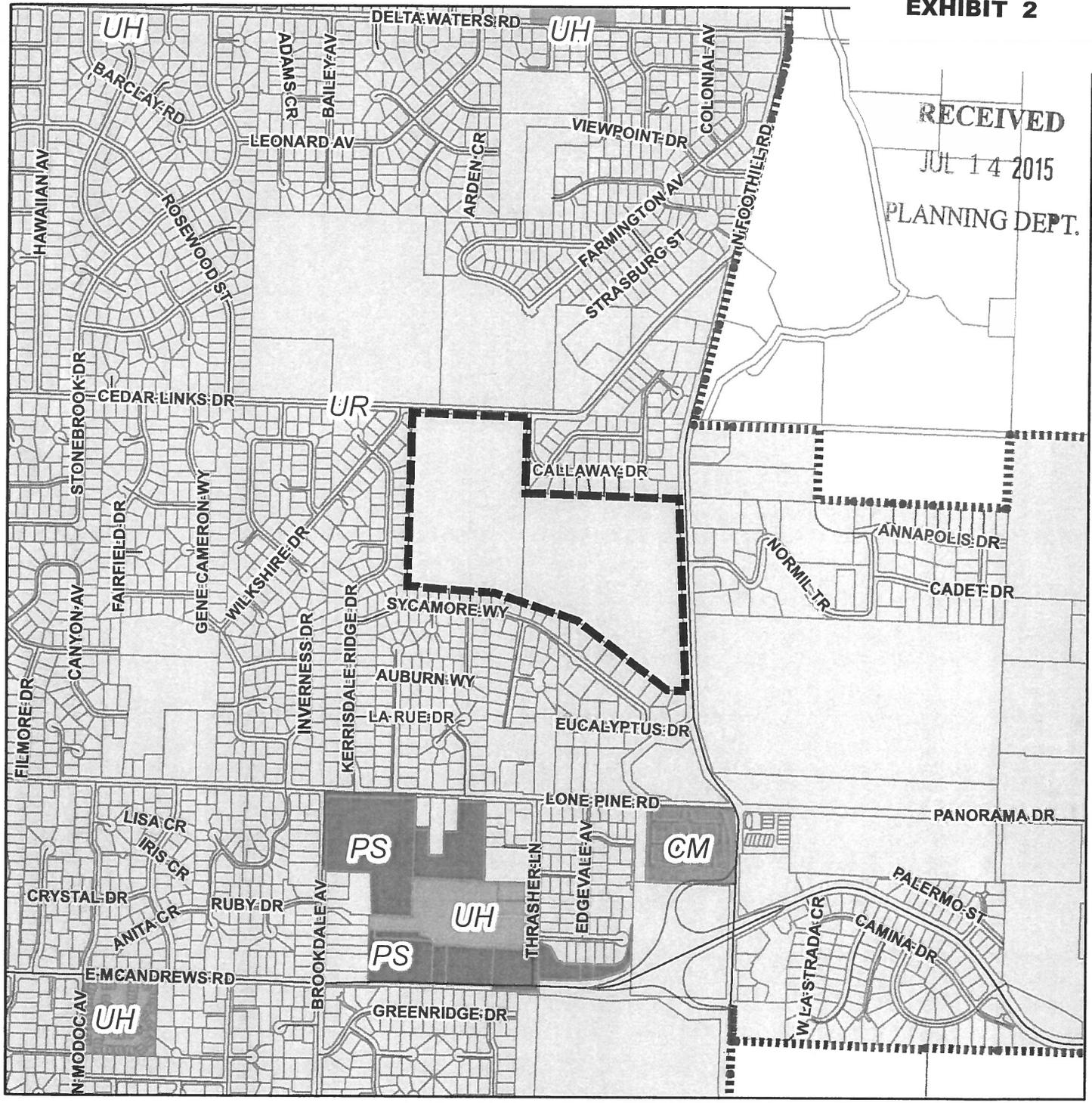


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Mike Savage  
Consulting Urban Planner



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**Subject Area Medford GLUP**

UGB

Tax Lots \*

UR

UH

PS

CM

Most current County Tax Lot shapefile reflects configuration prior to recordation of Sky Lakes Village at Cedar Landing 7A Plat

### Vicinity Map

Cedar Investment Group LLC  
 Property Line Adjustments  
 Lots 95-99 of Sky Lakes Village At Cedar Landing 7A  
 37-1W-16ca-2200, 2201, 2202;  
 37-1W-16d-7000 and 7001



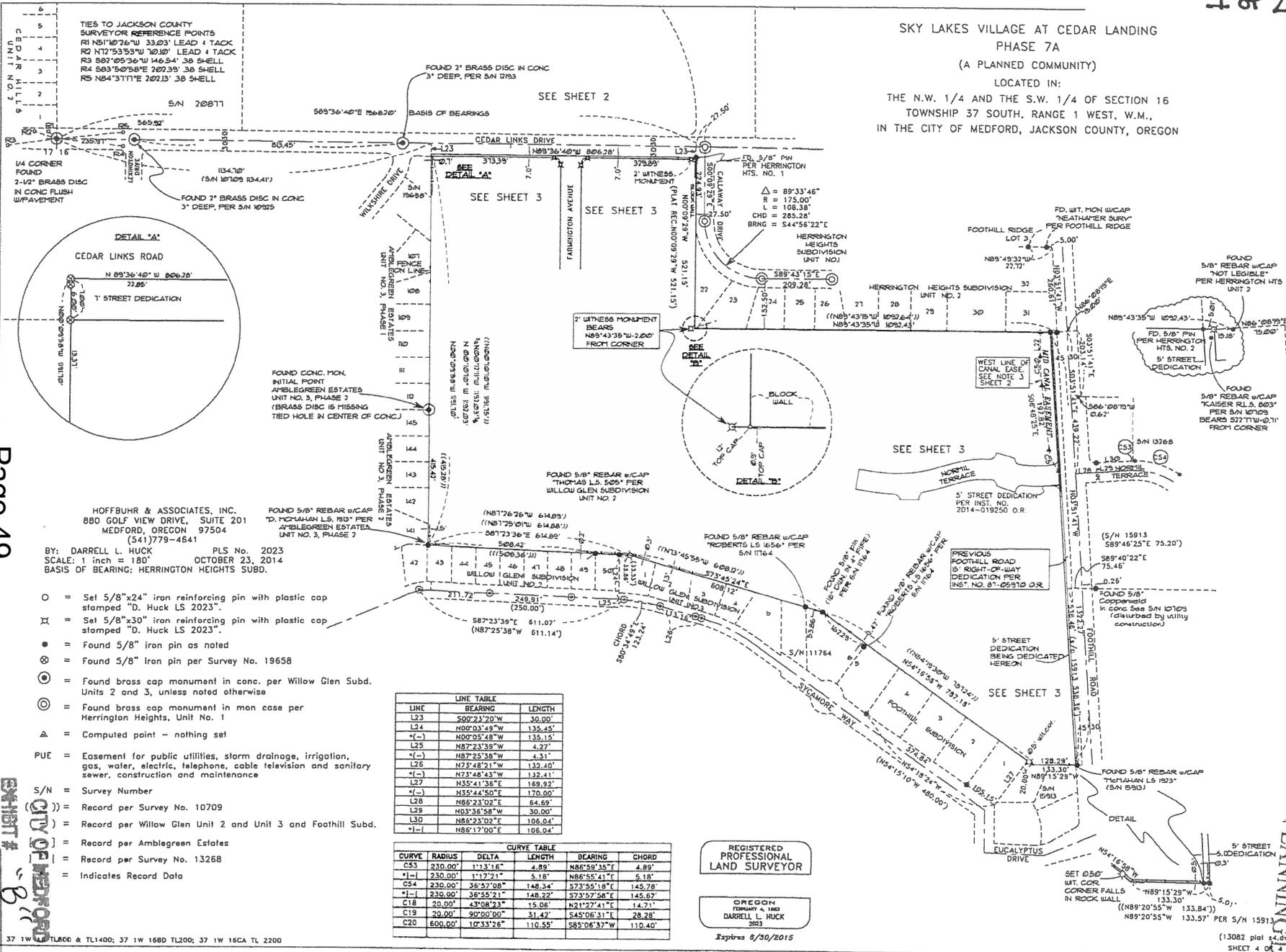
CITY OF MEDFORD  
 EXHIBIT # "B"  
 File# SV-15-101  
10 of 83



SKY LAKES VILLAGE AT CEDAR LANDING  
PHASE 7A

(A PLANNED COMMUNITY)

LOCATED IN:  
THE N.W. 1/4 AND THE S.W. 1/4 OF SECTION 16  
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,  
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON



LINE	BEARING	LENGTH
L23	S00°23'20"W	30.00'
L24	N00°03'49"W	135.45'
4(-)	N00°05'48"W	135.15'
L25	N87°23'39"W	4.27'
4(-)	N87°23'39"W	4.31'
L26	N73°18'11"W	132.10'
4(-)	N73°48'43"W	132.41'
L27	N35°41'36"E	169.92'
4(-)	N35°44'50"E	170.00'
L28	N85°23'02"E	64.69'
L29	N03°36'58"W	30.00'
L30	N86°23'02"E	106.04'
4(-)	N85°17'00"E	106.04'

CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C53	230.00'	1°13'16"	4.89'	N86°58'45"E	4.89'
*1-	230.00'	1°17'21"	5.18'	N86°55'41"E	5.18'
C54	230.00'	36°57'08"	148.34'	S73°55'18"E	145.78'
*1-	230.00'	36°55'21"	148.22'	S73°57'58"E	145.67'
C18	30.00'	4°08'28"	15.08'	N21°27'41"E	14.71'
C19	30.00'	92°00'00"	31.42'	S43°06'31"E	28.28'
C20	600.00'	10°33'26"	110.55'	S85°06'37"W	110.40'

REGISTERED PROFESSIONAL LAND SURVEYOR  
OREGON FEBRUARY 4, 1983  
DARRELL L. HUCK  
2003  
Expires 6/30/2015

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File# SV-15-101  
EXHIBIT # 8

- BY: DARRELL L. HUCK PLS No. 2023  
SCALE: 1 inch = 180' OCTOBER 23, 2014  
BASIS OF BEARING: HERRINGTON HEIGHTS SUBD.
- = Set 5/8"x24" iron reinforcing pin with plastic cap stamped "D. Huck LS 2023".
  - ⊖ = Set 5/8"x30" iron reinforcing pin with plastic cap stamped "D. Huck LS 2023".
  - = Found 5/8" iron pin as noted
  - ⊗ = Found 5/8" iron pin per Survey No. 19658
  - ⊙ = Found brass cap monument in conc. per Willow Glen Subd. Units 2 and 3, unless noted otherwise
  - ⊚ = Found brass cap monument in mon case per Herrington Heights, Unit No. 1
  - ▲ = Computed point - nothing set
  - PUE = Easement for public utilities, storm drainage, irrigation, gas, water, electric, telephone, cable television and sanitary sewer, construction and maintenance
  - S/N = Survey Number
  - )) = Record per Survey No. 10709
  - ) = Record per Willow Glen Unit 2 and Unit 3 and Foothill Subd.
  - ) = Record per Amblegreen Estates
  - ) = Record per Survey No. 13268
  - = Indicates Record Data

PLANNING DEPT.

JUL 14 2015

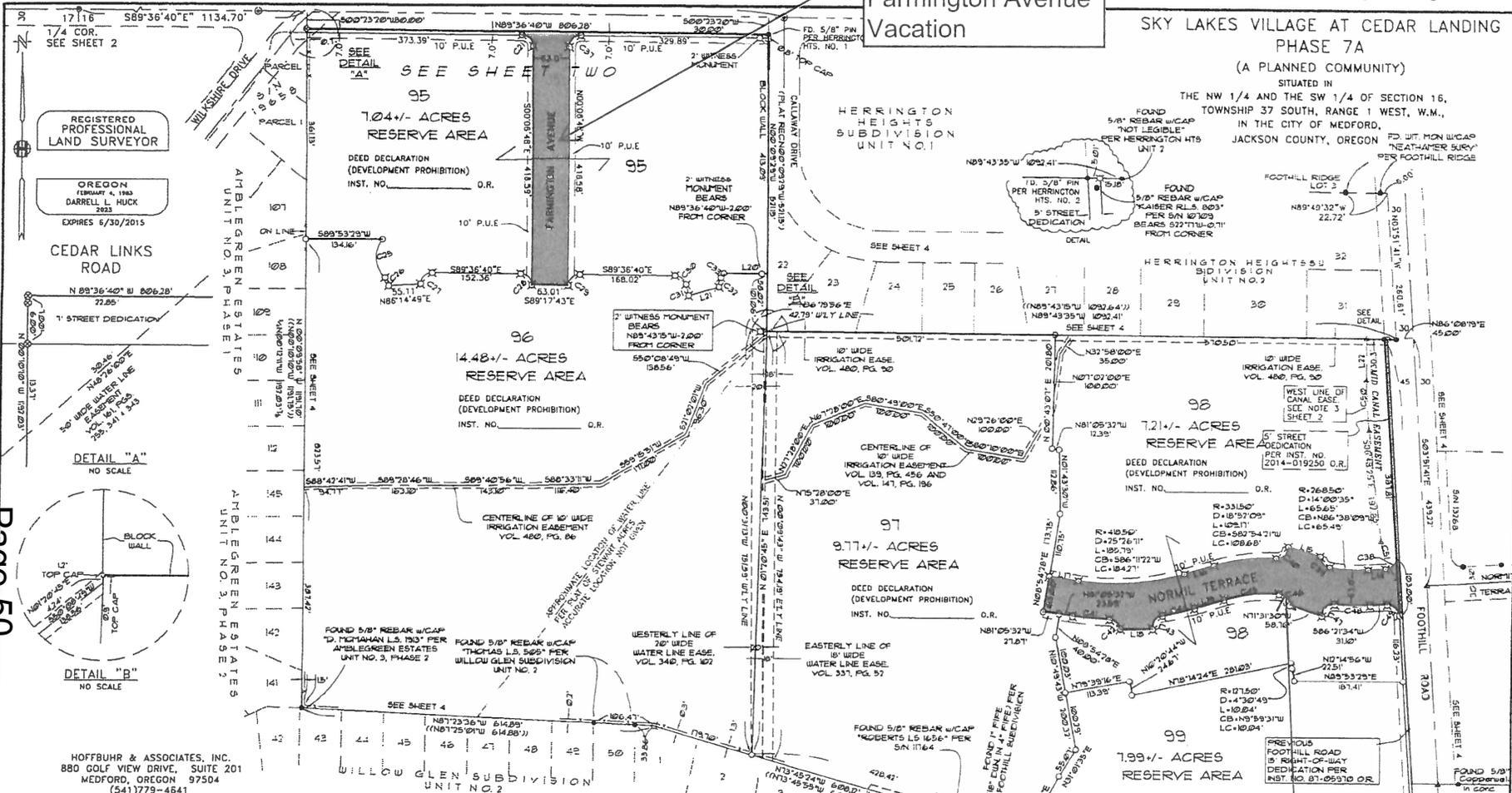
RECEIVED

Proposed Area of Farmington Avenue Vacation

2 of 2

SKY LAKES VILLAGE AT CEDAR LANDING  
PHASE 7A  
(A PLANNED COMMUNITY)

SITUATED IN  
THE NW 1/4 AND THE SW 1/4 OF SECTION 16,  
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,  
IN THE CITY OF MEDFORD,  
JACKSON COUNTY, OREGON



Proposed Area of Normil Terrace Vacation

Page 50  
12 of 83

HOFFBUHR & ASSOCIATES, INC.  
880 GOLF VIEW DRIVE, SUITE 201  
MEDFORD, OREGON 97504  
(541)779-4641

BY: DARRELL L. HUCK PLS No. 2023  
SCALE: 1 inch = 120' July 2, 2014  
BASIS OF BEARING: HERRINGTON HEIGHTS SUBD. UNIT NO. 1

- O = Set 5/8"x24" iron reinforcing pin with plastic cap stamped "Hoffbuh & Associates, INC."
- II = Set 5/8"x30" iron reinforcing pin with plastic cap stamped offburr and Associates, INC."
- = Found 5/8" iron pin unless noted otherwise.
- ⊙ = Found 5/8" iron pin per Survey No. 19658.
- ⊙ = Found brass cap monument.
- (- -) = Record per Survey No. 10709.
- [ - ] = Record per Amblegreen Estates.
- [ - ] = Record per Survey No. 13268
- O.R. = Official Records, Jackson County, Oregon
- - - = Existing fence.
- A = Computed point

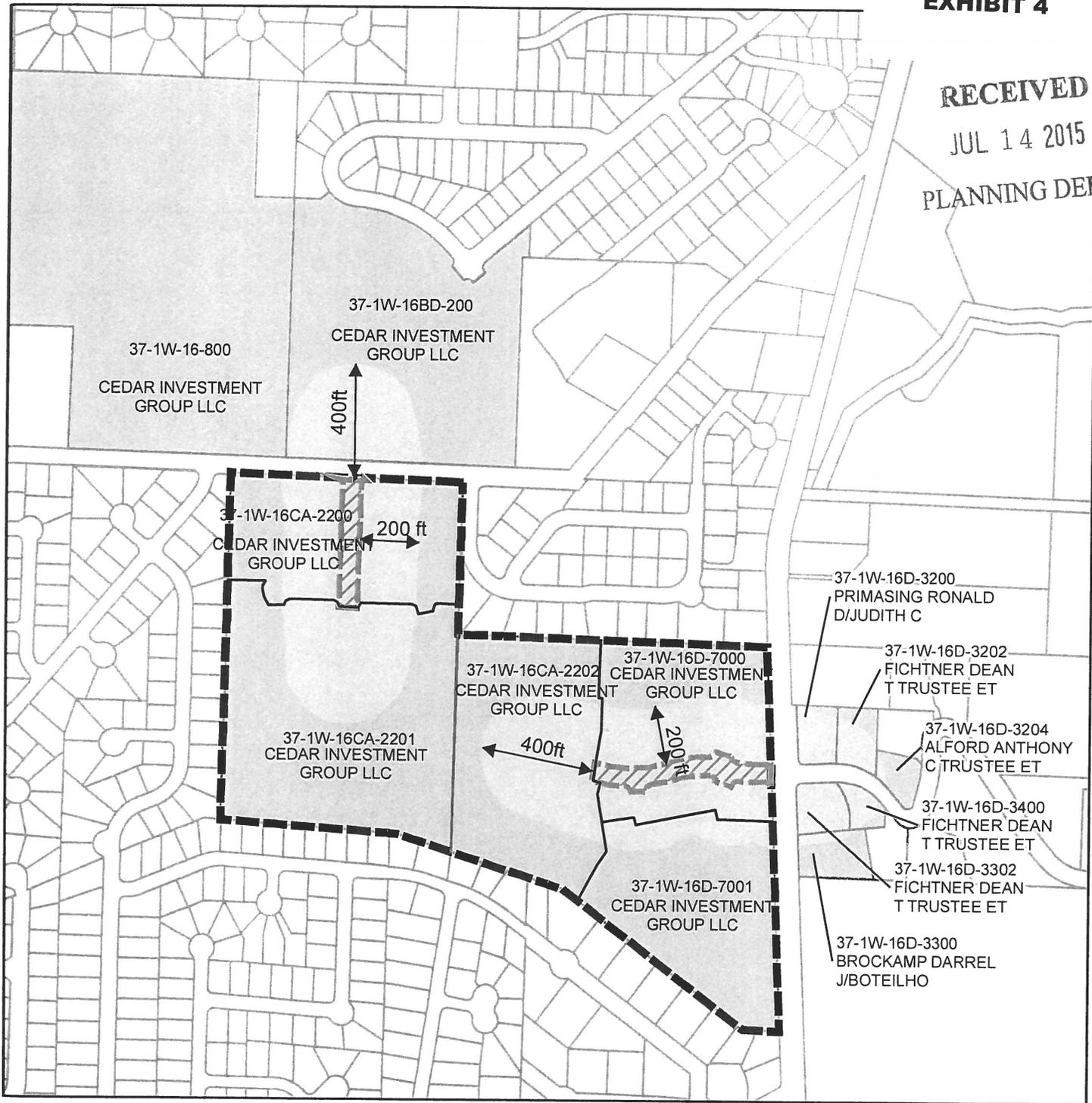
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C21	20.00'	89°29'42"	31.24'	S44°51'46"E	28.18'
NOT USED					
NOT USED					
NOT USED					
C25	30.00'	86°15'24"	75.27'	N04°14'53"W	68.36'
C26	20.00'	47°18'04"	18.50'	S23°44'35"E	16.04'
C27	20.00'	80°29'50"	31.59'	N45°08'24"E	28.41'
C28	20.00'	89°30'09"	31.24'	S44°51'35"E	28.18'
C29	20.00'	90°29'51"	31.59'	N45°08'25"E	28.41'
C30	20.00'	77°26'08"	27.03'	S50°53'36"E	25.02'
C31	322.50'	3°31'43"	20.17'	S13°56'23"E	20.17'
C32	20.00'	52°51'32"	18.45'	N10°43'31"E	17.80'
C33	50.00'	10°39'43"	9.30'	S31°49'27"W	9.29'
NOT USED					
NOT USED					
NOT USED					
C37	20.00'	90°30'13"	31.59'	N45°08'14"E	28.41'
C38	20.00'	90°31'15"	31.49'	S41°14'57"W	28.34'
C39	20.00'	78°35'56"	27.44'	N40°18'10"W	25.34'
C40	20.00'	94°03'55"	32.83'	S45°18'26"W	29.27'
C41	481.50'	7°45'03"	65.14'	S48°58'04"E	65.09'
C42	20.00'	78°29'52"	27.40'	S49°33'30"E	25.31'
C43	20.00'	89°34'18"	31.62'	N34°58'25"E	28.42'
C44	481.50'	6°45'17"	66.77'	N78°59'55"E	56.73'

CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C45	288.50'	20°36'45"	96.59'	S83°48'39"E	96.07'
C46	20.00'	83°58'28"	29.30'	S43°56'45"E	26.75'
C47	20.00'	89°00'32"	34.21'	N47°45'14"E	30.19'
C48	331.50'	10°22'42"	80.05'	S82°27'28"E	39.87'
C49	20.00'	89°46'45"	31.34'	S48°45'04"E	28.23'
C50	795.0'	6°24'24"	88.90'	S03°36'12"E	88.85'
C51	120.00'	36°38'09"	76.73'	S25°53'29"E	75.43'
C52	20.00'	89°45'17"	31.33'	S48°45'47"E	28.22'
C53	230.00'	2°08'30"	8.46'	N87°24'49"E	8.46'

LINE	BEARING	LENGTH
L14	S86°21'34"W	30.70'
L15	N72°51'48"W	58.12'
L16	S73°28'16"W	52.83'
L17	N81°05'32"W	51.47'
L18	S89°59'37"E	65.01'
L19	N73°28'16"E	52.83'
L20	S89°36'40"E	76.74'
L21	S74°17'48"W	55.00'
L22	S00°24'00"E	74.27'

(13082 plot ph 7 sh1 .dwg)  
371W16 TL000, & 1400, 371W16BD TL200, T371W16CA TL2200

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 JUL 14 2015  
 PLANNING DEPT.



-  Proposed Areas of Vacation
-  Perimeter PUD-15-043\*
-  Tax Lots
-  Notice Area
-  Notice lots

\* South Half of Cedar Landing PUD

### Notice Map

Cedar Investment Group LLC  
 Vacations of Portions of Farmington Avenue  
 and Normil Terrace within the Cedar Landing PUD;  
 Lots 95-99 of Sky Lakes Village At Cedar Landing 7A  
 37-1W-16ca-2200, 2201, 2202;  
 37-1W-16d-7000 and 7001



CITY OF MEDFORD  
 EXHIBIT # 13  
 File # SV-15-101  
13 of 83







BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

RECEIVED

JUL 14 2015

IN THE MATTER OF PLANNING COMMISSION FILE PUD-15-043 )  
 APPLICATION FOR A REVISION TO CEDAR LANDING SUBMITTED )  
 BY CEDAR INVESTMENT GROUP LLC. ) **PLANNING DEPT.  
 ORDER**

ORDER granting approval for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian paths. The project is located on approximately 114 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre / Planned Development) zoning district.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.245(A), Revision of a Preliminary or Final Planned Unit Development Plan; and
2. The Medford Planning Commission has considered in an open meeting the applicant's request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian paths. The project is located on approximately 114 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre / Planned Development) zoning district; and
3. Evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. After consideration and discussion, the Medford Planning Commission, upon a motion duly seconded a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian paths. The project is located on approximately 114 acres on the north and south sides of Cedar Links Drive

**FINAL ORDER**

**PUD-15-043**

west of Foothill Road within an SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre / Planned Development) zoning district.

THEREFORE LET IT BE HEREBY ORDERED that the approval for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian paths. The project is located on approximately 114 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre / Planned Development) zoning district, per the Planning Commission Report dated May 28, 2015.

Accepted and approved this 11th day of June, 2015.

CITY OF MEDFORD PLANNING COMMISSION

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Planning Commission Chair

ATTEST:

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Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF )  
 ) ORDER  
THE HIGH CEDARS SUBDIVISION PHASES 1 THROUGH 5 [LDS-15-044] )

ORDER granting approval of a request for tentative plat approval for the High Cedars Subdivision Phases 1 through 5.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and

2. The Medford Planning Commission has duly held a public hearing on the request for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5 located on approximately 114 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre / Planned Development) zoning district and of a request for a revision to the Cedar Landing Planned Unit Development (PUD). The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian paths, with the public hearing a matter of record of the Planning Commission on May 28, 2015.

3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and

4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare a 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 High Cedars Subdivision Phases 1 through 5 stands approved per the Planning Commission Report dated May 28, 2015, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated May 28, 2015.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 11th day of June, 2015.

CITY OF MEDFORD PLANNING COMMISSION

---

Planning Commission Chair

ATTEST:

---

Planning Department Representative



City of Medford

# Planning Department

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

## PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: PUD Revision and Tentative Plat

FILE NO. PUD-15-043 / LDS-15-044

DATE May 28, 2015

### BACKGROUND

#### Proposal

Consideration of a request for a revision to the Cedar Landing Planned Unit Development (PUD) and for approval of the tentative plat for High Cedars Subdivision Phases 1 through 5. The PUD revision request applies only to the portion south of Cedar Links Drive and consists of: 1) reconfiguring the entire area into the High Cedars subarea, phases 1 through 5; 2) changing all commercial, multi-family, and condominium uses to single family detached residential; 3) removing the below grade pedestrian crossing at Cedar Links Drive; 4) creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; and 5) relocating pedestrian paths. The project is located on approximately 114 acres on the north and south sides of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre / Planned Development) zoning district.

#### Subject Site Characteristics

Zoning	SFR-4
GLUP	UR (Urban Residential)
Use	Vacant Golf Course

#### Surrounding Site Characteristics

North	SFR-4	Single Family Dwellings
South	SFR-4	Single Family Dwellings
East	SFR-4	Single Family Dwellings
West	SFR-4	Single Family Dwellings

#### Related Projects

PUD-05-035	Cedar Landing PUD
LDS-05-036	Cascade Terrace Subdivision

- LDS-05-037 Sky Lakes Subdivision
- PUD-05-035 Termination of 5.47 acre portion of PUD for park property in 2011
- LDS-13-121 Sky Lakes Village Subdivision Phases 7A & 7B
- PUD-13-119 PUD Revision
- E-14-059 Exception to required right-of-way dedication
- PUD-14-136 PUD Revision
- LDS-14-137 Sky Lakes Village Phase 1 Tentative Plat
- LDS-14-138 The Village at Cedar Landing Phase 1 Tentative Plat

Applicable Criteria

Medford Municipal Code

**Planned Unit Development, §10.235(C)**

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

1. The proposed PUD:
  - a. preserves an important natural feature of the land, or
  - b. includes a mixture of residential and commercial land uses, or
  - c. includes a mixture of housing types in residential areas, or
  - d. includes open space, common areas, or other elements intended for common use or ownership, or
  - e. is otherwise required by the *Medford Land Development Code*.
2. The proposed PUD complies with the applicable requirements of this Code, or
  - a. the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and
  - b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and
  - c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.
3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:
  - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.
  - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.
  - c. Limited Service Area adopted as part of the *Medford Comprehensive Plan*.

4. The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.
5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:
  - 1) demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or
  - 2) the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:
    - a. Public sanitary sewerage collection and treatment facilities.
    - b. Public domestic water distribution and treatment facilities.
    - c. Storm drainage facilities.
    - d. Public streets.

Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the *Comprehensive Plan* which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

6. If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.
7. If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.

#### Revision or Termination of a PUD, §10.245(A)(3)

3. Burden of Proof; Criteria for Revisions: The burden of proof and supporting findings of fact and conclusions of law for the criteria in Subsections 10.235(D) or 10.240(G), as applicable, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the

whole PUD may be relied upon in reaching findings of fact and conclusions of law for the criterion at Subsection 10.235(D)(5). It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.

**Land Division, §10.270**

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

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

### Corporate Names

The application lists Cedar Investment Group, LLC as the owner of the subject property. As per the State of Oregon Business Registry, Eric Artner is listed as the registered agent.

### ISSUES AND ANALYSIS

#### Project History

On April 27, 2006, the Planning Commission approved Cedar Landing Planned Unit Development (PUD-05-035), a master plan for the redevelopment of the 122.12-acre site to provide a mixture of residential uses, commercial development and a preservation of existing open space. The overall project is organized into four sub areas with multiple phases that are described as follows:

1. High Cedars (43.0 ± acres) consists of five (5) phases including single-family lots, 55 and older, pad lots and common area/open space.
2. The Village at Cedar Landing (21.42 ± acres) is made up of five (5) phases of single-family lots, condominiums, retirement facilities and common area/open space.
3. Cascade Terrace (15.4 ± acres) is comprised of two (2) phases of small single-family lots targeted for detached dwellings and residents aged 55 or older.
4. Sky Lakes Village (41.6 ± acres) consists of single-family residential lots and common area/open space.

Three phases of the original project have final plan and plat approvals. Sky Lakes Village Phases 5, 6, and 7A have received final plat and plan approvals. In addition, a request was approved to allow the termination of portions of Cascade Terrace and Sky Lakes Village. The 5.47 acre terminated portion of the project was sold to the City for use as a public park.

In 2013, a revision to the PUD was approved which included modifications for naming, numbering, and design. An important item discussed in the Public Works Report at that time was the realignment of Cedar Links Drive at Foothills Road. A traffic signal and the realigned intersection have recently been completed.

In January 2015, an exception was approved for the reduction of required right-of-way dedication for Cedar Links Drive. The Planning Commission approved modifications to the street design as part of the original approval in order to preserve existing Cedar trees on the north side of Cedar Links Drive. An Exception was necessary in order to reduce the amount of right-of-way dedication.

Most recently, in April 2015 the Planning Commission approved a revision to the PUD regarding changes to the north side of Cedar Links Drive and tentative plats for Sky Lakes Phase 1 and The Village Phase 1. The changes to the PUD on the north side of Cedar Links Drive are similar to those presented in this application and specifically addressed street design, number of lots, the relocation of paths, a reduction in the front yard setback, and an increase in maximum lot coverage.

#### Project Update

The applicant is now requesting a PUD revision for the portion of the PUD south of Cedar Links Drive. Specifically, the revisions consists of reconfiguring the entire area into 5 phases; changing all commercial, multi-family, and condominium uses to single-family detached residential; removing the below grade pedestrian crossing at Cedar Links Drive; creating a single access point to Foothill Road at Normil Terrace and eliminating the second access point at Tree Top Drive; relocating the pedestrian paths. In addition, the applicant is seeking approval of the tentative plat for High Cedars Phases 1 through 5. In addition, this revision includes minor modifications necessary for the project to ensure compliance with all code provisions.

#### *Phasing*

The phasing has been changed slightly to adjust for the changes in uses and subareas. The commercial area adjacent to Cedar Links Drive was previously a part of The Village subarea (phase 4). Now, as proposed all detached single-family residential, the entire portion of the PUD south of Cedar Links Drive makes up the High Cedars subarea, consisting of phases 1 through 5.

#### *Changes to Proposed Uses*

The most significant and substantive revision proposed is that of the land uses for the portion of the PUD south of Cedar Links Drive. Previous versions of the PUD included a mixture of commercial uses, and various housing types, in addition to detached single-family residential units in this area south of Cedar Links Drive. This current revision proposes to remove all other land uses and housing types, leaving the entire area (approximately 48 acres) as detached single-family residential homes, situated on 176 lots. The proposed revision also reduces the amount of open space provided to just over 11 total acres, including the open space easements.

Land Use/Housing Type	Previous Approvals	Proposed Revision PUD-15-044
Commercial Lots (sq ft)	42,630 sq ft	0
Senior Single-Family Dwellings	34	0
Condominium Units	13	0
Detached Single-Family Dwellings	65	176
Duplex Units	22	0
Townhomes	36	0
Open Space Area & Easements (sq ft)	689,234 sq ft / 15.82 Ac	489,444 sq ft / 11.24 Ac
<i>Sources: PUD Plan PUD-14-136; Applicant's Exhibit 7 Preliminary PUD Plan</i>		

These proposed revisions to the PUD do not result in a significant change in density. The approximate 114 acres included in the PUD with the underlying zoning of SFR-4, results in an allowable residential density range of roughly 285 units up to about 547 units with a 20 percent density bonus due to the large nature of the PUD. Although the housing types are now proposed to be all detached-single family, the total number of proposed units increases only slightly from 170 total units to 176 total units in this portion of the PUD. Together with the northern portion of the PUD, the total number of proposed housing units is 461, which falls well within the allowable range.

**DECISION:** *The Planning Commission discussed the change of uses extensively, including both the removal of a commercial component on the south side of Cedar Links Drive as well as the change in housing type diversity. Discussion by the Commission, explanations from Staff, and findings from the applicant indicated that there was sufficient compatibility with the already developed portion of the PUD – detached single-family residential – to adequately satisfy the criteria in §10.245(A)(3).*

*Pedestrian Crossing*

The original PUD plan for Cedar Landing included a below-grade pedestrian crossing to be constructed at Cedar Links Drive. This was an element only briefly described in the applicant's written narrative with the original proposal in 2005. The applicant is now requesting that the Commission eliminate the requirement for this pedestrian crossing. There is adequate pedestrian connectivity provided within both the north and south portion of the PUD, although this change would result in no clearly designated pedestrian connection across Cedar Links Drive.

*Access to Foothill Road*

As proposed, access to Foothill Road will now be limited to a single access point from within this portion of the PUD south of Cedar Links Drive. The connection point will be at Normil Terrace. A second connection was previously proposed as what was then referred to as Timbered Ridge (now Tree Top Drive).

*“B”*

It is likely that development of this project will begin to occur furthest from Foothill Road due to the associated improvements. Until such time as the Foothill Road connection is constructed at Normil Terrace, the Fire Department has agreed that a 12-foot wide emergency only access road connecting Fallen Oak Drive to Cedar Links Drive would be sufficient as a secondary access in order to lift the fire sprinkler requirement (Exhibit J).

#### *Pedestrian Paths*

Following the approved revisions to the north side of the PUD, the relocation of the pedestrian paths on the south side are essentially the same. Through past iterations of this project, the location of pedestrian and bicycle paths behind residential lots, connecting to open space areas, has been an issue with neighbors. The original design placed these paths between the rear yards of existing homes and the rear yards of future homes within this project. Privacy and safety concerns were raised with this design. These paths are proposed to be relocated to open space easements along the front of the some lots. However, it should be noted that this shift has resulted in some existing homes south of this project to now back up directly to another lot, rather than to open space as previously approved.

The applicant has provided a cross section of the proposed path (Exhibit E) which illustrates the open space easements to be located along the front of approximately 32 lots in High Cedars Phases 1, 2, 3, and 5. The open space areas will be maintained by the Homeowner's Association and are proposed to consist of a seven foot meandering path with grass planter strips and a street tree per lot, on each side of the path.

**DECISION:** *The Commission discussed with the applicant and with the City Engineer the distinction between a sidewalk and a multi-use path as well as the standards for each. The Public Works Report required that the proposed multi-use path be ten-feet wide. Ultimately the Commission decided to approve a seven-foot meandering sidewalk, rather than a ten-foot multi-use path throughout the project. The Public Works Report has been revised to reflect the Commission's decision (Exhibit H-1).*

#### Additional Considerations

As this is a very large, complex project there are additional issues the Commission should consider with this PUD revision and tentative plat proposal.

#### *Through Lots*

The applicant's findings provide for stipulations to which they agree for items such as completing the necessary property line adjustments, street vacations, and the like (Exhibits A, G). One item included in this list by the applicant is that of restricted access for particular lots with double frontage. Per MLDC §10.440 restricting the access for lots

that border a collector or arterial, in this instance proposed lots 124-128 and 147-148 in Phase 4 and lots 149-156 in Phase 5 which all back to Foothill Road, is appropriate.

Proposed lots 5 and 6 in Phase 1 have frontage to both Morning View Drive and Callaway Drive, both which are residential streets. The layout of these specific lots require approval through the PUD itself per MLDC §10.230(D)(1). Therefore, the applicant is actually requesting the Commission to also approve lot layout – two through lots fronting on to residential streets – as a sixth revision item to the PUD.

All proposed through lots would be restricted to a single vehicular access from the street to which they front within the Cedar Landing PUD. Proposed lots 5 and 6 would have access from Morning View Drive only. Proposed lots 124-128 and 147-156 would have access from High Cedars Lane only. Although lots 128 and 147 are actually bound by streets on three sides (they are also adjacent to Normil Terrace) their access would be limited to High Cedars Lane.

*Minor Modifications*

In order for the revised PUD to fully comply with all current provisions of the Land Development Code, the applicant requests that the Commission approve these minor modifications.

Modification	Applicable Area	Rationale
Side-Yard Setback*	Lots: 75, 85, 106, 107, 110	To accommodate adjacent commonly owned open space lots, if necessary. Open space easements are preferred and depicted on the plans.
Front-Yard Setback of 33-feet	Lots: 36-57, 89-90, 158-165	To accommodate the meandering path.
Block Length	Two interior blocks (of 820 and 920 feet respectively) bound by Caldera Ln, Obsidian Ridge, Fallen Oak Dr, Morning View Dr, & Farmington Ave	Removal of commercial area adjacent to Cedar Links Drive results in the relocation of Fallen Oak Drive further north to account for standard residential lots. Pedestrian connections provided via pathways and sidewalks to open space.

\*Applicant requests the option of a 4-foot setback ONLY if open space easements are not utilized.

**DECISION:** *The applicant withdrew the request for the 4-foot sidewalk setback modification.*

*Property Line Adjustments and Rights-of-Way*

Changes in the proposed land uses and overall lot layout necessitate property line adjustments in order to align property lines with the proposed phase boundaries. This should be completed before final plat of any affected phases.

Similarly, a previously recorded plat, Sky Lakes Village Phase 7A, created rights-of-way that do not accurately reflect this proposed revision. The applicant agrees to vacate and dedicate the applicable portions of right-of-way to create appropriate rights-of-way which conform to this proposed plat (Exhibit A, C).

#### FINDINGS AND CONCLUSIONS

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

- PUD revision for the allowance of the proposed lot layout including through lots and access restrictions.
- Minor modifications to allow for: 33-foot front yard setbacks and extended block lengths, as applicable.

#### ACTION TAKEN

Adopted the modified findings as recommended by staff and directed staff to prepare a Final Order for approval per the Planning Commission Report dated May 28, 2015, including Exhibits A through S.

#### EXHIBITS

- A-1 Conditions of Approval
- B Revised PUD Plan for Cedar Landing, received March 26, 2015
- C Tentative Map for High Cedars at Cedar Landing Phases 1-5, received March 26, 2015
- D Conceptual Grading and Drainage Plan, received March 26, 2015
- E Proposed Path Detail, received March 26, 2015
- F Street Tree Master Plan, received March 26, 2015
- G Applicant's Findings of Fact, received March 26, 2015
- H-1 Public Works Staff Report, received May 06, 2015
- I Fire Department Report, received May 06, 2015
- J Fire Department Letter and Secondary Access Agreement, received April 16, 2015
- K Medford Water Commission Memo, received May 06, 2015
- L ODOT Letter, received May 07, 2015
- M Address Technician Memo, received May 06, 2015
- N Building Department Memo, received May 06, 2015
- O Medford Irrigation District Letter, received April 28, 2015
- P Letter from Mr. Robert J. White, received April 14, 2015
- Q Letter from Construction Engineering Consultants, received May 28, 2015
- R Foothill Road Arterial Separation Feature Illustration, received May 28, 2015

- S Typical Cross Section Foothill Road Illustration, received March 26, 2015  
Vicinity map

**MEDFORD PLANNING COMMISSION**

---

David McFadden, Chair

**PLANNING COMMISSION AGENDA:**

**MAY 28, 2015  
JUNE 11, 2015**

EXHIBIT A-1

Cedar Landing PUD Revision and Subdivision Plat  
PUD-15-043 / LDS-15-044  
Conditions of Approval  
May 28, 2015

All conditions of the Preliminary PUD plan approval (PUD-05-035) are still in effect, other than those modified by this revision request.

DISCRETIONARY CONDITIONS

1. Comply with all *Agreed to Stipulations* outlined in the Findings of Fact (Exhibit G);
2. Necessary property line adjustments, right-of-way vacations, and right-of-way dedications shall be completed prior to final plat of the affected phases;

CODE CONDITIONS

3. Comply with the Public Works Staff Report received May 29, 2015 (Exhibit H-1);
4. Comply with the Medford Water Commission Memorandum received May 06, 2015 (Exhibit K);
5. Comply with the Medford Fire Department Report received May 06, 2015 (Exhibit I);
6. Comply with the Medford Fire Department Letter and Secondary Access Agreement received April 16, 2015 (Exhibit J); and
7. Comply with the Address Technician Memorandum received May 06, 2015 (Exhibit M).

1-3"  
31 of 83

FOR ASSESSMENT AND TAXATION ONLY

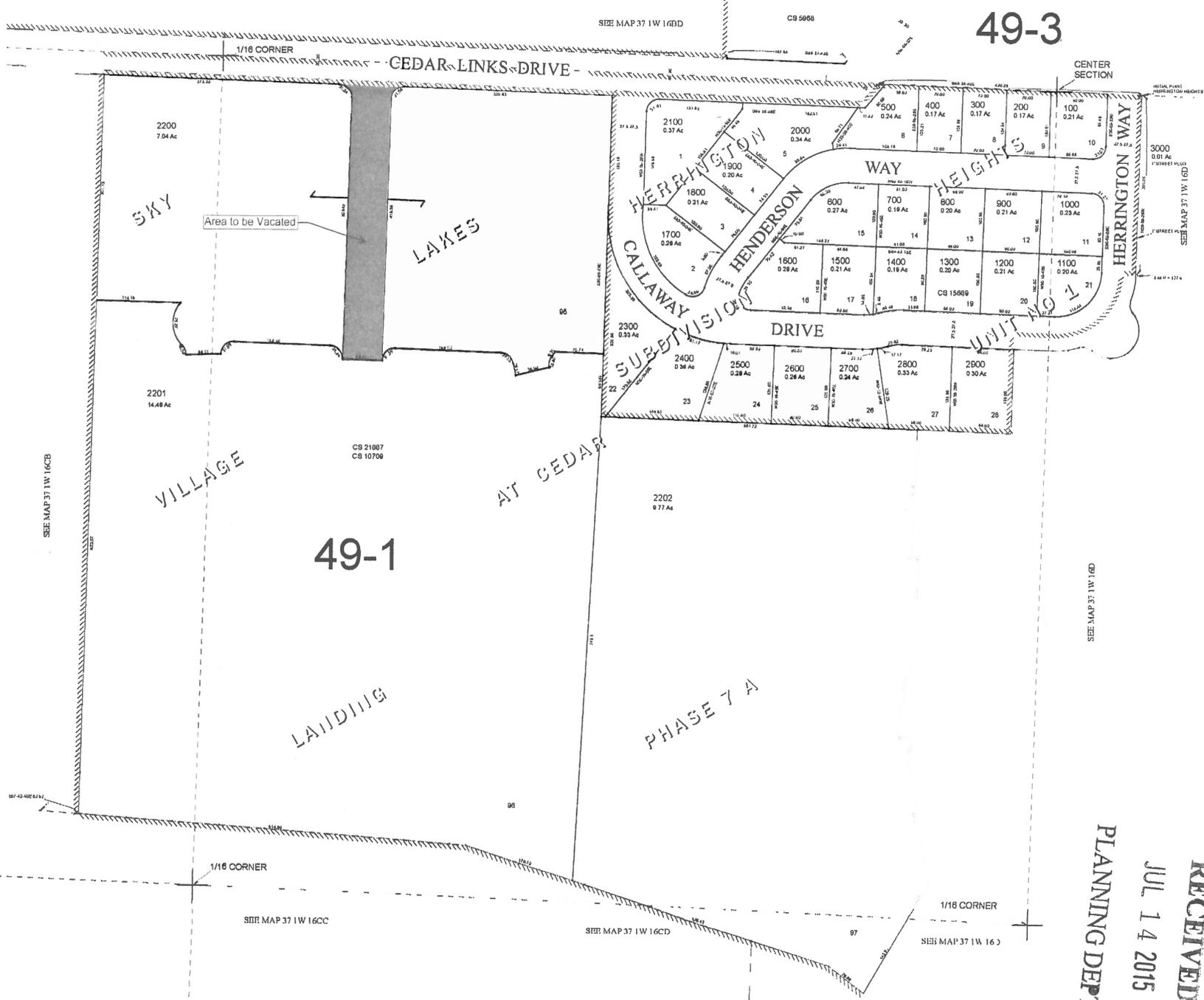
N.E. 1/4, S.W. 1/4, SEC. 16, T. 37S., R. 1W., W.M.  
JACKSON COUNTY  
1" = 100'

EXHIBIT 8

1 of 2

49-3

37 1W 16CA  
MEDFORD



CANCELLED TAX LOT NUMBERS

Page 70

File # SV-15-101

EXHIBIT #

3

CITY OF MEDFORD

PLANNING DEPT.

JUL 14 2015

RECEIVED

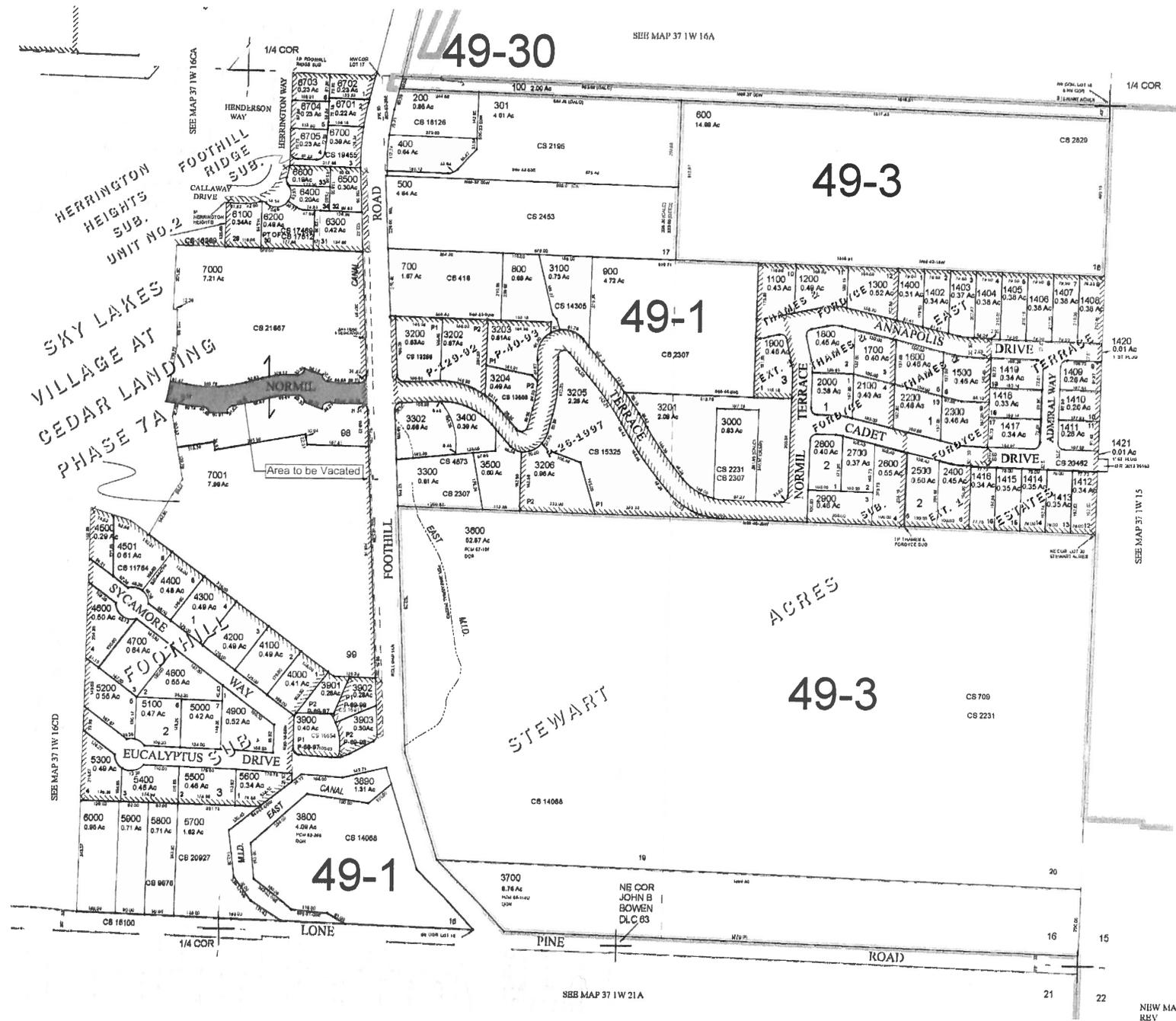
37 1W 16CA  
MEDFORD  
NEW MAP MARCH 03, 1998  
REV APRIL 15, 2015

FOR ASSESSMENT AND TAXATION ONLY

S.E. 1/4, SEC. 16, T. 37S., R. 1W., W.M.  
JACKSON COUNTY  
1" = 200'

2 of 2

37 1W 16D  
MEDFORD



CANCELLED TAX LOT NUMBERS:  
1401 ADDED TO 1400

Page 71

11 B'1'  
33 of 83

37 1W 16D  
MEDFORD

NW MAP NOVEMBER 03, 2009  
RBV APRIL 13, 2015

RECEIVED

JUL 14 2015

EXHIBIT 9

PLANNING DEPT.



After recording return to:  
Cedar Investment Group, LLC  
Attn: Jack Keese c/o Jin Yoo Secured  
Mgmt Corp  
10250 Constellation Blvd 2770  
Los Angeles CA 90067

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Cedar Investment Group, LLC  
(no change - same above)

File No.: 7169-2411264 (cl)  
Date: June 03, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY BARGAIN AND SALE DEED

Property Line Adjustment - City of Medford Planning No. PLA-\_\_\_\_\_

**Cedar Investment Group, LLC**, Grantor, conveys to **Cedar Investment Group, LLC**, Grantee, the following described real property:

See Legal Description in Exhibit A attached hereto and made a part hereof

The true consideration for this conveyance is **\$0.00 (property line adjustment only)**. (Here comply with requirements of ORS 93.030)



EXHIBIT A

(Property Line Adjustment)

BEGINNING at the Northwest corner of Lot 95 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the north line of said Lot 95, South 89°36'40" East 373.39 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 44°51'46" East 28.16 feet) a distance of 31.24 feet; thence South 00°06'48" East 418.59 feet; thence South 89°17'43" East 63.01 feet; thence North 00°06'48" West 418.58 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 45°08'14" East 28.41 feet) a distance of 31.59 feet; thence South 89°36'40" East 329.89 feet to the northeast corner of the aforesaid Lot 95; thence along the east line of said Lot 95 and continue along the east line of Lot 96 of the aforesaid Sky Lakes Village at Cedar Landing, Phase 7A, South 00°09'29" East 502.79 feet; thence leaving said east line, South 89°53'29" West 95.04 feet; thence South 66°18'08" West 55.63 feet; thence South 89°53'29" West 203.99 feet; thence North 86°28'38" West 63.13 feet; thence South 89°53'29" West 204.88 feet; thence North 85°18'38" West 55.19 feet; thence South 89°53'29" West 133.27 feet to the west line of the aforesaid Lot 96; thence along said west line and continue along the west line of said Lot 95, North 00°09'58" West 523.43 feet to the point of beginning.  
(containing 9.03 acres, more or less)

(14099 adj L95 desc.doc)

Darrell L. Huck  
L.S. 2023 – Oregon  
Expires 6/30/2015  
Hoffbuhr & Associates, Inc

113"  
36 of 83

EXHIBIT B

CEDAR LINKS DRIVE

FARMINGTON AVE

LOT 95

LOT 95

LOT 96



1" = 150'

N00°09'58"W 523.43'

S00°09'29"E 502.79'

S00°09'58"E 661.27'

N01°20'45"E 743.51'

EXISTING LOT LINE

EXISTING LOT LINE

RESULTING ADJUSTED PROPERTY LINE

EXISTING LOT LINE

S87°23'36"E  
614.89'

S73°45'24"E  
179.70'

11B11  
37 of 83



After recording return to:  
Cedar Investment Group, LLC  
Attn: Jack Keese c/o Jin Yoo Secured  
Mgmt Corp  
10250 Constellation Blvd 2770  
LosAngeles CA 90067

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File No.: 7169-2411264 (cl)  
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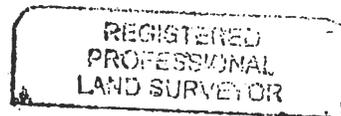
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38 of 83



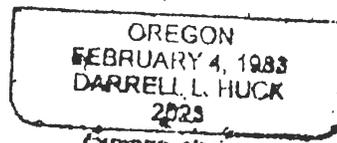
EXHIBIT A

(Property Line Adjustment)

BEGINNING at the Southwest corner of Lot 96 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the west line of said Lot 96, North 00°09'58" West 661.26 feet; thence leaving said west line, North 89°53'29" East 133.27 feet; thence South 85°18'38" East 55.19 feet; thence North 89°53'29" East 204.88 feet; thence South 86°28'38" East 63.13 feet; thence North 89°53'29" East 203.99 feet; thence North 66°18'08" East 55.63 feet; thence North 89°53'29" East 95.04 feet to the east line of the aforesaid Lot 96; thence along said east line, South 00°09'29" East 11.36 feet; thence continue along said east line, South 01°20'45" West 743.51 feet to the southeast corner of said Lot 96; thence along the south line of said Lot 96, North 73°45'24" West 179.70 feet; thence continue along said south line, North 87°23'36" West 614.89 feet to the point of beginning.  
(containing 12.49 acres, more or less)



*Daw & Co*



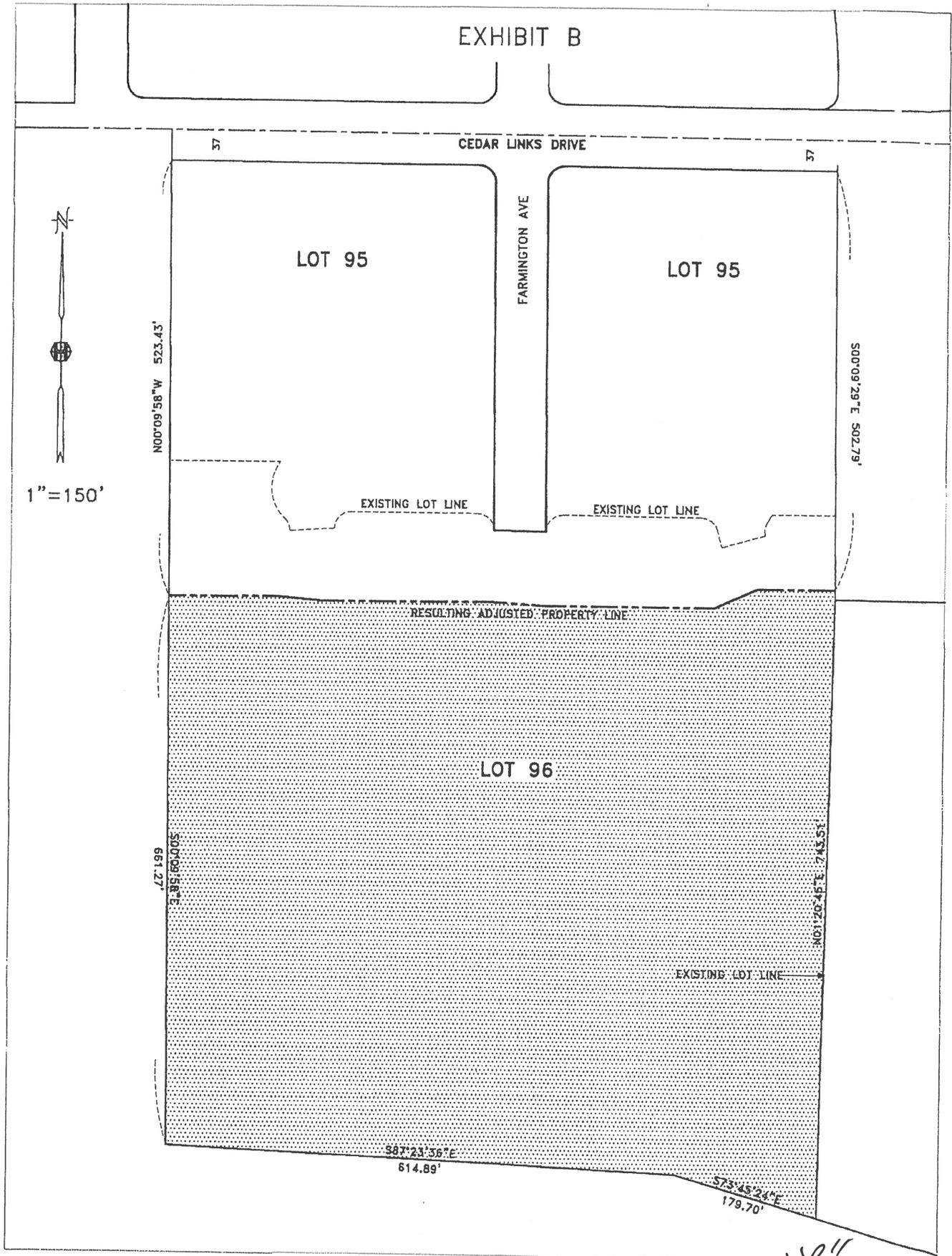
*EXPIRES: 6/30/2015*

Darrell L. Huck  
L.S. 2023 – Oregon  
Expires 6/30/2015  
Hoffbuhr & Associates, Inc

(14099 adj L96 desc.doc)

*"G"*  
*40 of 83*

EXHIBIT B



118''  
41 of 83



After recording return to:  
Cedar Investment Group, LLC  
Attn: Jack Keese c/o Jin Yoo Secured  
Mgmt Corp  
10250 Constellation Blvd 2770  
Los Angeles CA 90067

Until a change is requested all tax  
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following address:  
Cedar Investment Group, LLC  
(no change - same above)

File No.: 7169-2411264 (cl)  
Date: June 03, 2015

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### STATUTORY BARGAIN AND SALE DEED

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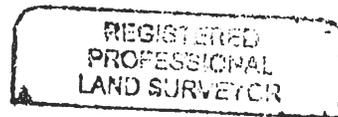
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42 of 83



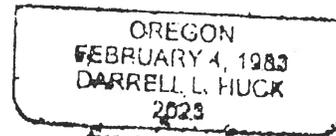
EXHIBIT A

(Property Line Adjustment)

BEGINNING at the northwest corner of Lot 97 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the north line of said Lot 97, South 89°43'35" East 501.72 feet to the northeast corner of said Lot 97; thence leaving said north line, South 00°43'07" West 120.00 feet; thence South 06°04'41" East 55.35 feet; thence South 00°16'25" West 223.12 feet; thence South 00°41'52" East 63.35 feet; thence South 10°20'44" East 222.27 feet; thence South 25°26'53" West 42.82 feet; thence along the arc of a 427.50 foot radius non-tangent curve to the right (the long chord to which bears South 63°16'24" East 19.08 feet) a distance of 19.08 feet; thence South 28°00'20" West 197.91 feet to the southeast corner of the aforesaid Lot 97; thence along the south line of said Lot 97, North 54°16'58" West 70.88 feet; thence continue along said south line, North 73°45'24" West 428.42 feet to the southwest corner of said Lot 97; thence along the west line of said Lot 97, North 01°20'45" East 743.51 feet to the point of beginning. (containing 9.80 acres, more or less)



*Dan 2/4*



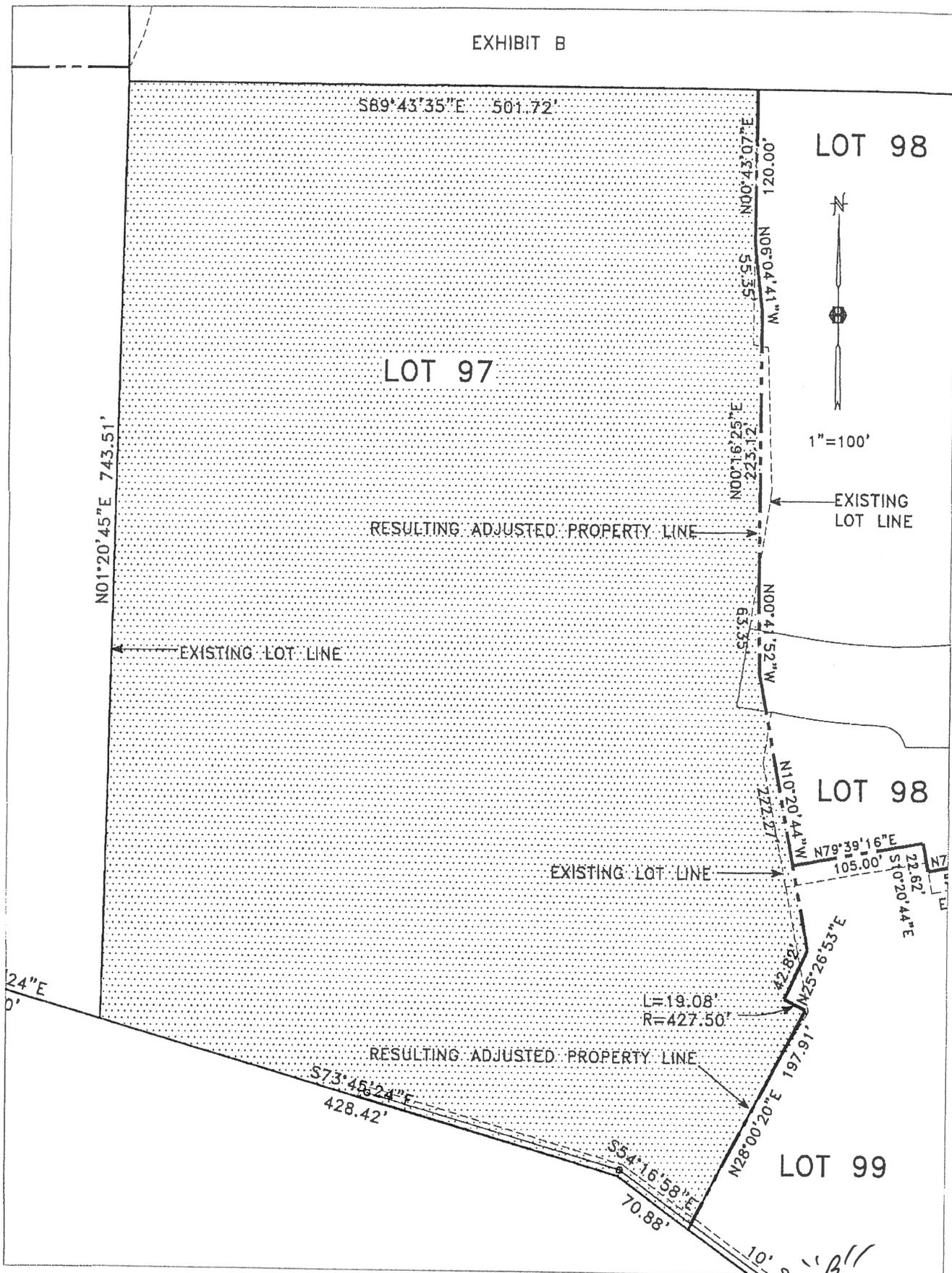
EXPIRES: 03/30/2015

Darrell L. Huck  
L.S. 2023 – Oregon  
Expires 6/30/2015  
Hoffbuhr & Associates, Inc.

(14099 adj L97 desc.doc)

*"B"*  
*44 of 83*

EXHIBIT B





After recording return to:  
Cedar Investment Group, LLC  
Attn: Jack Keese c/o Jin Yoo Secured  
Mgmt Corp  
10250 Constellation Blvd 2770  
LosAngeles CA 90067

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File No.: 7169-2411264 (c)  
Date: June 03, 2015

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### STATUTORY BARGAIN AND SALE DEED

Property Line Adjustment - City of Medford Planning No. PLA-\_\_\_\_\_

**Cedar Investment Group, LLC**, Grantor, conveys to **Cedar Investment Group, LLC**, Grantee, the following described real property:

See Legal Description in Exhibit A attached hereto and made a part hereof

The true consideration for this conveyance is **\$0.00 (property line adjustment only)**. (Here comply with requirements of ORS 93.030)



EXHIBIT A

(Property Line Adjustment)

BEGINNING at the northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon, thence along the east line of said Lot 98, South 03°51'41" East 387.81 feet; thence leaving said east line, along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 41°14'57" West 28.34 feet) a distance of 31.49 feet; thence South 86°21'34" West 30.70 feet; thence along the arc of a 268.50 foot radius curve to the right (the long chord to which bears North 86°38'09" West 65.49 feet) a distance of 65.65 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 40°18'10" West 25.34 feet) a distance of 27.44 feet; thence North 72°51'48" West 58.12 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the right (the long chord to which bears South 45°18'28" West 29.27 feet) a distance of 32.83 feet; thence along the arc of a 331.50 foot radius curve to the left (the long chord to which bears South 82°54'21" West 108.68 feet) a distance of 109.17 feet; thence South 73°28'16" West 52.83 feet; thence along the arc of a 418.50 foot radius curve to the right (the long chord to which bears South 86°11'22" West 184.27 feet) a distance of 185.79 feet; thence North 81°05'32" West 43.69 feet; thence North 00°41'52" West 29.00 feet; thence North 00°16'25" East 223.12 feet; thence North 06°04'41" West 55.35 feet; thence North 00°43'07" East 120.00 feet to the northwest corner of the aforesaid Lot 98; thence along the north line of said Lot 98, South 89°43'35" East 570.50 feet to the point of beginning.

(containing 5.51 acres, more or less)

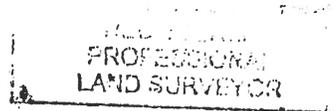
TOGETHER WITH the following described tract of land:

BEGINNING at the southeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the west right-of-way line of Foothill Road, South 03°51'41" East 25.34 feet; thence leaving said right-of-way line, South 86°08'19" West 132.70 feet; thence South 86°50'44" West 55.00 feet; thence North 03°51'14" West 38.66 feet; thence South 86°08'19" West 119.22 feet; thence North 07°21'38" West 28.81 feet; thence South 79°39'16" West 109.18 feet; thence South 79°00'26" West 55.00 feet; thence North 10°20'44" West 22.62 feet; thence South 79°39'16" West 105.01 feet; thence North 10°20'44" West 123.41 feet; thence South 81°05'32" East 27.78 feet; thence along the arc of a 481.50 foot radius curve to the left (the long chord to which bears South 84°58'04" East 65.09 feet) a distance of 65.14 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 49°35'40" East 25.31 feet) a distance of 27.40 feet; thence South 89°59'37" East 55.91 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the right (the long chord to which bears North 34°56'25" East 28.42 feet) a distance of 31.62 feet; thence along the arc of a 481.50 foot radius curve to the left (the long chord to which bears North 76°50'55" East 56.73 feet) a distance of 56.77 feet; thence North 73°28'16" East 52.83 feet; thence along the arc of a 268.50 foot radius curve to the right (the long chord to which bears North 83°46'39" East 96.07 feet) a distance of 96.59 feet; thence along the arc of 20.00 foot radius curve to the right (the

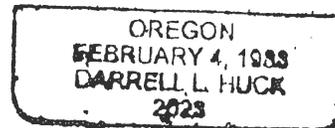
"B"  
48 of 83

long chord to which bears South 43°56'45" East 26.75 feet) a distance of 29.30 feet; thence South 71°31'30" East 58.70 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the right (the long chord to which bears North 47°45'14" East 30.19 feet) a distance of 34.21 feet; thence along the arc of a 331.51 foot radius curve to the right (the long chord to which bears South 88°27'28" East 59.97 feet) a distance of 60.05 feet; thence North 86°21'34" East 31.10 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 48°45'04" East 28.23 feet) a distance of 31.34 feet to the westerly right-of-way line of Foothill Road; thence along said right-of-way, South 03°51'41" East 116.26 feet to the point of beginning.

(containing 1.79 acres, more or less)



*Darrell L. Huck*



EXPIRES 6/30/2015

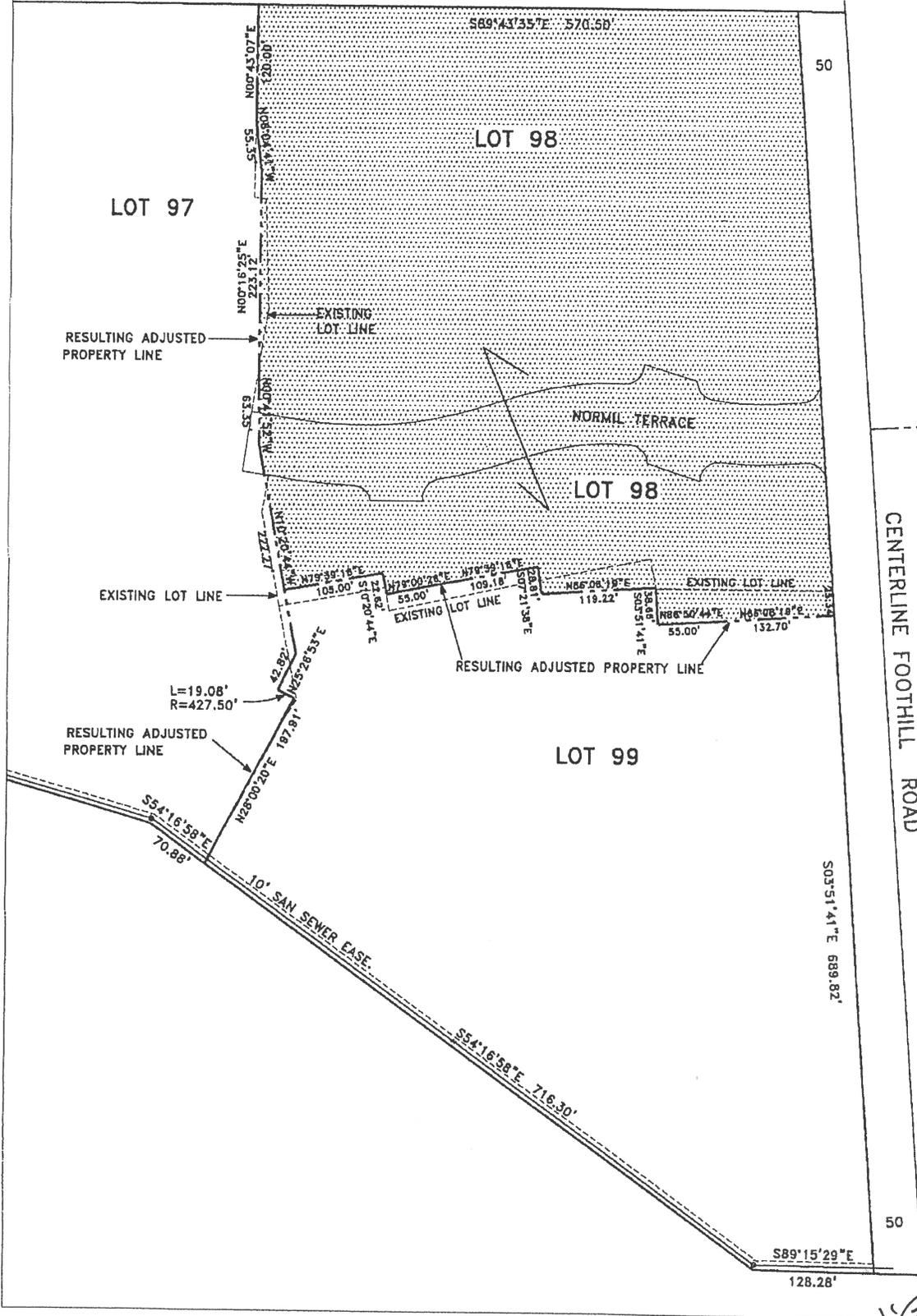
Darrell L. Huck  
L.S. 2023- Oregon  
Expires 6/30/2015  
Hoffbuhr & Associates, Inc.

(14099 adj L98.doc)

*"B"*  
*49 of 83*

EXHIBIT B

EXHIBIT B



10' 50' of 83



After recording return to:  
Cedar Investment Group, LLC  
Attn: Jack Keese c/o Jin Yoo Secured  
Mgmt Corp  
10250 Constellation Blvd 2770  
Los Angeles CA 90067

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Cedar Investment Group, LLC  
(no change - same above)

File No.: 7169-2411264 (c)  
Date: June 03, 2015

THIS SPACE RESERVED FOR RECORDER'S USE

### STATUTORY BARGAIN AND SALE DEED

Property Line Adjustment - City of Medford Planning No. PLA-\_\_\_\_\_

**Cedar Investment Group, LLC**, Grantor, conveys to **Cedar Investment Group, LLC**, Grantee, the following described real property:

See Legal Description in Exhibit A attached hereto and made a part hereof

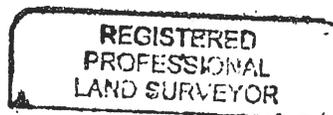
The true consideration for this conveyance is **\$0.00 (property line adjustment only)**. (Here comply with requirements of ORS 93.030)



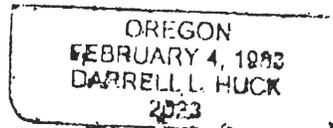
EXHIBIT A

(Property Line Adjustment)

BEGINNING at the southeast corner of Lot 99 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the south line of said Lot 99, North 89°15'29" West 128.28 feet; thence continue along said south line, North 54°16'58" West 716.30 feet to the southwest corner of said Lot 99; thence leaving said south line, North 28°00'20" East 197.91 feet; thence along the arc of a 427.50 foot radius non-tangent curve to the left (the long chord to which bears North 63°16'24" West 19.08 feet) a distance of 19.08 feet; thence North 25°26'53" East 42.82 feet; thence North 10°20'44" West 68.00 feet; thence North 79°39'16" East 105.01 feet; thence South 10°20'44" East 22.62 feet; thence North 79°00'26" East 55.00 feet; thence North 79°39'16" East 109.18 feet; thence South 07°21'38" East 28.81 feet; thence North 86°08'19" East 119.22 feet; thence South 03°51'14" East 38.66 feet; thence North 86°50'44" East 55.00 feet; thence North 86°08'19" East 132.70 feet to the west line of Foothill Road; thence along said west line, South 03°51'41" East 689.82 feet to the point of beginning.



*Darrell L. Huck*



EXPIRES 6/30/2015

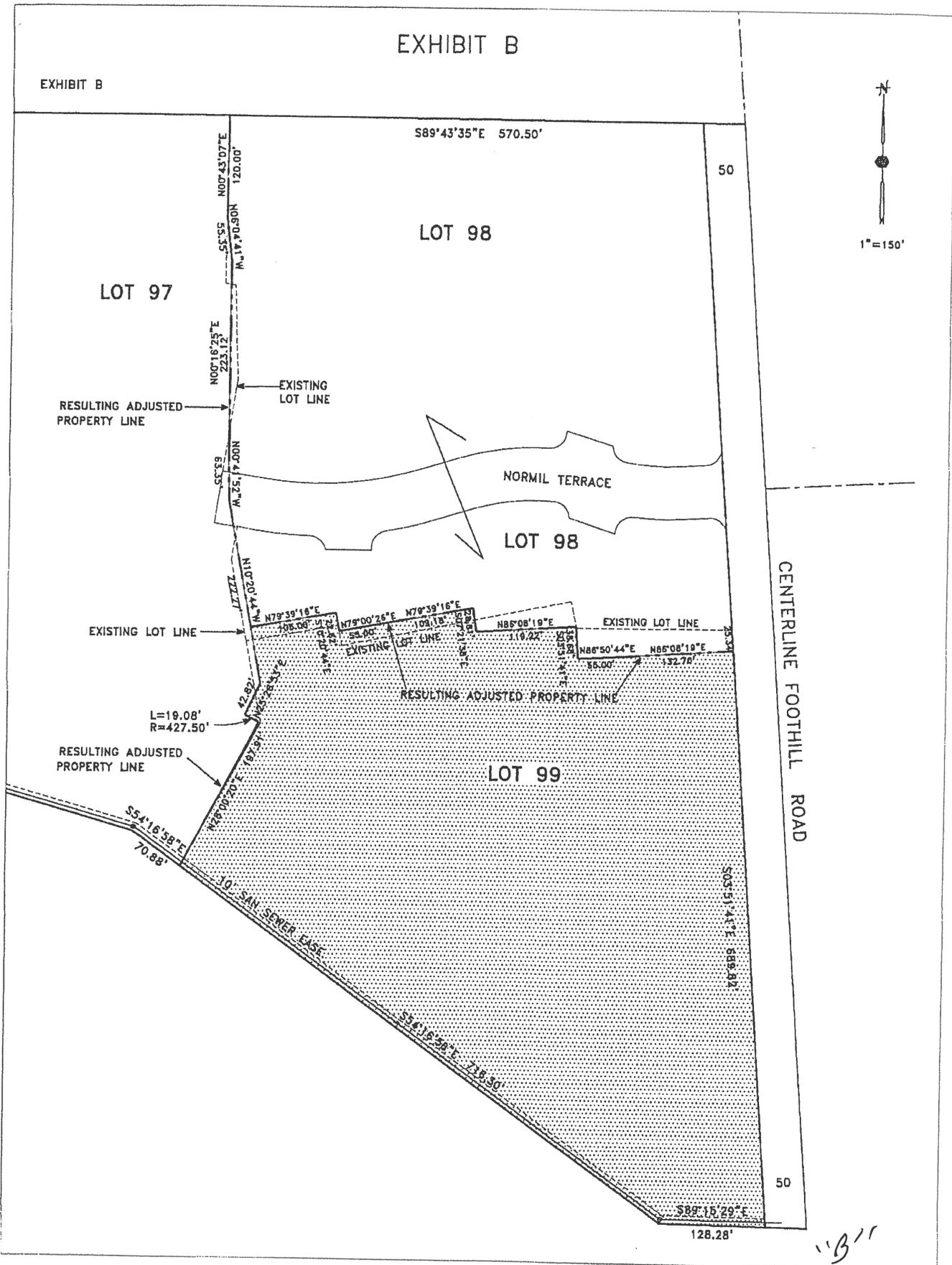
Darrell L. Huck  
L.S. 2023 - Oregon  
Expires 6/30/2015  
Hoffbuhr & Associates, Inc.

(14099 adj L99 desc.doc)

*"B"*  
*53 of 83*

EXHIBIT B

EXHIBIT B

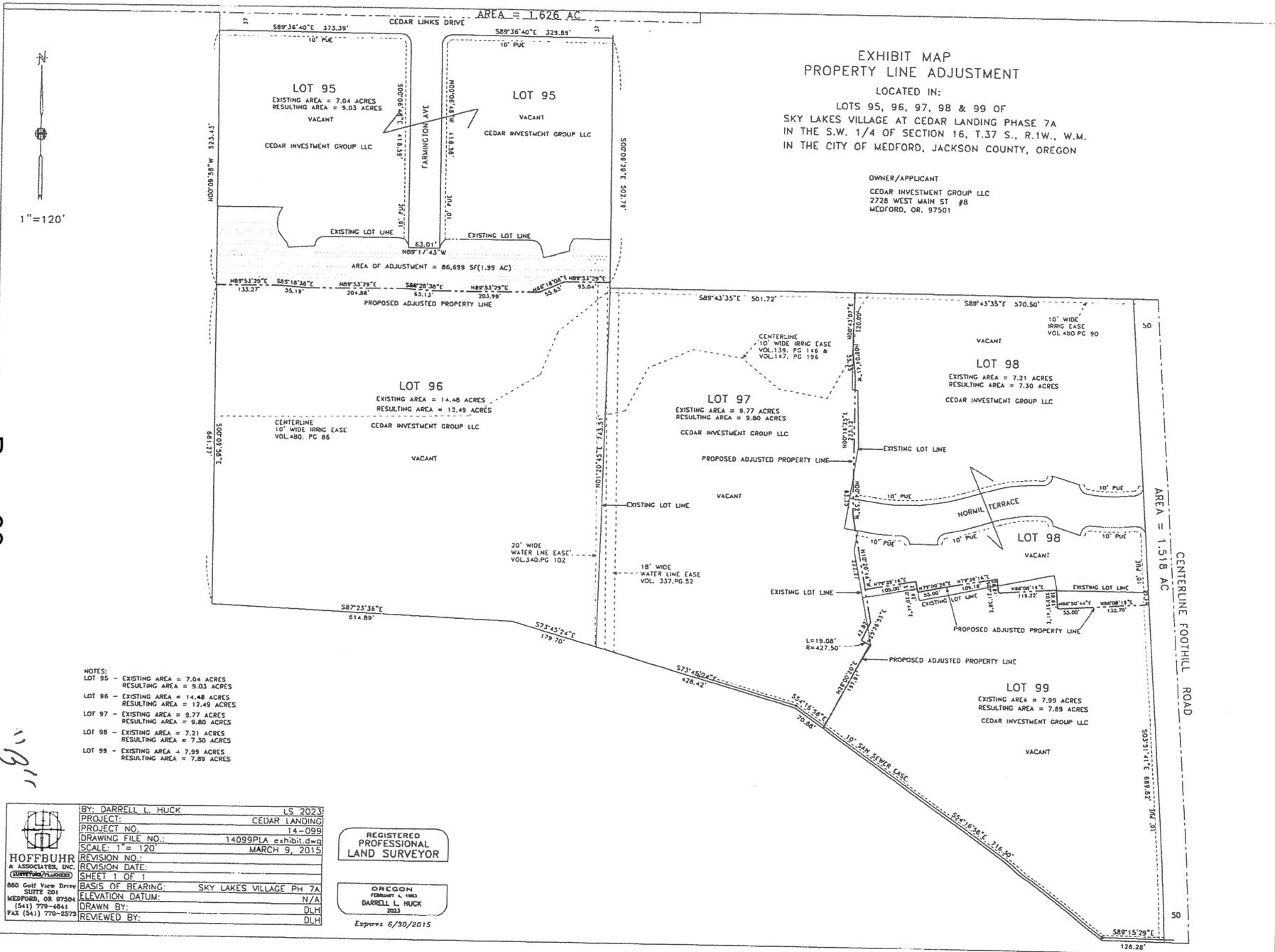


54 of 83  
"B"

EXHIBIT MAP  
PROPERTY LINE ADJUSTMENT

LOCATED IN:  
LOTS 95, 96, 97, 98 & 99 OF  
SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A  
IN THE S.W. 1/4 OF SECTION 16, T.37 S., R.1W., W.M.  
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

OWNER/APPLICANT  
CEDAR INVESTMENT GROUP LLC  
2728 WEST MAIN ST #B  
MEDFORD, OR. 97501



AREA = 1.626 AC

AREA = 1.518 AC

AREA OF ADJUSTMENT = 86,699 SF (1.99 AC)

- NOTES:
- LOT 95 - EXISTING AREA = 7.04 ACRES  
RESULTING AREA = 9.03 ACRES
  - LOT 96 - EXISTING AREA = 14.48 ACRES  
RESULTING AREA = 12.49 ACRES
  - LOT 97 - EXISTING AREA = 9.77 ACRES  
RESULTING AREA = 9.80 ACRES
  - LOT 98 - EXISTING AREA = 7.21 ACRES  
RESULTING AREA = 7.30 ACRES
  - LOT 99 - EXISTING AREA = 7.89 ACRES  
RESULTING AREA = 7.89 ACRES

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55 of 83

BY: DARRELL L. HUCK	LS 2023
PROJECT: CEDAR LANDING	
PROJECT NO.: 14-099	
DRAWING FILE NO.: 14099PLA exhibit.dwg	
SCALE: 1" = 120'	MARCH 9, 2015
REVISION NO.:	
REVISION DATE:	
SHEET 1 OF 1	
BASIS OF BEARING: SKY LAKES VILLAGE PH 7A	
ELEVATION DATUM: N/A	
DRAWN BY: DLH	
REVIEWED BY: DLH	

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
FEBRUARY 4, 1983  
DARRELL L. HUCK  
2023

Expires 6/30/2015

GRANTOR: Cedar Investment Group LLC  
2728 West Main Street #8  
Medford, Or. 97501

GRANTEE: City of Medford  
411 W. 8<sup>th</sup> Street  
Medford, Or. 97501

RETURN TO: City of Medford  
411 W. 8<sup>th</sup> Street  
Medford, Or. 97501

**PUBLIC UTILITY EASEMENT**

Cedar Investment Group LLC, an Oregon Limited Liability Company, Grantor, hereby dedicates to the public of the City of Medford, a perpetual easement, for facilities of public utilities, described as follows:

SEE EXHIBIT "A" & "B"

Providers of public utilities may use this easement for construction and maintenance of their utility facilities. Public utilities that may use this easement include, but are not limited to, storm drainage, sanitary sewer, water, gas, electric, telephone, and cable television.

**CONDITIONS**

The grantor, its successors and assigns, covenant that they shall not construct any building or other structure, except standard surface paving, in this easement; shall not excavate adjacent to utility facilities and shall not reduce or increase the depth of cover over any utility facilities without the city's written consent.

A utility making excavation pursuant to this easement shall promptly fill the excavation to grade of adjoining property, restore surface, and repair any damage to landscaping and irrigation.

Signed this 15 day of JUNE, 2015.

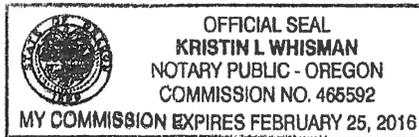
STATE OF OREGON )  
County of Jackson )

By: [Signature]  
Title: Agent

The foregoing instrument was acknowledged before me this 15 day of JUNE, 2015.

by Eric Carter on behalf of Cedar Investment Group LLC, an Oregon Limited Liability Company

Kristin Whisman  
Notary Public for Oregon



City of Medford: \_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

(Do not record unless signed  
by City of Medford )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015.

by \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Oregon

"B"  
56 of 83

EXHIBIT A

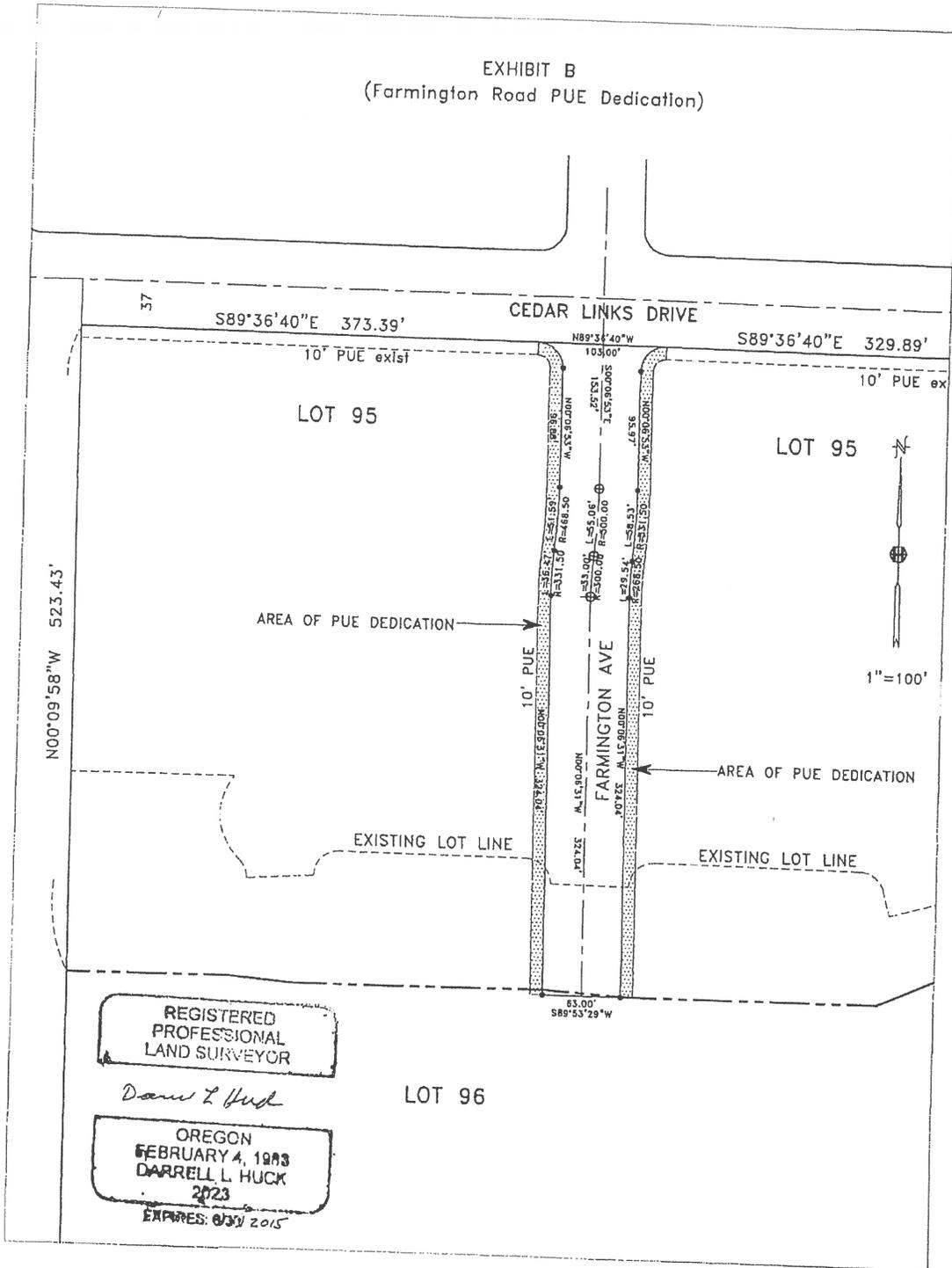
A strip of land, 10.00 feet in width for Public Utility Easement purposes, being more particularly described as follows:

Commencing at the northwest corner of Lot 95 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the north line of said Lot 95, South 89°36'40" East 373.39 feet to the POINT OF BEGINNING; thence leaving said north line, South 00°23'21" West 10.00 feet; thence along the arc of a 10.00 foot radius non-tangent curve to the right (the long chord to which bears South 44°51'47" East 14.08 feet) a distance of 15.62 feet; thence South 00°06'53" East 96.88 feet; thence along the arc of a 458.50 foot radius curve to the right (the long chord to which bears South 03°02'24" West 50.46 feet) a distance of 50.49 feet; thence along the arc of a 341.50 foot radius curve to the left (the long chord to which bears South 03°02'35" West 37.55 feet) a distance of 37.57 feet; thence South 00°06'31" East 324.05 feet; thence North 89°53'29" East 10.00 feet; thence North 00°06'31" West 324.05 feet; thence along the arc of a 331.50 foot radius curve to the right (the long chord to which bears North 03°02'35" East 36.45 feet) a distance of 36.47 feet; thence along the arc of 468.50 foot radius curve to the left (the long chord to which bears North 03°02'24" East 51.57 feet) a distance of 51.59 feet; thence North 00°06'53" West 96.88 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 44°51'46" West 28.16 feet) a distance of 31.24 feet to the point of beginning.

ALSO, TOGETHER WITH a strip of land 10.00 feet in width for Public Utility Easement purposes, being more particularly described as follows:

Commencing at the northwest corner of Lot 95 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the north line of said Lot 95, South 89°36'40" East 476.39 feet to the POINT OF BEGINNING; thence leaving said North line, South 00°23'20" West 10.00 feet; thence along the arc of a 10.00 foot radius non-tangent curve to the left (the long chord to which bears South 45°08'14" West 14.20 feet) a distance of 15.80 feet; thence South 00°06'53" East 95.97 feet; thence along the arc of a 541.50 foot radius curve to the right (the long chord to which bears South 03°02'24" West 59.60 feet) a distance of 59.63 feet; thence along the arc of a 258.50 foot radius curve to the left (the long chord to which bears South 03°02'35" West 28.42 feet) a distance of 28.44 feet; thence South 00°06'31" East 324.05 feet; thence South 89°53'29" West 10.00 feet; thence North 00°06'31" West 324.05 feet; thence along the arc of 268.50 foot radius curve to the right (the long chord to which bears North 03°02'35" East 29.52 feet) a distance of 29.54 feet; thence along the arc of a 531.50 foot radius curve to the left (the long chord to which bears North 03°02'24" East 58.50 feet) a distance of 58.53 feet; thence North 00°06'53" West 95.97 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 45°08'14" East 28.41 feet) a distance of 31.59 feet to the point of beginning.

EXHIBIT B  
(Farmington Road PUE Dedication)



"B"  
58 of 83





EXHIBIT A

(Farmington Road Dedication)

Commencing at the Northwest corner of Lot 95 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the north line of said Lot 95, South 89°36'40" East 373.39 feet to the POINT OF BEGINNING; thence leaving said north line, along the arc of a 20.00 foot radius curve to the right ( the long chord to which bears South 44°51'46" East 28.16 feet) a distance of 31.24 feet; thence South 00°06'53" East 96.88 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears South 03°02'24" West 51.57 feet) a distance of 51.59 feet; thence along the arc of a 331.50 foot radius curve to the left (the long chord to which bears South 03°02'35" West 36.45 feet) a distance of 36.47 feet; thence South 00°06'31" East 324.05 feet; thence North 89°53'29" East 63.00 feet; thence North 00°06'31" West 324.05 feet; thence along the arc of a 268.50 foot radius curve to the right (the long chord to which bears North 03°02'35" East 29.52 feet) a distance of 29.54 feet; thence along the arc of a 531.50 foot radius curve to the left (the long chord to which bears North 03°02'24" East 58.50 feet) a distance of 58.53 feet; thence North 00°06'53" West 95.97 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 45°08'14" East 28.41 feet) a distance of 31.59 feet to the southerly right-of-way line of Cedar Links Drive; thence North 89°36'40" West 103.00 feet to the point of beginning.  
(containing 0.77 acres, more or less)

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Darrell L. Huck*

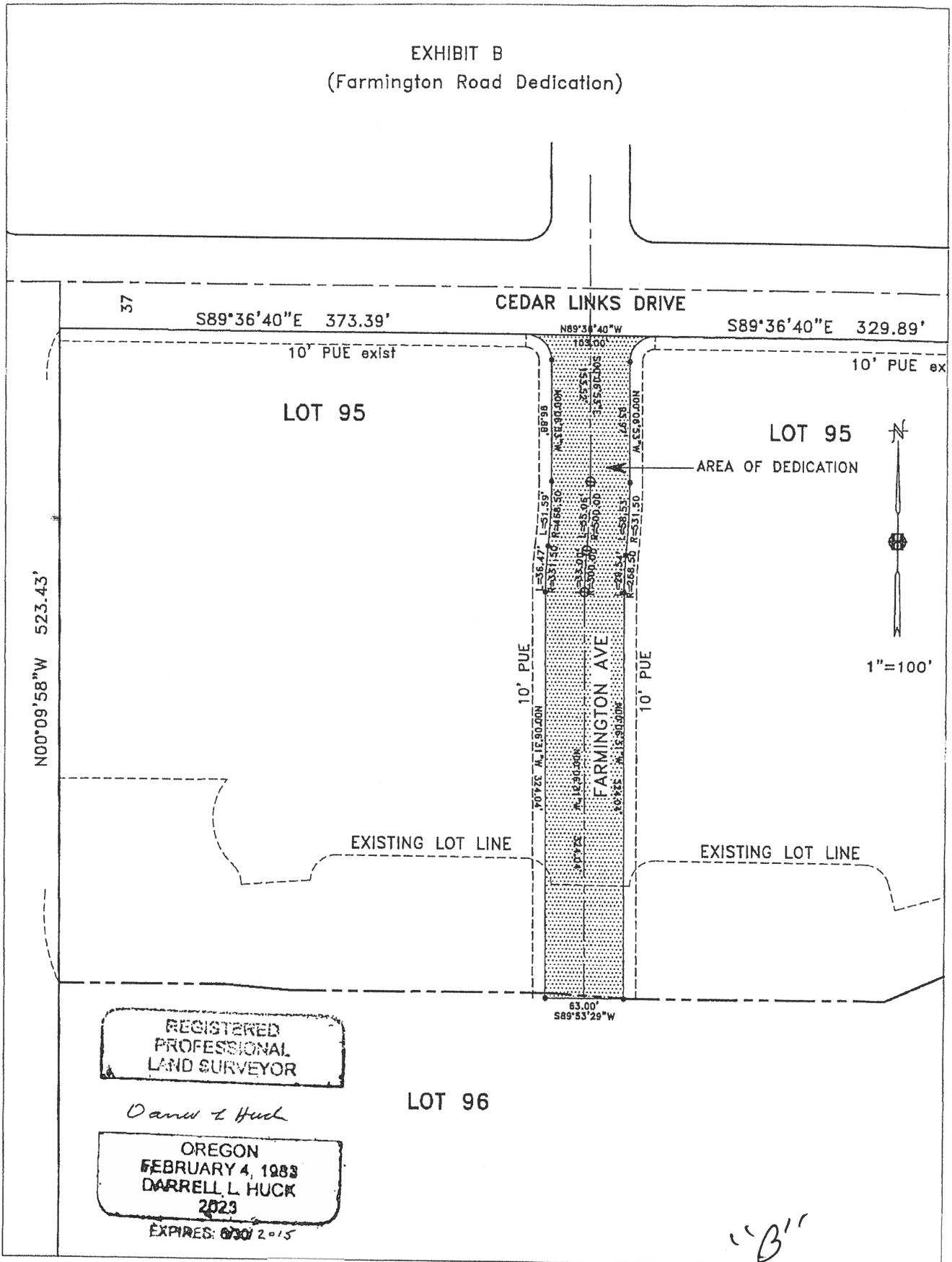
OREGON  
FEBRUARY 4, 1988  
DARRELL L. HUCK  
2023  
EXPIRES: 6/30/2015

Darrell L. Huck  
L.S. 2023 – Oregon  
Expires 6/30/2015  
Hoffbuhr & Associates, Inc

(14099 farm ded.doc)

*"B"*  
*cel of 83*

EXHIBIT B  
(Farmington Road Dedication)



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Darrell L. Huck*

OREGON  
FEBRUARY 4, 1983  
DARRELL L. HUCK  
2023

EXPIRES: 0730 2015

LOT 96

"B"  
lot of 83

GRANTOR: Cedar Investment Group LLC  
2728 West Main Street #8  
Medford, Or. 97501

GRANTEE: City of Medford  
411 W. 8<sup>th</sup> Street  
Medford, Or. 97501

RETURN TO: City of Medford  
411 W. 8<sup>th</sup> Street  
Medford, Or. 97501

**PUBLIC UTILITY EASEMENT**

Cedar Investment Group LLC, an Oregon Limited Liability Company, Grantor, hereby dedicates to the public of the City of Medford, a perpetual easement, for facilities of public utilities, described as follows:

SEE EXHIBIT "A" & "B"

Providers of public utilities may use this easement for construction and maintenance of their utility facilities. Public utilities that may use this easement include, but are not limited to, storm drainage, sanitary sewer, water, gas, electric, telephone, and cable television.

**CONDITIONS**

The grantor, its successors and assigns, covenant that they shall not construct any building or other structure, except standard surface paving, in this easement; shall not excavate adjacent to utility facilities and shall not reduce or increase the depth of cover over any utility facilities without the city's written consent.

A utility making excavation pursuant to this easement shall promptly fill the excavation to grade of adjoining property, restore surface, and repair any damage to landscaping and irrigation.

Signed this 15 day of June, 2015.

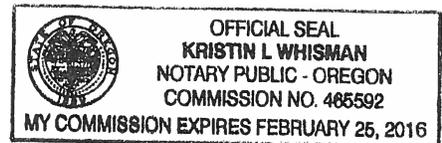
STATE OF OREGON )  
County of Jackson )

By: [Signature]  
Title: Agent

The foregoing instrument was acknowledged before me this 15 day of June, 2015.

by Eric Artner on behalf of Cedar Investment Group LLC, an Oregon Limited Liability Company.

Kristin L Whisman  
Notary Public for Oregon



City of Medford: \_\_\_\_\_  
Name  
Title

(Do not record unless signed  
by City of Medford )

The forgoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

by \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Oregon

"B"  
63 of 83

EXHIBIT A

A strip of land, 10.00 feet in width for Public Utility Easement purposes, being more particularly described as follows:

Commencing at the northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the westerly right-of-way line of Foothill Road, South 03°51'41" East 387.81 feet to the POINT OF BEGINNING; thence leaving said right-of-way, South 86°08'19" West 10.00 feet; thence along the arc of a 10.00 foot radius non-tangent curve to the right (the long chord to which bears South 41°14'57" West 14.17 feet) a distance of 15.75 feet; thence South 86°21'34" West 43.96 feet; thence along the arc of a 458.50 foot radius curve to the right (the long chord to which bears North 87°08'11" West 103.87 feet) a distance of 104.09 feet; thence along the arc of a 1541.50 foot radius curve to the left (the long chord to which bears South 88°35'01" West 426.46 feet) a distance of 427.84 feet; thence South 00°16'35" West 10.07 feet; thence along the arc of a 1531.50 foot radius non-tangent curve to the right (the long chord to which bears South 88°36'21" East 424.88 feet) a distance of 426.26 feet; thence along the arc of a 468.50 foot radius curve to the left (the long chord to which bears South 87°08'11" East 106.14 feet) a distance of 106.37 feet; thence North 86°21'34" East 43.96 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 41°14'57" East 28.34 feet) a distance of 31.49 feet to the point of beginning.  
(containing 0.14 acres, more or less)

ALSO, TOGETHER WITH a strip of land 10.00 feet in width for Public Utility Easement purposes, being more particularly described as follows:

Commencing at the northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the westerly right-of-way of Foothill Road, South 03°51'41" East 490.81 feet to the POINT OF BEGINNING; thence leaving said right-of-way, South 86°08'19" West 10.00 feet; thence along the arc of 10.00 foot radius non-tangent curve to the left (the long chord to which bears North 48°45'03" West 14.11 feet) a distance of 15.67 feet; thence South 86°21'34" West 44.36 feet; thence along the arc of 541.50 foot radius curve to the right (the long chord to which bears North 87°08'12" West 122.67 feet) a distance of 122.94 feet; thence along the arc of a 1458.50 foot radius curve to the left (the long chord to which bears North 88°43'14" West 410.41 feet) a distance of 411.78 feet; thence North 10°18'56" West 10.02 feet; thence along the arc of 1468.50 foot radius non-tangent curve to the right (the long chord to which bears South 88°43'57" East 413.83 feet) a distance of 415.21 feet; thence along the arc of a 531.50 foot radius curve to the left (the long chord to which bears South 87°08'12" East 120.41 feet) a distance of 120.67 feet; thence North 86°21'34" East 44.36 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 48°45'04" East 28.23 feet) a distance of 31.34 feet to the point of beginning.

"B"  
64 of 83



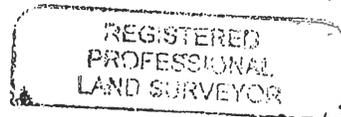




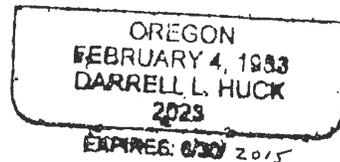
EXHIBIT A

(Normil Terrace Dedication)

Commencing at the northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the westerly right-of-way line of Foothill Road, South 03°51'41" East 387.81 feet to the POINT OF BEGINNING; thence leaving said right-of-way, along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 41°14'57" West 28.34 feet) a distance of 31.49 feet; thence South 86°21'34" West 43.96 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears North 87°08'11" West 106.14 feet) a distance of 106.37 feet; thence along the arc of a 1531.50 foot radius curve to the left (the long chord to which bears North 88°36'21" West 424.88 feet) a distance of 426.26 feet; thence South 00°41'52" East 63.35 feet; thence along the arc of a 1468.50 foot radius non-tangent curve to the right (the long chord to which bears South 88°43'57" East 413.83 feet) a distance of 415.21 feet; thence along the arc of a 531.50 foot radius curve to the left (the long chord to which bears South 87°08'12" East 120.41 feet) a distance of 120.67 feet; thence North 86°21'34" East 44.36 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 48°45'04" East 28.23 feet) a distance of 31.34 feet to the westerly right-of-way line of the aforesaid Foothill Road; thence along said right-of-way, North 03°51'41" West 103.00 feet to the point of beginning.  
(containing 0.87 acres, more or less)



*Darrell L. Huck*



Darrell L. Huck  
L.S. 2023 – Oregon  
Expires 6/30/2015  
Hoffbuhr & Associates, Inc

(14099 normil dedicate.doc)

*"B"*  
*68 of 83*



11/07/2015

Account Sequence	Map TL Sequence	Assessment Year <b>2015</b> ▼	Print Window	Close Window
------------------	-----------------	-------------------------------	--------------	--------------

**Assessment Info for Account 1-042388-7 Map 371W16CA Taxlot 2200**  
Report For Assessment Purposes Only Created June 19, 2015

Account Info		Tax Year 2014 Info			Land Info	
Account	1-042388-7	<b>Pay Taxes Online</b>			Tax Code	49-01
Map Taxlot	371W16CA 2200	Tax Report			Acreage	7.04
Owner	CEDAR INVESTMENT GROUP LLC	Tax Statement			Zoning	
Site Address	3372 CEDAR LINKS DR MEDFORD <span style="float: right;">R</span>	Tax History			SFR-4	
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067	Tax Code 49-01			Land Class	
Appraiser	141	Tax Type	Due Date	Amount	RT 7.04 Ac	
		Advalorem	11/15/14	\$10,577.38	Property Class	025
		Tax Rate		16.0716	Stat Class	000
		District Rates			Unit ID	149885
		District Amounts			Maintenance Area	6
		Tax Rate Sheet			Neighborhood	00
					Study Area	11
					Account Status	ACTIVE
					Tax Status	Assessa
					Sub Type	NORMA

Sales Data (ORCATS)			
Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 4,000,000	Aug 07, 2013	2013-26866	<a href="#">Details</a>

+ Value Summary Detail ( For Assessment Year 2015 - Subject To Change )

- Market Value Summary ( For Assessment Year 2015 - Subject To Change )

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	7.04	\$ 399,026	\$ 399,026	\$ 259,476	\$ 259,476
Value History <a href="#">Details</a>			Total:	\$ 399,026	\$ 399,026	\$ 259,476

Page 108

71 83

Account Sequence    Map TL Sequence    Assessment Year **2015**    [Print Window](#)    [Close Window](#)

**Assessment Info for Account 1-100083-9 Map 371W16CA Taxlot 2201**  
Report For Assessment Purposes Only Created June 19, 2015

Account Info	
Account	1-100083-9
Map Taxlot	371W16CA 2201
Owner	CEDAR INVESTMENT GROUP LLC
<input type="checkbox"/> <u>Situs Address</u>	
	ARMINGTON AVE MEDFORD <span style="float:right">R</span>
	CEDAR LINKS DR MEDFORD <span style="float:right">R</span>
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067
Appraiser	

Tax Year 2014 Info	
<b>Pay Taxes Online</b>	
Tax Report	<a href="#">Details</a>
Tax History	<a href="#">Details</a>
Tax Code 49-01	
Tax Rate	16.0716
District Rates	<a href="#">Details</a>
District Amounts	<a href="#">Details</a>
Tax Rate Sheet	<a href="#">Details</a>

Land Info	
Tax Code	49-01
Acreage	14.48
<u>Zoning</u>	
<u>Land Class</u>	
RT 14.48 Ac	
Property Class	025
Stat Class	000
Unit ID	292167-
Maintenance Area	6 <span style="float:right">60-100</span>
Neighborhood	000 <span style="float:right">60-100</span>
Study Area	11 <span style="float:right">60-100</span>
Account Status	ACTIVE
Tax Status	Assessed
Sub Type	NORMAL

**Sales Data (AS 400)**

**Value Summary Detail ( For Assessment Year 2015 - Subject To Change )**

**Market Value Summary ( For Assessment Year 2015 - Subject To Change )**

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	14.48	\$ 820,719	\$ 820,719	\$ 533,691	\$ 533,691
Value History <a href="#">Details</a>			Total:	\$ 820,719	\$ 820,719	\$ 533,691

**Improvements**

**Account Comments**

05/28/15 NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A LOT#96 #133>>>

10 728 83

**Assessment Info for Account 1-100084-0 Map 371W16CA Taxlot 2202**  
Report For Assessment Purposes Only Created June 19, 2015

Account Info	
Account	1-100084-0
Map Taxlot	371W16CA 2202
Owner	CEDAR INVESTMENT GROUP LLC
Situs Address	
CEDAR LINKS DR MEDFORD <span style="float:right">R</span>	
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067
Appraiser	

Tax Year 2014 Info	
<b>Pay Taxes Online</b>	
Tax Report	<a href="#">Details</a>
Tax History	<a href="#">Details</a>
Tax Code 49-01	
Tax Rate	16.0716
District Rates	<a href="#">Details</a>
District Amounts	<a href="#">Details</a>
Tax Rate Sheet	<a href="#">Details</a>

Land Info	
Tax Code	49-01
Acreage	9.77
Zoning	
Land Class	
RT 9.77 Ac	
Property Class	025
Stat Class	000
Unit ID	292168-1
Maintenance Area	6
Neighborhood	000
Study Area	11
Account Status	ACTIVE
Tax Status	Assessed
Sub Type	NORMAL

**Sales Data (AS 400)**

+ Value Summary Detail ( For Assessment Year 2015 - Subject To Change )

= Market Value Summary ( For Assessment Year 2015 - Subject To Change )

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	9.77	\$ 553,760	\$ 553,760	\$ 360,095	\$ 360,095
Value History		Total:	\$ 553,760	\$ 553,760	\$ 360,095	\$ 360,095

**Improvements**

= Account Comments

05/28/15 NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A LOT#97 #133>>>

Page 10

1073883

Account Sequence	Map TL Sequence	Assessment Year <input type="text" value="2015"/>	<input type="button" value="Print Window"/>	<input type="button" value="Close Window"/>
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**Assessment Info for Account 1-031267-5 Map 371W16D Taxlot 7000**  
Report For Assessment Purposes Only Created June 19, 2015

Account Info	
Account	1-031267-5
Map Taxlot	371W16D 7000
Owner	CEDAR INVESTMENT GROUP LLC
Physical Address	FOOTHILL RD N MEDFORD <span style="float:right">R</span>
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067
<input type="checkbox"/> Associated Taxlots 1 Acct	
<input type="text" value="49-01"/> <input type="text" value="R"/>	<input type="text" value="1-100081-5 371W16 1401 PURGED"/>
Appraiser	151

Tax Year 2014 Info		
<input type="button" value="Pay Taxes Online"/>		
Tax Report	<input type="button" value="Details"/>	
Tax Statement	<input type="button" value="Details"/>	
Tax History	<input type="button" value="Details"/>	
Tax Code 49-01		
Tax Type	Due Date	Amount
Advalorem	11/15/14	\$12,025.27
Tax Rate	16.0716	
District Rates	<input type="button" value="Details"/>	
District Amounts	<input type="button" value="Details"/>	
Tax Rate Sheet	<input type="button" value="Details"/>	

Land Info	
Tax Code	49-01
Acreage	7.21
Zoning	
Land Class	
RT 7.21 Ac	
Property Class	025
Stat Class	000
Unit ID	145275-3
Maintenance Area	6
Neighborhood	000
Study Area	11
Account Status	ACTIVE
Tax Status	Assessab
Sub Type	NORMAL

**Sales Data (ORCATS)**

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 4,000,000	Aug 07, 2013	2013-26866	<input type="button" value="Details"/>

+ Value Summary Detail ( For Assessment Year 2015 - Subject To Change )

- Market Value Summary ( For Assessment Year 2015 - Subject To Change )

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	7.21	\$ 408,658	\$ 408,658	\$ 265,739	\$ 265,739
Value History <input type="button" value="Details"/>			Total:	\$ 408,658	\$ 408,658	\$ 265,739

10/11/15

Account Sequence	Map TL Sequence	Assessment Year <b>2015</b> ▼	<a href="#">Print Window</a>	<a href="#">Close Window</a>
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**Assessment Info for Account 1-100083-8 Map 371W16D Taxlot 7001**  
 Report For Assessment Purposes Only Created June 19, 2015

Account Info		Tax Year 2014 Info		Land Info	
Account	1-100083-8	<a href="#">Pay Taxes Online</a>		Tax Code	49-01
Map Taxlot	371W16D 7001	Tax Report	<a href="#">Details</a>	Acreage	7.99
Owner	CEDAR INVESTMENT GROUP LLC	Tax History	<a href="#">Details</a>	Zoning	
Situs Address		Tax Code 49-01		Land Class	
	FOOTHILL RD N MEDFORD R	Tax Rate	16.0716	RT 7.99 Ac	
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770	District Rates	<a href="#">Details</a>	Property Class	025
	LOS ANGELES CA, 90067	District Amounts	<a href="#">Details</a>	Stat Class	000
Appraiser		Tax Rate Sheet	<a href="#">Details</a>	Unit ID	292166-1
				Maintenance Area	6
				Neighborhood	000
				Study Area	11
				Account Status	ACTIVE
				Tax Status	Assessab
				Sub Type	NORMAL

**Sales Data (AS 400)**

+ Value Summary Detail ( For Assessment Year 2015 - Subject To Change )

- Market Value Summary ( For Assessment Year 2015 - Subject To Change )

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	7.99	\$ 452,868	\$ 452,868	\$ 294,488	\$ 294,488
Value History		Total:	\$ 452,868	\$ 452,868	\$ 294,488	\$ 294,488

**Improvements**

- Account Comments

05/28/15 NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A LOT #99 #133>>>

Page 12



**First American**

**EXHIBIT 10**

**First American Title Company of Oregon**  
1225 Crater Lake Ave, Ste 101  
Medford, OR 97504  
Phn - (541)779-7250  
Fax - (866)400-2250

**RECEIVED**

**JUL 14 2015**

**PLANNING DEPT**

**PRELIMINARY TITLE PLANT RECORD REPORT  
FOR PLANNING PURPOSES**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Hoffbuhr & Associates  
880 Golfview DR STE 201  
Medford, OR 97504  
Phone: (541)779-4641  
Fax:

Date Prepared : June 02, 2015  
Effective Date : 8:00 A.M on May 29, 2015  
Order No. : 7169-2411264  
Reference : High Cedars

The information contained in this report is furnished by First American Title Insurance Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

**REPORT**

A. The Land referred to in this report is located in the County of Jackson, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

CITY OF MEDFORD  
EXHIBIT # "B"  
File # SV-15-101  
75 of 83

**EXHIBIT "A"**  
**(Land Description Map Tax and Account)**

LOTS 95, 96, 97, 98 AND 99 IN SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A, A PLANNED COMMUNITY IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 41, PAGE 3 OF PLAT RECORDS.

PROPERTY NAME: High Cedars

1-B"  
76 of 83

**EXHIBIT "B"**  
**(Vesting)**

Cedar Investment Group, LLC, an Oregon Limited Liability Company

"B"  
77 of 83

**EXHIBIT "C"**  
**(Liens and Encumbrances)**

1. City liens, if any, of the City of Medford.
2. The assessment roll and the tax roll disclose that the within described property has been specially assessed as Open Space Land. If this land becomes disqualified for this special assessment under the statute or if there is a change in open space use, additional taxes will be levied may be levied as provided for in the statutes.
3. These premises are situated in the Medford Irrigation District, and subject to the levies and assessments thereof, water and irrigation rights, easements for ditches and canals and regulations concerning the same.
4. Easement, including terms and provisions contained therein:  
Recording Information: Volume 130, Pages 176-177  
In Favor of: Medford Irrigation District  
For: Irrigation canal purposes  
Affects: Strip of land 50 feet in width (Affects Lot 98)
5. Easement, including terms and provisions contained therein:  
Recording Information: Volume 139, Page 456 and Volume 147, Page 196  
In Favor of: Medford Irrigation District  
For: Irrigation ditch 10 feet in width (Affects Lots 97 and 98)
6. Easement, including terms and provisions contained therein:  
Recording Information: Volume 245, Page 343 and as shown on Plat of Stewart Acres  
In Favor of: City of Medford  
For: Pipeline (Affects Lot 96)
7. Easement, including terms and provisions contained therein:  
Recording Information: Volume 337, Page 52  
In Favor of: City of Medford  
For: Water pipeline facilities (Affects Lots 96 and 97)
8. Easement, including terms and provisions contained therein:  
Recording Information: Volume 340, Page 102  
In Favor of: City of Medford  
For: Water pipeline facilities (Affects Lots 96 and 97)
9. Easement, including terms and provisions contained therein:  
Recording Information: Volume 480, Page 86  
In Favor of: Medford Irrigation District  
For: Irrigation lateral pipeline (Affects Lot 96)

"B"  
78 of 83

10. Easement, including terms and provisions contained therein:  
Recording Information: Volume 480, Page 90  
In Favor of: Medford Irrigation District  
For: Lateral pipeline, 10 feet in width and rights in connection therewith (Affects Lots 97 and 98)
11. Easement, including terms and provisions contained therein:  
Recording Information: 81-09770  
In Favor of: City of Medford  
For: Sanitary sewer (Affects Lots 97 and 99)
12. The unrecorded Agreement entitled "Easement Agreement", for pipeline, dated April 3, 1968 between Crater Lake Orchards and Norman E. Jahn and Wilma L. Jahn, and the unrecorded License Agreement for pipeline, dated April 10, 1973, between R.W. Root and D.G. Root, a partnership, licensor, and Fordyce Water Users, Inc., licensee, as disclosed by Warranty Deed recorded October 30, 1986, as Document No. 86-21933, Official Records, Jackson County, Oregon. (Affects Lots 95-99)
13. Deferred Improvement Agreement with the City of Medford, including terms and provisions thereof.  
Recorded: 87-05971
14. Easement as shown on the recorded plat/partition  
For: Public utilities shown on plat of Phase 7A  
Affects: Lots 95, 97, 98 and 99
15. Restrictions shown on the recorded plat/partition of Sky Lakes Village at Cedar Landing, Phase 7A: "Direct vehicular access shall not be permitted to Foothill Road or Cedar Links Drive" (Affects Lots 95, 98 and 99).
16. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:  
Recording Information: November 30, 2007 as Document No. 2007-053982  
  
Modification and/or amendment by instrument:  
Recording Information: November 30, 2007 as Document No. 2007-053983  
  
Modification and/or amendment by instrument:  
Recording Information: May 16, 2011 as Document No. 2011-014979
17. Regulations and Assessments of Cedar Landing Residential Association Homeowner's Association, as set forth in Declaration recorded 2007-053982.
18. The By-Laws, including the terms and provisions thereof of Cedar Landing Residential Association Homeowner's Association.  
Recorded: 2007-053982

19. The By-Laws, including the terms and provisions thereof of Cedar Landing Residential Association Homeowner's Association.  
Recorded: 2007-055630
20. Deed Declaration Development Prohibition, including terms and provisions thereof.  
Recorded: February 27, 2015 as Document No. 2015-005588 thru 2015-05592
21. Any rights, interest or claims which may exist or arise by reason of the following facts shown by a survey and inspection of said land:
- a. a. Fence offline along boundaries shown on plat of Phase 7A

NOTE: Taxes for the year 2014-2015 PAID IN FULL

Tax Amount: \$12,025.27  
Map No.: 37 1W 16 TL 1400  
Property ID: 1-031267-5  
Tax Code No.: 49-01 (Parent Lot - Not Segregated)

NOTE: Taxes for the year 2014-2015 PAID IN FULL

Tax Amount: \$10,577.38  
Map No.: 37 1W 16CA TL 2200  
Property ID: 1-042388-7  
Tax Code No.: 49-01 (Parent Lot - Not Segregated)

## DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
  
2. **Liability of the Company.**
  - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
  - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
  - (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
  - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
    - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
    - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
    - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
    - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
    - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
    - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
    - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
  
3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
  
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

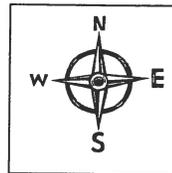
81 of 83



MAP:

37 1W 16CA

THIS MAP IS FOR LOCATION PURPOSES ONLY.  
NO LIABILITY IS ASSUMED FOR VARIATIONS  
DISCLOSED BY A SURVEY OR COUNTY RECORDS.

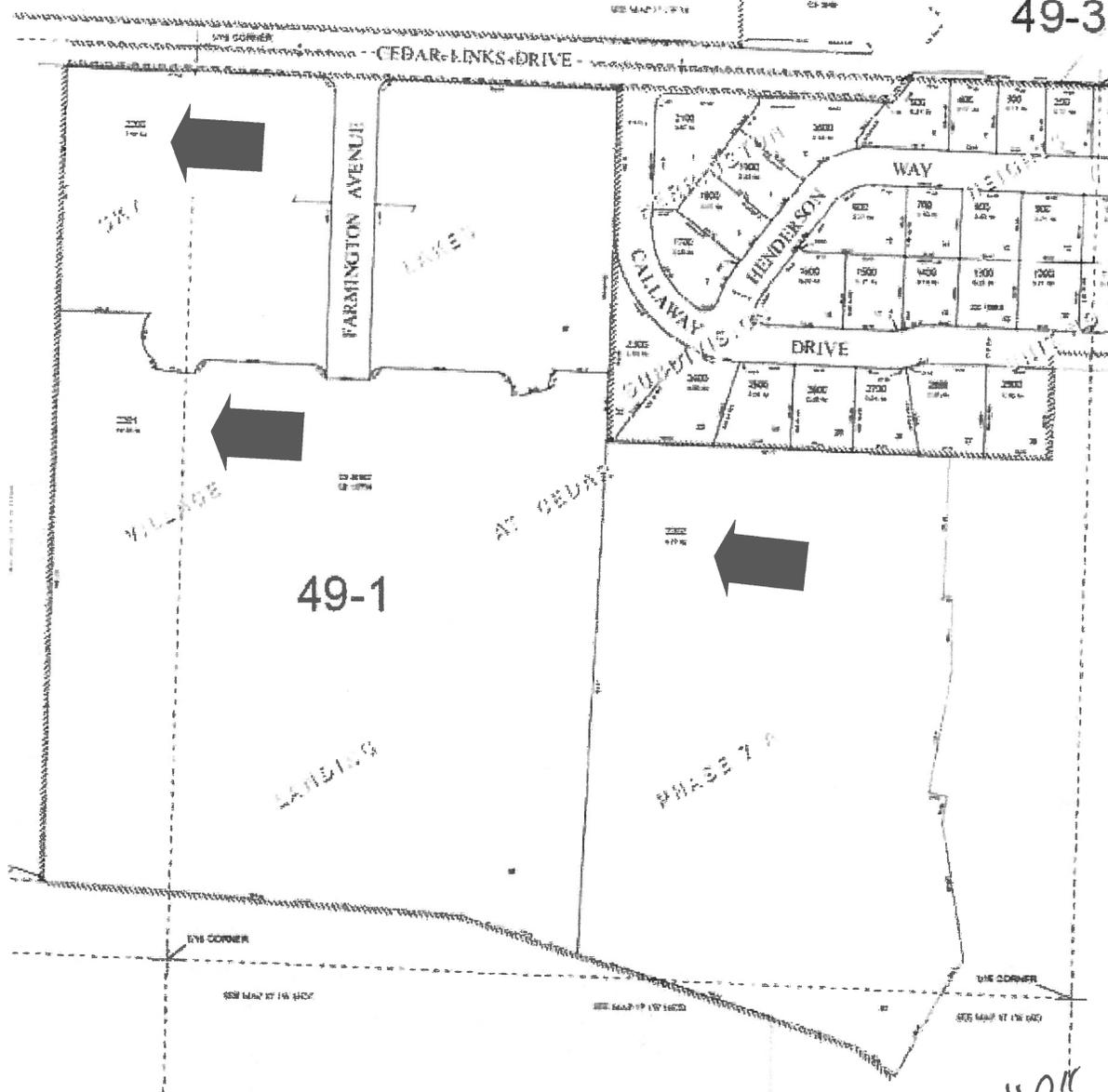


416 ASSESSMENT AND  
ZONATION MAP

NE 1/4, S W 1/4 SEC 16, T37S, R1W, WM  
JACKSON COUNTY

3" = 100'

49-3



"B"  
83 of 83

RECEIVED

JUL 14 2015

ROAD VACATION – FARMINGTON AVENUE PLANNING DEPT.

That portion of Farmington Avenue lying southerly of Cedar Links Drive, in Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon, being more particularly described as follows:

Commencing at the Northeast corner of Lot 95, Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the north line of said Lot 95, North 89°36'40" West 329.89 feet to the POINT OF BEGINNING; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 45°08'14" West 28.41 feet) a distance of 31.59 feet; thence South 00°06'48" East 418.58 feet; thence North 89°17'43" West 63.01 feet; thence North 00°06'48" West 418.59 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 44°51'46" West 28.16 feet) a distance of 31.24 feet to the southerly right-of-way line of Cedar Links Drive; thence South 89°36'40" East 103.00 feet to the point of beginning.

(containing 0.64 acres, more or less)

(14099 farm vacate.doc)

CITY OF MEDFORD  
EXHIBIT # 101  
File # SV-15-101  
10F2

RECEIVED

JUL 14 2015

ROAD VACATION - NORMIL TERRACE

PLANNING DEPT.

That portion of Normil Terrace lying westerly of Foot Hill Road, in Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon, being more particularly described as follows:

Commencing at the Northeast corner of Lot 98, Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the east line of said Lot 98, South 03°51'41" East 387.81 feet to the POINT OF BEGINNING; thence continue South 03°51'41" East 103.00 feet; thence along the arc of a 20.00 foot radius nontangent curve to the left (the long chord to which bears North 48°45'04" West 28.23 feet) a distance of 31.34 feet; thence South 86°21'34" West 31.10 feet; thence along the arc of a 331.50 foot radius curve to the right (the long chord to which bears North 88°27'28" West 59.97 feet) a distance of 60.05 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 47°45'14" West 30.19 feet) a distance of 34.21 feet; thence North 71°31'30" West 58.70 feet; thence along the arc of a 20.00 foot radius nontangent curve to the left (the long chord to which bears North 43°56'45" West 26.75 feet) a distance of 29.30 feet; thence along the arc of a 268.50 foot radius curve to the left (the long chord to which bears South 83°46'39" West 96.07 feet) a distance of 96.59 feet; thence South 73°28'16" West 52.83 feet; thence along the arc of a 481.50 foot radius curve to the right (the long chord to which bears South 76°50'55" West 56.73 feet) a distance of 56.77 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 34°56'25" West 28.42 feet) a distance of 31.62 feet; thence North 89°59'37" West 55.91 feet; thence along the arc of a 20.00 foot radius nontangent curve to the left (the long chord to which bears North 49°35'40" West 25.31 feet) a distance of 27.40 feet; thence along the arc of a 481.50 foot radius curve to the right (the long chord to which bears North 84°58'04" West 65.09 feet) a distance of 65.14 feet; thence North 81°05'32" west 51.47 feet; thence North 08°54'28" East 63.00 feet; thence South 81°05'32" East 51.47 feet; thence along the arc of a 418.50 foot radius curve to the left (the long chord to which bears North 86°11'22" East 184.27 feet) a distance of 185.79 feet; thence North 73°28'16" East 52.83 feet; thence along the arc of a 331.50 foot radius curve to the right (the long chord to which bears North 82°54'21" East 108.68 feet) a distance of 109.17 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 45°18'28" East 29.27 feet) a distance of 32.83 feet; thence South 72°51'48" East 58.12 feet; thence along the arc of a 20.00 foot radius nontangent curve to the left (the long chord to which bears South 40°18'10" East 25.34 feet) a distance of 27.44 feet; thence along the arc of a 268.50 foot radius curve to the left (the long chord to which bears South 86°38'09" East 65.49 feet) a distance of 65.65 feet; thence North 86°21'34" East 30.70 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 41°14'57" East 28.34 feet) a distance of 31.49 feet to the point of beginning.

(containing 0.98 acres, more or less)

CITY OF MEDFORD

EXHIBIT # 6

File # SJ-15-161

2 of 2



Continuous Improvement Customer Service

### CITY OF MEDFORD

LD Date: 9/30/2015  
File Number: SV-15-101

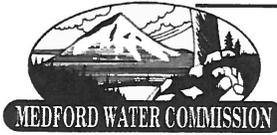
## PUBLIC WORKS DEPARTMENT STAFF REPORT Alley Vacation

**Project:** Consideration of a request for the vacation of Farmington Avenue and Normil Terrace; segments of unimproved right-of-way within the southerly portion of the Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road; Cedar Investment Group LLC., Applicant (CSA Planning Ltd., Agent). Desmond McGeough, Planner.

Public Works does not have any comments except that this vacation shall be recorded concurrently with the Final Plat for the revisions to the High Cedars at Cedar Landing Phases 1 – 5, PUD-15-043/LDS-15-044.

Prepared by: Doug Burroughs 9-24-15

CITY OF MEDFORD  
EXHIBIT # "D"  
File # SV-15-101  
10f1



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford

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

**SUBJECT:** SV-15-101

**PARCEL ID:** 371W16CA TL 2200 & 371W16D TL 7000

**PROJECT:** Consideration of a request for the vacation of Farmington Avenue and Normil Terrace; segments of unimproved right-of-way within the southerly portion of the Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road; Cedar Investment Group LLC., Applicant (CSA Planning Ltd., Agent). Desmond McGeough, Planner.

**DATE:** September 30, 2015

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

**CONDITIONS**

1. No Conditions

**COMMENTS**

1. No Comments

CITY OF MEDFORD  
EXHIBIT # "E"  
File # SU-15-101



# Medford Fire Department

200 S. Ivy Street, Room #180  
Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
E-mail www.fire@ci.medford.or.us

## LAND DEVELOPMENT REPORT - PLANNING

To: Desmond McGeough

LD Meeting Date: 09/30/2015

From: Fire Marshal Kleinberg

Report Prepared: 09/29/2015

File #: SV - 15 - 101

### Site Name/Description:

Consideration of a request for the vacation of Farmington Avenue and Normil Terrace; segments of unimproved right-of-way within the southerly portion of the Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road; Cedar Investment Group LLC., Applicant (CSA Planning Ltd., Agent). Desmond McGeough, Planner

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the 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 (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 the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

CITY OF MEDFORD  
EXHIBIT # 15-101  
File # SV-15-101

**Desmond M. McGeough**

---

**From:** MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>  
**Sent:** Monday, September 28, 2015 2:50 PM  
**To:** Desmond M. McGeough  
**Subject:** SV-15-101

Desmond,

Thank you for sending agency notice of a consideration of a request for the vacation of Farmington Avenue and Normil Terrace; segments of unimproved right-of-way within the southerly portion of the Cedar Landing Planned Unit Development, lying south of Cedar Links Drive and west of Foothill Road. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

**Don Morehouse**  
**Senior Transportation Planner**  
**ODOT Region 3, District 8 (Rogue Valley Tech Center)**  
**Ph: (541) 774-6399**  
**Fax: (541) 774-6349**  
**Donald.Morehouse@odot.state.or.us**

CITY OF MEDFORD  
EXHIBIT # 2611  
File # SV-15-101



September 15<sup>th</sup> 2015

RECEIVED

SEP 18 2015

PLANNING DEPT.

CITY OF MEDFORD  
Planning Att: Craig  
Lausmann Annex Room 240  
200 South Ivy Street  
Medford, Oregon 97501

RE: **Vacation Request from CEDAR INVESTMENT GROUP LLC.**

File No. **SV-15-101**

Dear Craig,

This letter is in response to the notice for the above referenced proposal. Please be advised that Qwest Corporation d/b/a CenturyLink QC currently has NO facilities in the area addressed by this action, and has no objections to this proposal.

Please feel free to contact me as needed; I can be reached on 206-345-0333 or [r.lawrey@centurylink.com](mailto:r.lawrey@centurylink.com). Thank you for your time.

Sincerely,

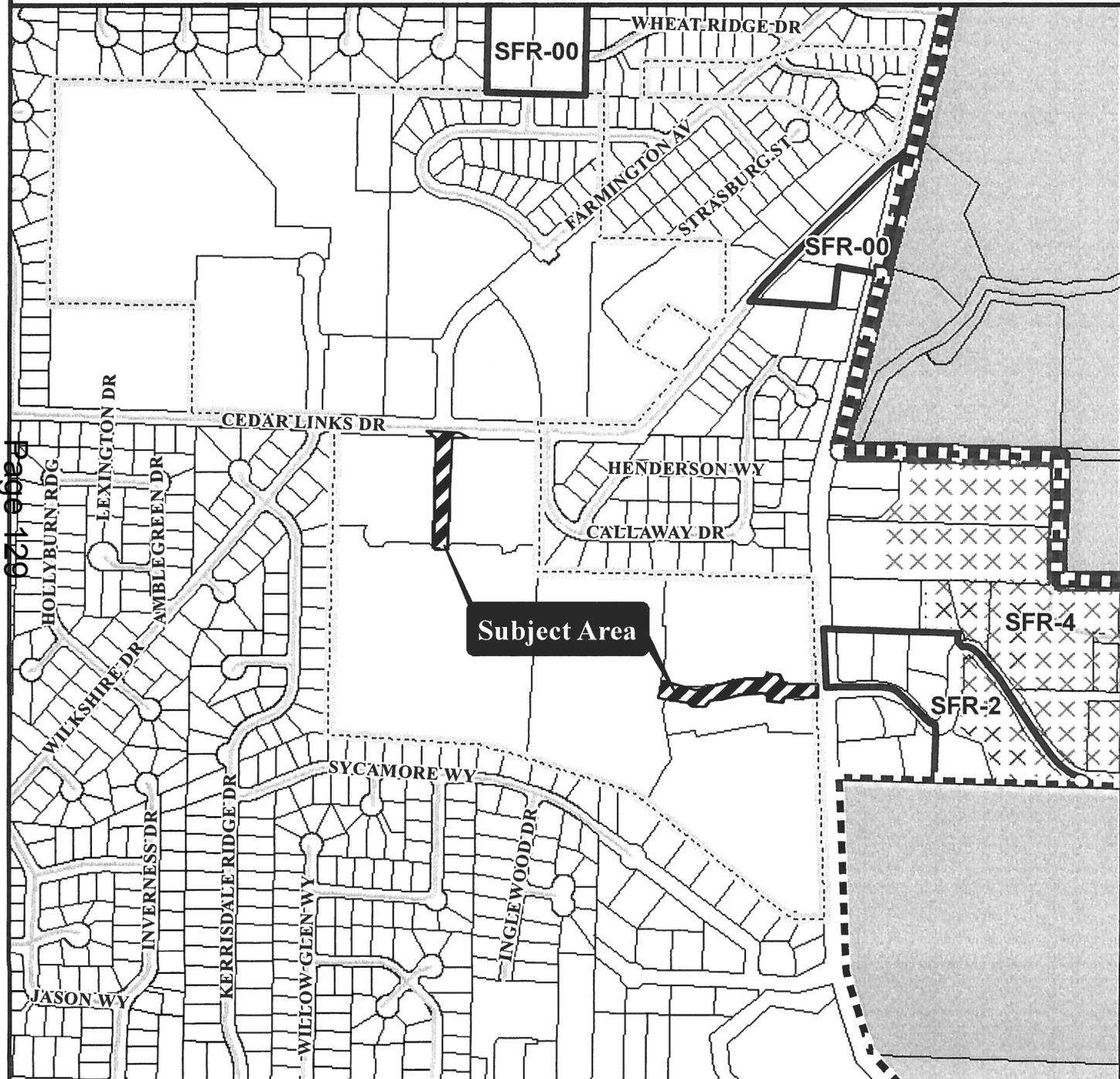
Qwest Corporation d/b/a CenturyLink QC

A handwritten signature in black ink, appearing to read "R. Lawrey".

R. Jeff Lawrey  
Network Real Estate  
1208 NE 64<sup>th</sup> St Rm 401  
Seattle, WA 98115

CITY OF MEDFORD,  
EXHIBIT # "H"  
File # SV-15-101  
(of)

Page 120



Application Name/Description:  
**Cedar Landing - Vacation**

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Proposal:  
**Vacation of portions of Farmington Ave & Normil Terr**

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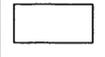
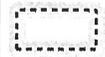
File Numbers:  
**SV-15-101**

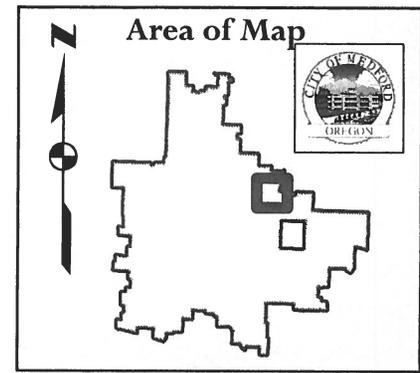
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Applicant:  
**Cedar Investment Group, LLC**

---

Map/Taxlot:  
**371W16CA TL 2200**  
**371W16D TL 7000**

	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	City Limits
	PUD



Cedar Landing PUD Street Vacation –  
Farmington Avenue / Normil Terrace  
SV-15-101



Medford Planning Commission  
October 22, 2015  
Desmond McGeough, Planner II

## VACATION CRITERIA

A request to vacate shall only be favorably considered by the City Council when the following criteria have been addressed:

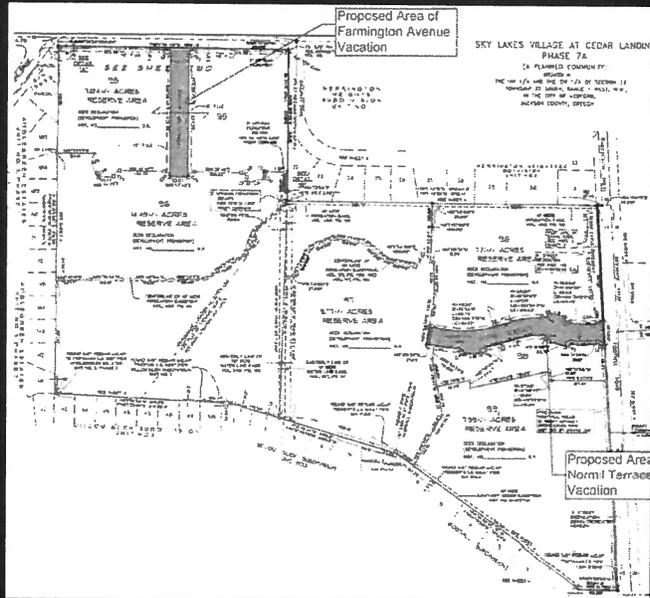
1. Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
2. If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
3. If initiated by the Council, applicable criteria found in ORS 271.130.



**AERIAL  
VIEW**



**AFFECTED  
AREA**



## Approved LDS-15-044:



## Application Analysis:

The City Council initiated the vacation of these right-of-ways on September 17, 2015.

The two subject right of ways were created to provide legal access to interior lots o 9 large reserve acreage lots, as approved by LDS -13-121.

The Planning Commission conditioned with approval of PUD-15-043 and LDS 15-044 that the two right-of-way alignments be vacated.

## Application Analysis:

- The subject right-of-ways must be slightly realigned to their proposed future location within the High Cedars at Cedar Landing Development.
- The existing right-of-ways have not been developed or improved with pavement or any utility infrastructure.
- No correspondence has been received from any utility requesting that a public utility easement be established over the existing right of way.

## SATISFACTION OF APPROVAL CRITERIA

### Criterion 1

The subject request is consistent with the Public Facilities Element of the Comprehensive Plan.

Criterion 1 has been met.

## **SATISFACTION OF APPROVAL CRITERIA**

### **Criterion 2**

- The subject request was not initiated by petition.
  - Criterion 2 is not applicable.

## **SATISFACTION OF APPROVAL CRITERIA**

### **Criterion 3**

- The subject request was initiated by City Council on September 17, 2015.
  - To date, no objections have been received regarding the subject vacation
  - The vacation does not substantially affect value of abutting property where the owner has objected.
  - Criterion 3 has been met.

## RECOMMENDED ACTION

Forward a favorable recommendation for adoption of SV-15-101 to the City Council, as per the Staff Report dated October 15, 2015, including Exhibits A through H.

Questions for Staff ?

**AERIAL  
VIEW**





**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 120.3

www.ci.medford.or.us

**DEPARTMENT:** Planning Department

**PHONE:** 541-774-2380

**STAFF CONTACT:** James E. Huber, AICP, Planning Director

**AGENDA SECTION:** Public Hearings

**MEETING DATE:** November 19, 2015

**PUBLIC HEARING**

Consideration of an appeal of the Site Plan and Architectural Commission determination that it lacked jurisdiction to hear the request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district.

**ISSUE STATEMENT & SUMMARY:**

Consideration of an appeal of the Site Plan and Architectural Commission determination that it lacked jurisdiction to hear the request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. (File No. AC-15-013)

**BACKGROUND:**

On June 19, 2015, the Site Plan and Architectural Commission approved an application to construct a 1,850 square foot Starbucks (AC-15-013). No appeal was filed.

On August 7, 2015, an application to modify the approved site plan for AC-15-013 was received. The application was deemed complete the same day. The 120<sup>th</sup> day for rendering a final decision is December 5, 2015.

On September 19, 2015, the Commission held the duly noticed public hearing. After receiving testimony, the Commission determined that it lacked jurisdiction to consider the proposal. No final order was adopted, nor was an action letter sent.

On October 2, 2015, the City received an appeal from Foster Denman LLP on behalf of the applicant and now Appellant, Oregon Architecture, Inc.

**A. Council Action History**

The Council has not previously considered this item.

**B. Analysis**

An Executive Summary has been prepared by staff and it is included as Exhibit 1.

**C. Financial and/or Resource Considerations**

None identified.

**D. Timing Issues**

Under Medford Land Development Code (MLDC) Section 10.166, the approving authority shall take final action on an application within 120 days after the application is deemed complete. ORS 227.178(1) further requires that, "...the governing body of a city...shall take final action on an application...including resolution of all appeals...within 120 days after the application is deemed complete." The 120th day for this application is December 5, 2015. The City Council must render its decision by that date.



**STRATEGIC PLAN:**

Theme: Quality Public Services

Goal 11: Provide efficient and state-of-the-art development application review.

**COUNCIL OPTIONS:**

In an appeal of a land use decision, the City Council has four options:

1. Affirm the decision of the Site Plan and Architectural Commission.
2. Reverse the decision of the Site Plan and Architectural Commission. If the Council does this, the Council must specify the reasons for reversal.
3. Modify the decision of the Site Plan and Architectural Commission and specify the reasons for such modification.
4. Remand the decision back to the Site Plan and Architectural Commission with an explanation of the error and the action necessary to rectify the error. Given the constraints of the 120-day rule, this is not an option unless the property owner concurs and agrees to extend the 120-day limit.

**STAFF RECOMMENDATIONS:**

There are two items for the Council to consider: the appeal and the modification application.

With regard to the appeal:

Staff recommends that the Council approve the resolution reversing the Site Plan and Architectural Commission decision that it did not have jurisdiction to consider the modification. The Council can find that the Site Plan and Architectural Commission did err in its jurisdiction decision because there is no basis for that decision in the Land Development Code.

With regard to the outstanding modification application:

Staff recommends that the Council approve the resolution denying the modification application AC-15-013 based on the findings contained in the Staff Report to the Site Plan and Architectural Commission dated September 11, 2015 (Exhibit 2 to Exhibit A). The June 19, 2015, decision to conditionally approve AC-15-013 will stand and will not be adversely affected by the recommended action to deny the modification request.

**SUGGESTED MOTION:**

I move to approve the resolution reversing the Site Plan and Architectural Commission decision that it did not have jurisdiction and denying the request to modify the approved site plan for AC-15-013. The Site Plan and Architectural Commission conditional approval of June 19, 2015, stands.

**EXHIBITS:**

Executive Summary dated November 12, 2015, including Exhibits 1–12

## Executive Summary

Consideration of an appeal of the Site Plan and Architectural Commission determination that it lacked jurisdiction to hear the request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. (File No. AC-15-013)

Dated: November 12, 2015

### **What are the issues before the City Council?**

Did the Site Plan and Architectural Commission err in determining that it lacked jurisdiction to hear the request for a modification to the approved site plan? (Notice of Appeal, Exhibit 1)

Should the City Council decide on the request for the modification? (Exhibit 2)

### **City Council Scope of Review**

The City Council's scope of review is listed in Medford Land Development Code Section 10.053 and is summarized below.

*Upon review, the City Council:*

- *Shall not re-examine issues of fact, and*
- *Shall limit its review to determining:*
  - *Whether there is substantial evidence to support the findings of the tribunal which heard the matter, or*
  - *If errors in law were committed by such tribunal.*
- *Review shall be limited to those issues set forth in the notice of appeal.*
- *Review shall be based on the record of the initial proceedings.*

### **Chronology**

1. On January 30, 2015, an application to construct a 1,850 square foot coffee shop (Starbucks) and a 2,200 square foot office building on the subject site was submitted by Oregon Architecture, Inc. (Applicant) (File No. AC-15-013).
2. On February 20, 2015, AC-15-013 was deemed complete.

## Executive Summary

### Appeal of Site Plan and Architectural Commission Determination

Oregon Architecture, Inc., Appellant (AC-15-013)

November 12, 2015

3. On April 3, 2015, the Site Plan and Architectural Commission held a public hearing on AC-15-013. The Commission heard testimony and identified a number of design issues. The site plan submitted by the Applicant included the trash enclosure located so that it opened onto the common access driveway on the south of the site. The driveway is on the adjoining property and is not under the control of the Applicant. The Applicant requested that the item be continued to the hearing of May 1, 2015; the Commission honored the request.
4. On April 16, 2015, the Applicant submitted an Exception application to allow an 8-foot right-of-way dedication on Barnett Road in lieu of the required 14 feet (File No. E-15-060).
5. On April 17, 2015, E-15-060 was deemed complete.
6. On May 1, 2015, the Commission approved the Applicant's request to continue AC-15-013 to June 5, 2015. That allowed additional time to revise the site plan and the Exception application E-15-060 to catch up in the process so it could be considered with the site plan application.
7. On May 15, 2015, the Applicant submitted a revised site plan. Among other changes, the trash enclosure was relocated so that it did not open onto the common drive aisle. In its place were three parking stalls accessed directly from the common drive aisle.
8. On June 5, 2015, the Site Plan and Architectural Commission conditionally approved AC-15-013 and E-15-060. A condition of approval required the removal of the three parking stalls accessed from the common drive aisle on the southerly boundary of the site.
9. On June 19, 2015, the Site Plan and Architectural Commission adopted the final orders conditionally approving AC-15-013 and E-15-060.
10. On June 22, 2015, the action letter was mailed, setting the final appeal date of July 6, 2015. No appeals were filed on the decision to conditionally approve AC-15-013 and E-15-060, which included the requirement to remove the three parking stalls accessed from the common drive aisle.

Also on June 22, 2015, the building permit application for the Starbuck's building was submitted to the Building Safety Department.

11. On July 23, 2015, the building permit application was disapproved by the Planning Department. The site plan submitted with the building permit application showed the

three parking stalls on the southerly boundary of the site that the Site Plan and Architectural Commission required to be removed as a condition of approval.

12. On August 7, 2015, an application to modify the Commission's approval of AC-15-013 was submitted by the applicant. The application was made in response to staff's disapproval of the building permit application. The application to modify AC-15-013 was deemed complete that same day.
13. On September 18, 2015, the item was on the public hearing agenda for consideration by the Site Plan and Architectural Commission. During the proceedings, the Commission heard testimony from the Applicant, and finally determined that it lacked jurisdiction to consider the proposal.
14. October 2, 2015, the City received an appeal from Foster Denman LLP on behalf of Oregon Architecture, Inc. (Applicant, now Appellant) (Exhibit 1).

#### **Medford Land Development Code Criteria**

The applicable approval criteria are found in Medford Land Development Code (MLDC) Sections 10.290, Site Plan and Architectural Review Approval Criteria, and MLDC 10.294, Modification of a Site Plan and Architectural Review.

#### **10.290 SITE PLAN AND ARCHITECTURAL REVIEW APPROVAL CRITERIA**

*The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:*

- (1) *The proposed development is compatible with uses and development that exist on adjacent land; and*
- (2) *The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.*

#### **10.294 MODIFICATION OF A SITE PLAN AND ARCHITECTURAL REVIEW**

##### **A. Major Modification**

*Any modification that is not a minor modification is a major modification. When modification to an approved plan is determined to be a Major Modification, the plan shall be processed in the*

*same manner as a request for a site plan and architectural review in 10.285. The Planning Director may waive submittal requirements deemed unnecessary or inapplicable to the proposal.*

**B. Minor Modification**

*A minor modification to an approved plan may be made by the Planning Director provided the Planning Director determines that the modification does not constitute a major modification. A minor modification shall meet all of the following standards:*

- (1) Meets the exemption standards of 10.031.*
- (2) No increase in the number of dwelling units.*
- (3) The amount of open space or landscaping is decreased by no more than 10% of the previously approved area, provided the resulting area does not drop below the minimum standards as required by the code.*
- (4) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.*
- (5) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening material.*
- (6) Modifications to facilities and utilities conform to the adopted facility plans.*
- (7) Modifications to any other components of the plan conform to standards of the Land Development Code.*
- (8) No modification to any condition of approval.*

**Process Analysis**

Under Medford Land Development Code (MLDC) Section 10.101, the Planning Department is to indicate the appropriate plan authorizations needed in order to obtain a development permit. Staff applied the criteria in MLDC 10.294 to determine whether the proposed revisions were minor or major as required in MLDC 10.101. Minor modifications are listed in MLDC 10.294(B) and are decided by the Planning Director. A change that is not a minor modification is a major modification and decided by the Site Plan and Architectural Commission processed pursuant to Class C procedures. MLDC 10.294(B)(4) does not allow a change to parking areas where the change will generate an impact that would adversely affect traffic circulation. Additionally,

## Executive Summary

Appeal of Site Plan and Architectural Commission Determination

Oregon Architecture, Inc., Appellant (AC-15-013)

November 12, 2015

under MLDC 10.294(B)(8), a change to a condition of approval is not a minor modification and must be considered by the Commission. Based on these code sections, staff determined that the requested change was a major modification under the authority of the Commission.

Staff analyzed the alternative modification requests in the Staff Report dated September 11, 2015 (Exhibit 2). In the report, staff used the word "revision" rather than "modification" as used in the Code. The language in MLDC 10.294 was adopted in March 2015, and this is the first project that has been brought forward to the Commission under this section. MLDC 10.294(B) was not discussed in the report because staff had determined that the proposal was a Major Modification and subject to the Class C process per MLDC 10.294(A). The site plan approval criteria at MLDC 10.290 apply to the modification request and were addressed in the staff report.

## Project Summary

The Appellant submitted a request to construct a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road within the Black Oak Shopping Center. An additional 2,200 square foot building pad is identified as a "future phase" on the site plan. The subject site does not have access to Barnett Road; it is accessed via shared access easements to Barnett Road and Black Oak Drive. This common drive aisle is on the adjacent properties to the south and east of the subject site, which the Appellant does not own.

After two public hearings and two continuances, the original application received conditional approval from the Site Plan and Architectural Commission on June 19, 2015. During the proceedings, the Commission considered two particular design components that were proposed to be accessed from the common drive aisle located on the adjoining property on the southerly boundary of the site. These two components are the subject of the modification application under appeal.

The initial submittal included a trash enclosure with doors that opened onto the common drive aisle. The Commission expressed concern with this option at the public hearing on April 3, 2015 (Exhibit 5). At that hearing, the Appellant requested that the item be continued. The Appellant submitted a redesigned site plan with a new location for the trash enclosure, but with three parking stalls in its place taking access from the common drive aisle. On June 19, 2015, the Commission conditionally approved the revised site plan, approved a reduction in the required parking, and applied a condition of approval requiring the removal of those three parking stalls (Exhibit 9).

The Appellant submitted a building permit application, including the site plan conditionally approved by the Commission although it did not reflect the condition requiring the removal of the three parking stalls. The Planning Department disapproved the building permit application

because it did not address the condition of approval imposed by the Commission. The Appellant then submitted an application to revise, or modify the condition, and included two options for the Commission to consider, either the trash enclosure or three parking stalls along the common drive aisle.

The Staff Report dated September 11, 2015, noted that both options presented had previously been considered by the Commission. While the Commission did not decide on the location of the trash enclosure, they voiced concern at the April 3, 2015, meeting and the site plan was revised to address that concern. The Commission's final order specifically required the removal of the three parking spaces.

Because they had already considered both issues, the Commission determined it did not have jurisdiction to act on the proposed alternative modifications at the September 18, 2015, public hearing. Testimony was heard, but a final order was not entered, nor was an action letter sent.

### **Notice of Appeal**

A single Notice of Appeal was filed by Foster Denman LLP on behalf of Oregon Architecture, Inc., on October 2, 2015, which is within 14 days of the September 18, 2015, hearing date decision as required in MLDC 10.051.

### *Allegations of Error*

Two allegations of error are identified in the appeal (Exhibit 1). Each is included below with a staff response.

1. The Appellant contends, *"The Commission refused to accept jurisdiction of a modification to a Class C plan authorization at a hearing held on September 18, 2015. Medford Land Development Code, Section 10.294 authorizes modifications to an approved site plan by either the Planning Director or Site Plan Architectural Commission (SPAC). The Planning Director may make Minor Modifications but Major Modifications must be processed in the same manner as a request for site plan and architectural review, which is determined by SPAC."*

### Staff Response:

The language of MLDC 10.294 is included in its entirety beginning on Page 3 above. As noted in the Process Analysis, staff determined that the proposal constituted a Major Modification because the request was to change a condition of approval. The Commission is tasked with deciding major modifications pursuant to Class C procedures as prescribed at MLDC 10.294(A). The applicant submitted the Site Plan and Architectural Review application, which is a Class C

process, as required. The application was processed pursuant to said Class C procedures and is subject to the 120-day rule.

2. The Appellant contends, "*The Commission failed to perform its duty to "approve, approve with conditions, or deny the request," the only three actions allowed under Code Section 10.166. The Commission disapproved the request by deciding it lacked jurisdiction, but it failed to enter an order denying the request. Appellant contends SPAC must either approve, approve with conditions or deny the requested modification with an appropriate order.*"

Staff Response:

The language in MLDC 10.166 contains the authority of the Commission and requires action within 120 days:

**10.166 Class "C", Action and Decision Time.**

*The approving authority shall take final action within 120 days after the application is deemed complete and shall at that time approve, approve with conditions, or deny the request. The decision of the approving authority (Planning Commission, Site Plan and Architectural Commission, or Landmarks and Historic Preservation Commission) shall be based upon the application, the evidence, comments from the referral agencies, and compliance with this chapter and the Comprehensive Plan.*

*An applicant may make a written request to extend the 120-day period for a specified period of time. In no case may the total extensions exceed 245 days.*

In considering this allegation, staff reviewed the Commission's authority in MLDC 10.132, which is the approving authority for Site Plan and Architectural Review applications:

**10.132 Authority of the Site Plan and Architectural Commission.**

(1) *Approval Authority of Site Plan and Architectural Commission. The Site Plan and Architectural Commission is hereby designated as the approving authority for the following plan authorizations:*

	<i>Plan Authorization</i>	<i>Class</i>
1.	<i>Exceptions</i>	<i>"C"</i>
2.	<i>Site Plan and Architectural Review</i>	<i>"C"</i>

(2) *Other Powers of Site Plan and Architectural Commission. The Site Plan and Architectural Commission shall have the power to adopt design guidelines. Such guidelines may be general or*

*specific in nature and shall be in the form of suggested approaches intended to aid applicants in preparation, presentation and implementation of development proposals in compliance with the City of Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.*

The Commission does not have the authority to make a determination of jurisdiction in MLDC 10.132; it is obliged to exercise its authority to decide Site Plan and Architectural Review and Exception applications. The plain language of MLDC 10.166 requires, "...final action within 120 days after the application is deemed complete and [the approving authority] shall at that time approve, approve with conditions, or deny the request..." There is no language in the Land Development Code that authorizes the Commission's determination.

### **Summary**

The Site Plan and Architectural Commission made two decisions on this project:

- 1) June 19, 2015, it granted a conditional approval of the site plan, and
- 2) September 18, 2015, it decided that it lacked authority to consider the major modification application.

Staff disagrees with the September 18 decision because there is no language in the Land Development Code to support it. Regardless of the fact that the Commission had previously considered the proposed modifications, there is nothing in the Code to prevent an applicant from seeking a modification under MLDC 10.294.

The Site Plan and Architectural Commission did err in determining that it did not have jurisdiction to decide the major modification application. Staff has prepared findings for the Council's consideration for Site Plan and Architectural Review at MLDC 10.290 above.

### **City Council Options**

The City Council will need to determine if there is substantial evidence in the record to support the decision of the Site Plan and Architectural Commission. The options are:

1. If the Council finds that there is substantial evidence in the record to conclude that the Site Plan and Architectural Commission decision was correct and that the evidence in the record supports the Commission's findings, then the Council should affirm the decision.

2. If the Council finds that the evidence in the record supports the Appellant's contention that the decision was in error or that there is not substantial evidence to support the decision, then based upon substantial evidence in the record the City Council should:
  - a. Reverse the decision. If the Council does this, the Council must specify the reasons for reversal; or
  - b. Modify the decision and specify the reasons for such modification; or
  - c. Remand the decision back to the Site Plan and Architectural Commission with an explanation of the error and the action necessary to rectify the error. Given the constraints of the 120-day rule, this is not an option unless the Appellant concurs and agrees to extend the 120-day limit.

### **Recommendation**

There are two items for the Council to consider: the appeal and the modification application.

With regard to the appeal, staff recommends that the Council find that the Site Plan and Architectural Commission did err in its jurisdiction decision. There is no basis for the decision in the Land Development Code.

With regard to the modification application, staff recommends that the Council not remand the application back to the Commission but adopt the findings prepared by staff in the Staff Report to the Site Plan and Architectural Commission dated September 11, 2015 (Exhibit 2). The June 19 conditional approval will stand and will not be adversely affected by the recommended action to deny the modification request.

### **Exhibits**

- 1 Notice of Appeal received October 2, 2015
- 2 Staff Report to the Site Plan and Architectural Commission dated September 11, 2015, for the meeting of September 18, 2015
- 3 Letter of Objection submitted by Sydnee Dreyer, Huycke O'Connor Jarvis, LLP, at the public hearing of September 18, 2015
- 4 Site Plan and Architectural Commission Final Orders dated June 19, 2015, with the Commission Report dated June 5, 2015
- 5 Site Plan and Architectural Commission Minutes of April 3, 2015
- 6 Site Plan and Architectural Commission Minutes of May 1, 2015
- 7 Site Plan and Architectural Commission Minutes of May 15, 2015
- 8 Site Plan and Architectural Commission Minutes of June 5, 2015
- 9 Site Plan and Architectural Commission Minutes of June 19, 2015

Executive Summary  
Appeal of Site Plan and Architectural Commission Determination  
Oregon Architecture, Inc., Appellant (AC-15-013)  
November 12, 2015

- 10 Site Plan and Architectural Commission Minutes of September 18, 2015
- 11 PowerPoint Presentation of September 18, 2015
- 12 Site Plan submitted with Building Permit Application BP-15-1805

KAREN C. ALLAN  
JASON M. ANDERSON  
CHRISTINA M. BOCCATO  
ERIC R. FOSTER  
STUART E. FOSTER  
TIMOTHY L. JACKLL  
GERALD M. SHEAN III

**FOSTER DENMAN** LLP  
ATTORNEYS AT LAW  
3521 EAST BARNETT ROAD  
P.O. BOX 1667  
MEDFORD, OR 97501  
TELEPHONE 541-770-5466 FAX 541-770-6502

LISA M. RAHM  
TRUST AND PROBATE  
ADMINISTRATOR

L. ESTELA RODRIGUEZ  
STAFF ACCOUNTANT

October 2, 2015

**RECEIVED**  
OCT 02 2015  
CITY RECORDER'S OFFICE

Office of the City Recorder  
City of Medford  
411 West 8<sup>th</sup> Street  
Medford, OR 97501

Re: Appeal to City Council of Site Plan Disapproval in File No. AC-15-013

To Whom It May Concern:

This firm has been authorized to act as agent on behalf of Oregon Architecture, Inc., the applicant under AC-15-013. We are filing this appeal from the Site Plan Architectural Commission's disapproval of the application to modify the site plan, made at a hearing on September 18, 2015. Oregon Architecture has standing to appeal under Code Section 10.051 because it is the applicant, it appeared in the initial proceedings, is aggrieved by the decision, and has interests adversely affected by the decision.

The bases for this appeal are:

- 1) The Commission refused to accept jurisdiction of a modification to a Class C plan authorization at a hearing held on September 18, 2015. Medford Land Development Code, Section 10.294 authorizes modifications to an approved site plan by either the Planning Director or Site Plan Architectural Commission (SPAC). The Planning Director may make Minor Modifications but Major Modifications must be processed in the same manner as a request for site plan and architectural review, which is determined by SPAC.

One of the requirements for a modification to be a *minor* modification is that there must be "No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation." Planning Department staff informed the applicant that this request was a Major Modification that must go to SPAC.

Page 2  
October 2, 2015

At the hearing, SPAC inquired about its jurisdiction under Code Section 10.294(a) and after discussion, unanimously decided that it lacked jurisdiction to hear the matter. Appellant believes it does have such jurisdiction.

2) The Commission failed to perform its duty to “approve, approve with conditions, or deny the request,” the only three actions allowed under Code Section 10.166. The Commission disapproved the request by deciding it lacked jurisdiction, but it failed to enter an order denying the request. Appellant contends SPAC must either approve, approve with conditions or deny the requested modification with an appropriate order.

For the above reasons, we hereby request that the City Council reverse SPAC’s decision to decline jurisdiction and order that SPAC make a determination of this matter on the merits.

Enclosed is the necessary filing fee for the appeal. Please return a file stamped copy of this Notice of Appeal in the enclosed self-addressed envelope and further indicate the hearing date when this matter will be addressed by the City Council.

Very truly yours.



Gerald M. Shean III

JMS:ejc

CITY OF MEDFORD

\*\*\* CUSTOMER RECEIPT \*\*\*

Batch ID: PLNCTR2            10/05/15 01            Receipt no:    69053

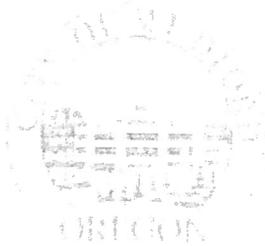
	Type	SvcCd	Description	Amount
2015	13	PZ	PZ-PLANNING/ZONING FEES	\$275.00
				1214820

Trans number:  
FOSTER DENMAN LLP  
3521 E. BARNETT RD.  
P.O. BOX 1667  
MEDFORD, OR 97501  
APPEAL #15-103  
STARBUCKS ON BARNETT RD.  
CPALADINO 10/5/2015

Tender detail

CK Ref#:	66798	\$275.00
Total tendered:		\$275.00
Total payment:		\$275.00

Trans date: 10/05/15      Time: 10:16:33





City of Medford

# Planning Department

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

## STAFF REPORT

for a Type-C quasi-judicial decision: **Site Plan Review**

PROJECT Starbucks and Office Buildings  
 Applicant: Oregon Architecture, Inc.; Agent: Mark McKechnie

FILE NO. AC-15-013

TO Site Plan and Architectural Commission *for 09/18/2015 hearing*

FROM Jennifer Jones, Planner III

REVIEWER Kelly Akin, Principal Planner *ka*

DATE September 11, 2015

### BACKGROUND

#### Proposal

Request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district.

#### Subject Site Characteristics

Zoning	C-C	Community Commercial
GLUP	CM	Commercial
Use	Vacant	

#### Surrounding Site Characteristics

North	C-S/P	Service Commercial/Professional Office Hospital
South	C-C	Medical Offices
East	C-C	Medical Offices
West	C-C	Bank

CITY OF MEDFORD  
 EXHIBIT # 2  
 File # AC-15-013  
APPEAL

### Applicable Criteria

Medford Municipal Code

#### *§10.290 Site Plan and Architectural Review Criteria*

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (1) The proposed development is compatible with uses and development that exist on adjacent land; and
- (2) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.

### Corporate Names

The application lists Barnett Stage LLC as the owner of the subject property. As per the State of Oregon Business Registry, Dan Thomas is listed as the registered agent.

## **ISSUES AND ANALYSIS**

### Background

This project proposal was originally brought before the Commission on April 03, 2015. In the original proposal the applicant's site design included a 1,850 square foot stand-alone Starbucks as well as a 3,285 square foot medical office building with a total of 29 parking spaces for the two uses. That hearing resulted in a continuance to allow the applicant time to adequately address a number of concerns raised by the Commission. The concerns and issues identified included right-of-way dedication, the location of the trash enclosure, pedestrian connections, vehicular access to the drive-thru lane, and adequate parking. The hearing was continued to May 15, 2015, and a revised staff report was produced. The changes proposed were not significant enough to satisfy the concerns of the Commission and the staff recommendation was for denial. The applicant requested an additional continuance and further revised the site plan.

This commission voted to approve plans for this project at the hearing on June 05, 2015. As part of that approval, the Commission approved the applicant's request for less required parking for the Starbucks building. The Commission approved the proposed site plan with the removal of the three angled parking spaces along the southern boundary of the site (Exhibit A).

### Summary of Revision

The applicant now requests to revise the approved plans in relation to parking and the trash enclosure location. Other items such as right-of-way dedication, the approved exception, architecture, and similar items, not relevant to the revision, will not be discussed in this report.

The applicant states in the narrative that after the approval for reduced parking was granted, “*Starbucks saw the plan and now wants all the minimum required spaces*” (Exhibit B). Therefore, the applicant is now requesting a revision to the approved plans in order to accommodate the parking. The applicant has provided two site plan options, both of which have been considered by the Commission in previous submittals.

#### *Site Plan – Option 1*

One version of the site plan submitted for consideration by the Commission (Exhibit D) consists of the plan approved on June 05, 2015 with the three angled spaces remaining on the southern boundary of the site. The three angled spaces were specifically identified by the Commission in the June 05, 2015 hearing as being problematic and were thus required to be removed.

#### *Site Plan – Option 2*

The second version of the site plan submitted for consideration (Exhibit E) is again another iteration previously considered by the Commission. This version has the trash enclosure on the southern boundary in place of the three angled spaces. In a previous hearing the Commission had concerns about orientation of the trash enclosure opening into the shared access drive aisle.

#### *Traffic Counts*

The applicant has submitted traffic counts for the shared driveway easement (Exhibit C) to supplement their revision request. It appears that traffic was counted on two mornings and those tabulations are provided. While these counts may help inform the Commission as to current conditions, this in no way provides any insight or analysis regarding the impact of additional traffic in these same locations *after* Starbucks is operational. It is staff’s understanding that the concern raised by the Commission previously included Starbucks’ potential traffic and how the shared access driveway may be impacted by the combination of drive-thru queuing, trash operations (by employees as well as by contracted pick up services), employee parking, and through traffic.

#### Vehicular Parking

The applicant’s approved site plan (from June 05, 2015) includes 21 parking spaces based on the Commission’s decision to approve a reduction in required parking, authorized per MLDC 10.743(3).

The two site plan options submitted for this revision both include 24 parking spaces for Starbucks. Medford Land Development Code (MLDC) §10.743-1 outlines minimum and maximum parking standards by land use category. Starbucks is classified in the *Restaurant (with drive thru)* category, which requires a minimum of 12.0 spaces per 1,000 square feet of gross floor area plus 5.0 spaces for drive-thru window queue. This calculates to a minimum of 22 spaces plus 5 spaces in the drive-thru lane. The maximum parking allowed for this use is 14.0 spaces per 1,000 square feet of gross floor area, which equates to 26 spaces. Therefore, the required parking for the Starbucks building is 22 to 26 spaces plus at least 5.0 spaces for drive-thru window queue.

No parking for the *future phase* is included.

It should be noted that the perceived constraints of the site are self-imposed by the applicant. Alternate site layouts and designs have been suggested by staff as well as the Commission. In addition, the elimination of the *future phase* would allow for even more flexibility, including a street oriented, enlarged Starbucks building, with a larger outdoor seating area, ample parking, and additional site amenities. Staff is concerned that the *future phase* will not accommodate potential tenants in the future, forcing the Commission to grant exceptions or vastly limit the development possibilities.

## **FINDINGS AND CONCLUSIONS**

The proposal for this site has been reviewed and revised multiple times. The Commission has repeatedly expressed concern over the site layout, parking, and overall function of this site, particularly in relation to the shared access drive aisle to the south. Staff has suggested alternate site layout options to achieve the parking necessary and address the concerns of the Commission. The applicant has not been open to alternate site designs and has chosen to bring back site plans to which the Commission has been dissatisfied with in previous hearings. For these reasons, Staff does not support the requested revision and recommends that the Commission deny the proposed revision to AC-15-013.

A decision of denial by the Commission would not affect the previous approvals granted. All conditions of approval would still be valid and the applicant could move forward with the approved plans.

### *§10.290 Site Plan and Architectural Review Criteria*

- (1) The proposed development is compatible with uses and development that exist on adjacent land;

*The Site Plan and Architectural Commission finds that the proposed site plan revision in AC-15-013 is not compatible with the development that exists on adjacent land as it has not been made to be functionally adequate in terms of vehicular access and*

*maneuverability. Due to the issues associated with the proposed plans, the imposition of conditions is not sufficient to render this development proposal conforming to the approval criteria.*

- (2) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.

*The Site Plan and Architectural Commission finds that the proposal complies with the applicable provisions of the Code.*

### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for denial of the proposed revision to AC-15-13 per the staff report dated September 11, 2015, including Exhibits A through H.

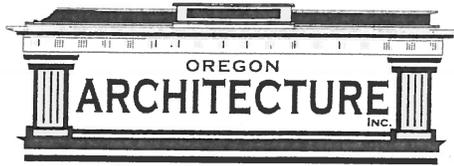
### **EXHIBITS**

- A Approved Site Plan, received May 15, 2015
- B Applicant's Narrative for Revision of Site Plan, received August 07, 2015
- C Applicant's Traffic Counts, received August 07, 2015
- D Revision to Approved Site Plan, Option 1, received August 07, 2015
- E Revision to Approved Site Plan, Option 2, received August 07, 2015
- F Public Works Staff Report – Revision, received August 26, 2015
- G Building Department Memo – Revision, received August 26, 2015
- H Parks Department Memo – Revision, received August 26, 2015  
Vicinity map

**SITE PLAN & ARCHITECTURAL COMMISSION AGENDA:**

**SEPTEMBER 18, 2015**





(541) 772-4372

221 WEST 10TH ST • MEDFORD, OR 97501 • FAX: (541) 499-6329 • WWW.OREGONARCHITECTURE.BIZ

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AUG 17 2015

PLANNING DEPT.

### NARRATIVE FOR RE-REVIEW OF STARBUCKS SITE PLAN.

August 6, 2015

Site: 2676 East Barnett Road

This re-review is a limited review. At issue is one small portion of the Starbucks site. The overall site and building have previously been approved by the Commission. For this review we are only and specifically looking at the area between the drive-thru lane and the cross access easement because it caused some controversy during the initial review and approval.

Originally we proposed locating the trash enclosure in this area. Upon the first presentation to SPAC this was not viewed favorably by some Commission members. We elected to table the application so we could redesign the site. Subsequently we offered to locate three employee parking spaces in this area. That plan was ultimately accepted by the Commission with the understanding those spaces would be removed if the full number of parking spaces called for by the Medford Land Development Code was not required.

The Code requires 12 parking spaces per 1000 gsf for fast food uses. We indicated this number was higher than any other jurisdiction where we have designed a Starbucks building. The Commission agreed to reduce the minimum number by three, but unfortunately, Starbucks saw the plan and now wants all the minimum required spaces.

During the original presentation there was a lot of supposition about the use the cross access easement actually receives during the morning hours, when customers most heavily patronize a Starbucks, and when trash trucks are typically scheduled to pick up trash. To answer this question with data, we commissioned a traffic study. The raw data is attached.

We have discovered that on a typical day an average of 8 vehicles use the cross access roadway in the hour between 6 and 7 am. That is vehicle every 7.5 minutes. Even at the peak time (8-9 am) a vehicle only uses the cross access roadway approximately once every minute and a half. In short, we are not talking about a large volume of traffic on this cross access roadway at any hour of the morning.

We have also checked with Rogue Disposal and Recycling about the time it takes for a trash pick-up to be completed and we have been told it can be completed in a couple of minutes. Obviously, a car backing out of a parking space can complete the maneuver in a matter of seconds.

For this review we have provided the Commission with two options – one showing the trash enclosure in this location, one showing parking spaces. Starbucks would be happy with either option. The option with the parking spaces probably provides the cleanest look for the space. Either option will have, at worst, a very minor impact on the easement, as we are talking about either accessing each parking space 2 to 4 times in a 24 hour day for parking, or once a week for a couple of minutes for trash removal.

**CITY OF MEDFORD**

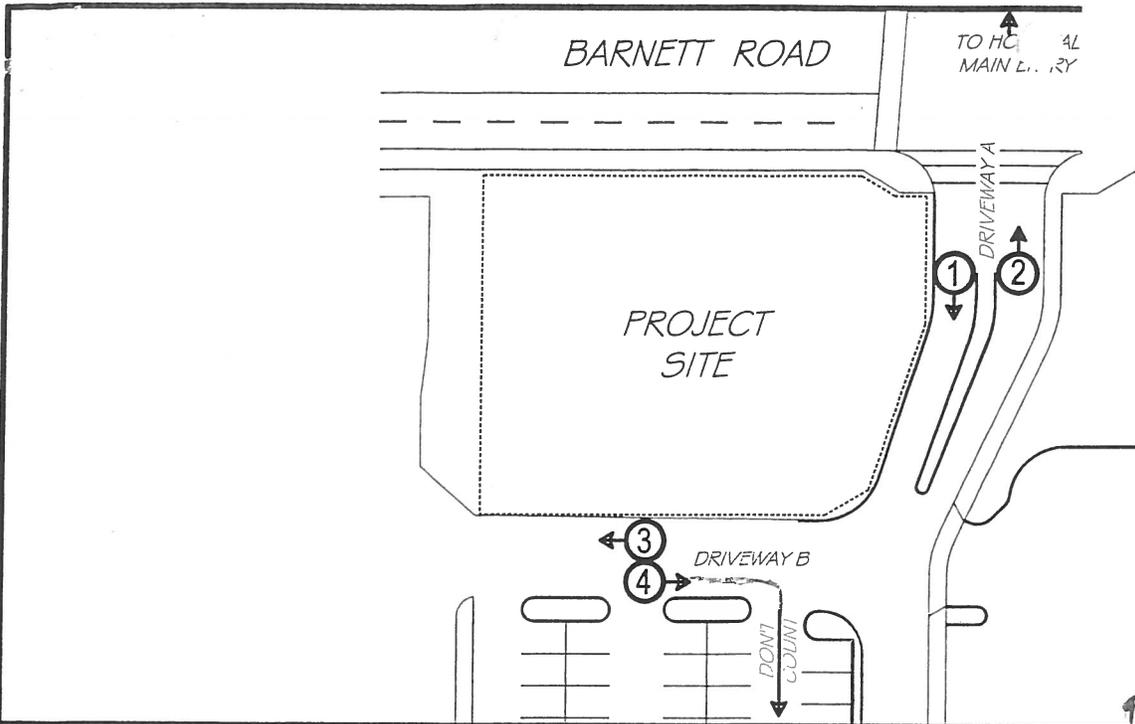
**EXHIBIT B**

**FILE # AC-15-013**

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AUGUST 07, 2015

PLANNING DEPARTMENT



THUR. 7/30/15	1	2	3	4	MON. 8/3/15	1	2	3	4
6:00AM - 7:00AM	<del>     </del> 30	<del>     </del> 3	<del>     </del> 4	<del>     </del> 3	6:00AM - 7:00AM	<del>     </del> 31	<del>     </del> 2	<del>     </del> 5	<del>     </del> 4
7:00AM - 8:00AM	<del>     </del> 95	<del>     </del> 12	<del>     </del> 25	<del>     </del> 7	7:00AM - 8:00AM	<del>     </del> 114	<del>     </del> 23	<del>     </del> 33	<del>     </del> 5
8:00AM - 9:00AM	<del>     </del> 123	<del>     </del> 45	<del>     </del> 39	<del>     </del> 13	8:00AM - 9:00AM	<del>     </del> 109	<del>     </del> 47	<del>     </del> 27	<del>     </del> 19
9:00AM - 10:00AM	<del>     </del> 82	<del>     </del> 66	<del>     </del> 13	<del>     </del> 23	9:00AM - 10:00AM	<del>     </del> 109	<del>     </del> 70	<del>     </del> 22	<del>     </del> 25
TOTALS					TOTALS				



# E. BARNETT ROAD

## ARCHITECTURAL SITE PLAN NOTES:

- (A) PERFORM UNDERGROUND UTILITY SURVEY FOR WATER, SEWER, GAS, AND CABLE AND RECORD PER LOCAL ORDINANCE.
- (B) DRIVE DRIVEWAY SHALL BE 12'-0" WIDE WITH 12'-0" MINIMUM CLEARANCE OVER DRIVEWAY. DRIVEWAY SHALL BE 12'-0" WIDE WITH 12'-0" MINIMUM CLEARANCE OVER DRIVEWAY. DRIVEWAY SHALL BE 12'-0" WIDE WITH 12'-0" MINIMUM CLEARANCE OVER DRIVEWAY.
- (C) ALL UTILITIES LOCATED SHOWN ON THIS PLAN SHALL BE MAINTAINED AS SHOWN UNLESS OTHERWISE NOTED.
- (D) HOLLANDS SEE 12-24-2
- (E) TREE'S SHALL BE MAINTAINED EXCEPT FOR THOSE SHOWN TO BE REMOVED OR TO BE REPLACED AT THE DISCRETION OF THE CITY ENGINEER. TREE'S SHALL BE MAINTAINED EXCEPT FOR THOSE SHOWN TO BE REMOVED OR TO BE REPLACED AT THE DISCRETION OF THE CITY ENGINEER.
- (F) TRANSFER TO HAVE 12" CURB TO CENTERLINE OF FIRE LANE OR DRIVE
- (G) TRAMP LANE AS SHOWN ON PLAN
- (H) DRIVEWAYS WITH 12" PARALLEL DRIVEWAY AS REQUIRED BY CODE
- (I) CURB RATIO PER SIDEWALK



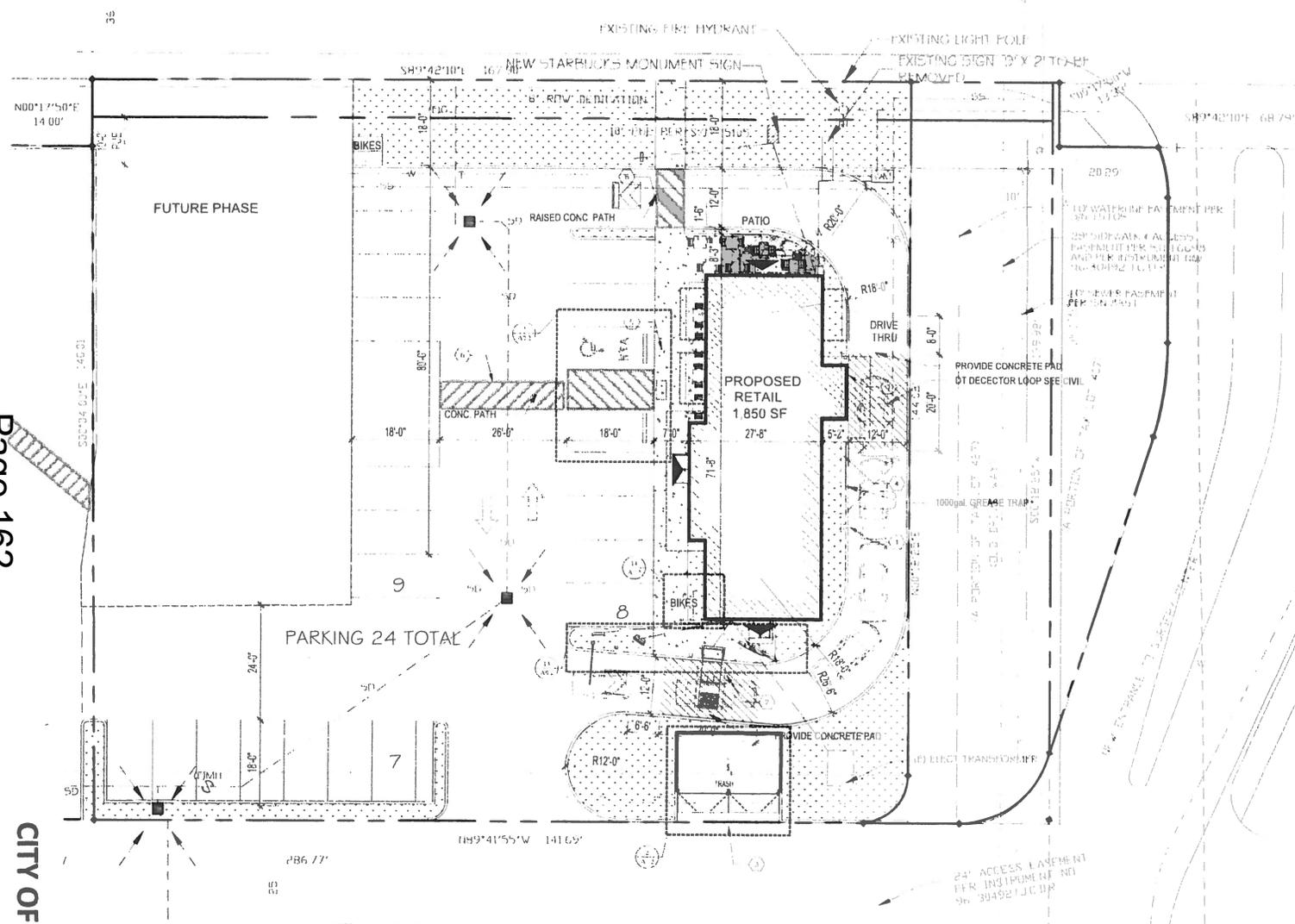
**STARBUCKS COFFEE**  
 2676 EAST BARNETT RD,  
 MEDFORD, OREGON,  
 MAP 5711333B - TAXLOT 151



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 AUGUST 07, 2015  
 PLANNING DEPARTMENT

Page 162

CITY OF MEDFORD  
 EXHIBIT E



**PARKING STANDARDS**

1. PARKING SPACES SHALL BE 18'-0" BY 22'-0" FOR RESTAURANT RETAIL SALES.  
 2. MINIMUM 5% OPEN SPACE TOTAL REQUIRED PARKING PER INTERNATIONAL CODE.  
 3. 20'-0" CLEAR OVERHEAD CLEARANCE OVER ALL PARKING SPACES.

BUILDINGS 1 - 1,850 SF 14,000 SF 22,000 SF 30,000 SF 40,000 SF  
 SPACES PROVIDED 4

1. ALL CITY OF MEDFORD PARKING SPACES SHALL BE 18'-0" BY 22'-0" WITH A TOTAL REQUIRED ACCESSIBLE PARKING SPACES 1:11 PROVIDED.  
 (Adapted from: Oregon State Code, Title 21, Chapter 21.020)

**SITE PLAN**  
 SCALE: 1" = 10'-0"

BAR SIZES TO BE MEASURED ONE INCH BY ONE SIXTEENTH INCH



Continuous Improvement Customer Service

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**AUG 26 2015**

**PLANNING DEPT.**

**CITY OF MEDFORD**

Date: 8/24/2015

File Number: AC-15-013 Revised

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
MEDICAL OFFICE / COFFEE SHOP - REVISION**

**Project:** Request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel.

**Location:** South side of Barnett Road between Black Oak Road and Murphy Road;  
371EW33b TL 434.

**Zoning:** C-C (Community Commercial) District.

**Applicant:** Oregon Architecture, Inc.

Medford Public Works does not have any comments pertaining to the specific revision of the 3 additional parking spaces in the southeast corner of the proposed project.

The Medford Public Works Department's conditions of approval for AC-15-013 was approved on June 19, 2015. These adopted conditions shall remain in full force as originally adopted.



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AUG 26 2015  
PLANNING DEPT.

# Memo

**To:** Jennifer Jones, Planner, Planning Department  
**From:** Chad Wiltrout, Building Department (541) 774-2363  
**CC:** Oregon Architecture, Inc., Applicant/Agent.  
**Date:** August 26, 2015  
**Re:** August 26, 2015 LDC Meeting: Item #1 – AC-15-013

---

***Please Note:***

***This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.***

***Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or [building@cityofmedford.org](mailto:building@cityofmedford.org).***

***For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or [chad.wiltrout@cityofmedford.org](mailto:chad.wiltrout@cityofmedford.org).***

**Conditions of Approval:**

1. Please submit revisions to the City of Medford for review. Revisions will be reviewed under the 2014 Oregon Structural Specialty Code.

**General Comments:**

2. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
3. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.

AUG 26 2015

# MEDFORD PARKS & RECREATION

PLANNING DEPT.

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CITY OF MEDFORD  
Interoffice Memo

TO: Planning Department  
FROM: Tim Stevens- Park Maintenance Supervisor  
SUBJECT: LANDSCAPE REVIEW OF FILE AC-15-013, Starbucks  
DATE: August 24, 2015

I have reviewed the applicant's landscape plan and recommend it be accepted as submitted.

This report addresses horticultural concerns only. Applicant shall comply with all aspects of Medford Code 10.780 Interpretation of the Medford Code will be per the Planning Department. Aesthetic considerations will be per the Site Plan and Architectural Review Commission or Planning Commission upon their review.



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CITY OF MEDFORD  
EXHIBIT H

# Vicinity Map

Application Name/Description:  
**Starbucks & Medical  
 Office Building**

Proposal:  
**Coffee shop with drive thru  
 & medical office**

File Numbers:  
**AC-15-013**

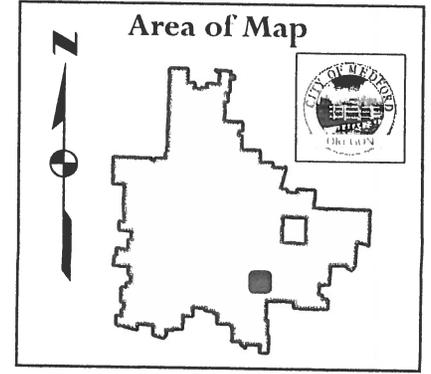
Applicant:  
**Oregon Architecture, Inc**

Map/Taxlot:  
**371W33B TL 434**

Page 166



	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	Central Business
	Historic



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SEP 18 2015

PLANNING DEPT

Writer's Direct E-mail:  
[sbd@medfordlaw.net](mailto:sbd@medfordlaw.net)

Writer's Assistant:  
Leanne Perkins



ATTORNEYS AT LAW

September 18, 2015

*Via Email Only Jennifer.jones@cityofmedford.org*

Site Plan Architectural Commission

c/o Jennifer Jones, AICP

200 S. Ivy Street

Medford, OR 97501

**RE: Objections to Request for Revisions  
AC-15-013**

Dear Commissioners:

Our office represents Investor's One, LLC, the owner of property commonly referred to as the Black Oak Shopping Center, which abuts this project to the southwest (Tax Lot 428). The purpose of this letter is to object to the request for revision to approved plans to allow parking or a trash enclosure which encroach upon private property not owned by applicant. The basis for this objection is that the proposed revisions are incompatible with neighboring uses and development that exist on neighboring property.

With regard to the current proposal, the applicant seeks to renew two options that have previously been rejected by the Commission and opposed by my client. In particular, Option 1 would renew three angled parking spaces which would back into the private access easement. Option 2 would install a trash enclosure which would be oriented such that the opening would be into the private access easement.

As testified previously, both Option 1 and Option 2 are objectionable to my client. The access easement is a 2-lane private roadway for pedestrian and vehicular access. This was a carefully negotiated agreement between all the property owners within the former Black Oak PUD to allow cross-access along the properties and was a necessary requirement to terminate said PUD. Allowing parking which would back into this private easement, or a trash enclosure oriented to open into the private easement, increases the risk of accidents to both pedestrians and vehicles, and potentially blocks essential access to the various properties within the former Black Oak PUD. Further, both options are inconsistent with the intent of the easement which is to allow vehicular and pedestrian access, not parking and maneuvering.

As noted by staff, the "constraints" on the site are self-imposed. Throughout this process the applicant has attempted to utilize the private property to the south

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125 N. 2nd Street

Ashland, OR 97520

541-482-8491

Fax: 541-482-9173

[office@medfordlaw.net](mailto:office@medfordlaw.net)

[www.medfordlaw.net](http://www.medfordlaw.net)

*Partners*

Patrick G. Huycke

Daniel B. O'Connor\*

Darrel R. Jarvis

Sydnee B. Dreyer

Joseph R. Davis

Erik J. Glatte\*\*

Erik C. Larsen

*Associate*

Hilary M. Zamudio

\*Also admitted in Washington

\*\*Also admitted in Idaho

CITY OF MEDFORD

EXHIBIT # 3

File # AC-15-013

APPEAL

SPAC  
September 18, 2015  
Page 2 of 2

(without said owners' consent) to accommodate this project. The applicant is attempting to squeeze in as much development as possible on the site, and to accommodate that over-development of the property by impacting neighboring property owners, rather than simply developing the subject site in a manner that would allow effective and self-contained development of the site.

Based on the foregoing, my client objects to both Option 1 and Option 2 and encourages the Commission to deny the proposed application for the reason that the proposed development is not compatible with the uses and development that exist on adjacent land pursuant to MLDC 10.390(1).

Yours truly,

HUYCKE O'CONNOR JARVIS, LLP

A handwritten signature in black ink, appearing to be 'SBD', written over a horizontal line.

SYDNEE B. DREYER

SBD:imp

c: Client

BEFORE THE MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF SITE PLAN AND ARCHITECTURAL COMMISSION )  
FILE AC-15-013 APPLICATION FOR PROJECT REVIEW SUBMITTED ) ORDER  
BY OREGON ARCHITECTURE, INC. )

AN ORDER granting approval for consideration of a request for the construction of a 1,850 square foot coffee shop and a 2,200 square foot office building and an exception request to allow an 8-foot right-of-way dedication rather than 14-feet, on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district, as provided for in the Medford Land Development Code.

WHEREAS:

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.285.
2. The Site Plan and Architectural Commission has duly held a public hearing on the matter of an application for consideration of a request for the construction of a 1,850 square foot coffee shop and a 2,200 square foot office building and an exception request to allow an 8-foot right-of-way dedication rather than 14-feet, on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district, with public hearings a matter of record of the Site Plan and Architectural Commission on April 3, May 1, May 15, and June 5, 2015.
3. At the public hearing on said application, evidence and recommendations were received and presented by the Planning Department staff; and
4. At the conclusion of said public hearing, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded, granted approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of approval.

THEREFORE LET IT BE HEREBY ORDERED that the application of Oregon Architecture Inc., stands approved subject to compliance with the conditions stated in the Commission Report dated June 5, 2015.

AND LET IT FURTHER BE OF RECORD that the action of the Site Plan and Architectural Commission approving this application is hereafter supported by the following findings:

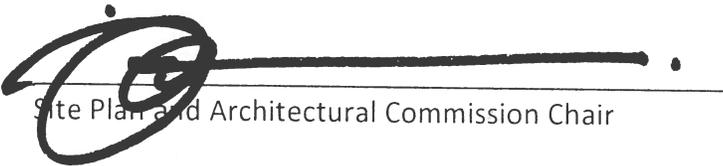
**FINAL ORDER AC-15-013**

- (a) That the proposed development, with the conditions of approval, complies with the applicable provisions of all city ordinances as determined by the staff review.
- (b) That the proposed development is compatible with uses and development that exist on adjacent land, based upon information provided in the Applicant's Questionnaire and presented at the public hearing.

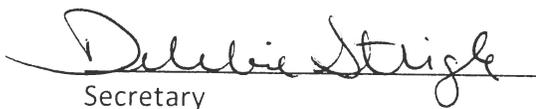
BASED UPON THE ABOVE, it is the finding of the Medford Site Plan and Architectural Commission that the project is in compliance with the criteria of Section 10.290 of the Land Development Code.

Accepted and approved this 19<sup>th</sup> day of June, 2015.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

  
Site Plan and Architectural Commission Chair

ATTEST:

  
Secretary

**BEFORE THE SITE PLAN AND ARCHITECTURAL COMMISSION**

**STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR )  
 )  
OREGON ARCHITECTURE INC. [E-15-060] ) **ORDER**

ORDER granting approval of a request for the construction of a 1,850 square foot coffee shop and a 2,200 square foot office building and an exception request to allow an 8-foot right-of-way dedication rather than 14-feet, on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district.

**WHEREAS:**

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.211 and 10.252; and
2. The Site Plan and Architectural Commission has duly held a public hearing on the request for consideration of a request for the construction of a 1,850 square foot coffee shop and a 2,200 square foot office building and an exception request to allow an 8-foot right-of-way dedication rather than 14-feet, on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district, with public hearings a matter of record of the Site Plan and Architectural Commission on April 3, May 1, May 15, and June 5, 2015.
3. At the public hearing on said exception, evidence and recommendations were received and presented by the Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded granted exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

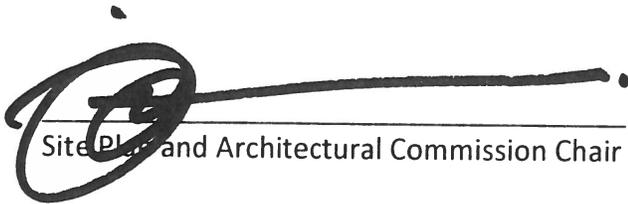
THEREFORE LET IT BE HEREBY ORDERED that the exception of Oregon Architecture, Inc. stands approved per the Commission Report dated June 5, 2015, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Site Plan and Architectural Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Commission Report dated June 5, 2015.

BASED UPON THE ABOVE, the Site Plan and Architectural Commission determined that the exception is in conformity with the provisions of law and Section 10.253 criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 19th day of June, 2015.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION



Site Plan and Architectural Commission Chair

ATTEST:



Secretary



## COMMISSION REPORT

for a Type-C quasi-judicial decision: Site Plan Review

FILE NO. AC-15-013/ E-15-060

DATE June 05, 2015

### BACKGROUND

#### Proposal

Consideration of plans for the construction of a 1,850 square foot coffee shop and a 2,200 square foot office building and an exception request to allow an 8-foot right-of-way dedication rather than 14-feet, on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district.

#### Subject Site Characteristics

Zoning	C-C	Community Commercial
GLUP	CM	Commercial
Use	Vacant	

#### Surrounding Site Characteristics

North	C-S/P	Hospital
South	C-C	Medical Offices
East	C-C	Medical Offices
West	C-C	Bank

#### Applicable Criteria

Medford Municipal Code

#### *§10.290 Site Plan and Architectural Review Criteria*

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (1) The proposed development is compatible with uses and development that exist on adjacent land; and

- (2) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.

*§10.253 Criteria for Exception*

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Corporate Names

The application lists Barnett Stage LLC as the owner of the subject property. As per the State of Oregon Business Registry, Dan Thomas is listed as the registered agent.

## ISSUES AND ANALYSIS

### Background

This project proposal was originally brought before the Commission on April 03, 2015. In the original proposal the applicant's site design included a 1,850 square foot stand-alone Starbucks as well as a 3,285 square foot medical office building with a total of 29 parking spaces for the two uses. That hearing resulted in a continuance to allow the applicant time to adequately address a number of concerns raised by the Commission. The concerns and issues identified included right-of-way dedication, the location of the trash enclosure, pedestrian connections, vehicular access to the drive-thru lane, and adequate parking. The hearing was continued to May 15, 2015 and a revised staff report was produced. The changes proposed were not significant enough to satisfy the concerns of the Commission and the staff recommendation was for denial. The applicant requested an additional continuance and has again revised the site plan.

### Revised Site Design

The applicant has submitted a revised site design. The revised plan includes a reduced size (2,200 square foot) office building in what is now labeled "future phase" of the site development. The original proposal included a 3,285 square foot medical office building which was then reduced to a 2,400 square foot general office building. The proposed Starbucks has remained constant at 1,850 square feet in each plan.

To summarize the changes since the Commission's initial review of this project: the location of the trash enclosure has been moved; right-of-way dedication has been shown; an exception has been filed; a number of parking spaces have been moved, relocated, and/or added; pedestrian paths have been considered; the turning radius to enter the drive-through lane has increased; and revised narrative/findings has been provided.

**DECISION:** *The Commission and applicant discussed that the office building, identified as a future phase on the site plan, would return to the Commission for approval. As there is not a specific tenant at this time and the needs of a tenant could require alternations to the building, approval for the office building was not included in the decision.*

### *Right-of-Way Dedication*

The Public Works Report, provided to this Commission at the initial hearing, required right-of-way dedication along Barnett Road. In that Report, Public Works expressed that less right-of-way was actually needed than was required to be dedicated and for that reason they would support an exception to allow for the dedication of 8-feet of right-of-way rather than the full 14-feet as required by the Code. No right-of-way dedication was shown on the original plan.

The current plans depict an 8-foot right-of-way dedication (Exhibit B-5). The exception to allow for reduced right-of-way dedication (per the original Public Works Report) is included as a part of this request currently before the Commission. It can be found by the Commission that the exception adequately meets the approval criteria as it: is in harmony with the intent of the regulation, does not permit a prohibited use, is due to a unique circumstance in this particular location (due to the proximity of Larson Creek Trail), and is not the result of an illegal act.

#### *Trash Enclosure*

In a previous submittal before this Commission, the applicant had positioned the trash enclosure in a manner that would require the door to face and open to the south, beyond the subject property boundaries, requiring the garbage truck to block the drive aisle during pickup. The latest site design (Exhibit B-5) provides a much more suitable location for the trash enclosure. The proposal meets the requirements of Medford Land Development Code 10.781.

#### *Pedestrian Connections*

Based on the original submittal, this Commission expressed concern over the lack of pedestrian connections to surrounding development. The need for pedestrian connections, providing identified walkways connecting to the massive surrounding development, has been recommended by both staff and this Commission. Medford Land Development Code 10.773 requires that pedestrian walkways are provided *to connect with walkways, sidewalks, bikepaths, and other bicycle or pedestrian connections on adjacent properties.*

As a condition of approval for the Bank of the Cascades in 2006, the Commission required a pedestrian connection to the south property line. The applicant has not included a southern pedestrian connection, but has provided a new aerial depiction which illustrates pedestrian access for the overall site (Exhibit O). According to the revised narrative and findings, the applicant and developer explain that the *"only option available to the south is to dump pedestrians out at the intersection of the east-west access road and the driveway to the Orthopedic Building...[which] is an inherently unsafe location to put pedestrians."* (Exhibit I-1)

The site plan does include pedestrian connections between the buildings and to Barnett Road (Exhibit P). As required by Medford Land Development Code §10.775(2), the proposed pedestrian walkways are noted on the site plan as being of a different paving material (Exhibit B-5).

#### *Drive-thru Lane*

Based on the original submittal, the Commission expressed concern over the tight turning radius required to enter the drive-thru lane from the southern vehicular

entrance. Given the site design, it can be expected that most vehicles entering the site would be doing so from the traffic signal at Barnett Road and Medical Center Drive, thus utilizing the southern entrance and approaching from the east. The latest revised site plan does increase the distance from the shared drive aisle to the entrance of the drive-thru lane by several feet. However, the typical turning radius added to the site plan seems to indicate a need for vehicles to swing into the oncoming traffic lane of the shared access drive aisle in order to make the appropriate turn to enter the drive-thru. Certainly, it can be expected that some vehicles will be able to maneuver a much tighter turn than that depicted in the illustration, but it should be noted that it this movement could potentially be an issue.

#### *Vehicular Parking*

The applicant's site plan includes a total of 33 parking spaces plus stacking for at least five vehicles in the drive-thru lane.

Medford Land Development Code (MLDC) §10.743-1 outlines minimum and maximum parking standards by land use category. In situations with multiple uses, *the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately* (MLDC §10.741).

Starbucks is classified in the *Restaurant (with drive thru)* category, which requires a minimum of 12.0 spaces per 1,000 square feet of gross floor area plus 5.0 spaces for drive-thru window queue. This calculates to a minimum of 22 spaces plus 5 spaces in the drive-thru lane. The maximum parking allowed for this use is 14.0 spaces per 1,000 square feet of gross floor area, which equates to 26 spaces. Therefore, the required parking for the Starbucks building is 22 to 26 spaces plus at least 5.0 spaces for drive-thru window queue. The latest version of the site plan includes 24 spaces for Starbucks, as a part of the first phase of the project.

Differing from previous submittals, the additional building on the site has now been reduced in square footage to 2,200 square feet and changed from medical office to general office. The minimum and maximum parking required for the category *Office, General (under 4,000 square feet)* is 3.6 to 5.0 spaces per 1,000 square feet of gross floor area. (The parking standards provided on the applicant's site plan incorrectly identify the minimum parking for this use as 3.0 spaces per 1,000 square feet of gross floor area.) The applicable Code standards result in the proposed office building requiring 8 to 11 parking spaces. Nine spaces are proposed for the office building in a future phase of development.

It should be noted by the Commission that as there is no specific tenant identified for the office building. Uses other than *general office*, including uses as a small retail store, a pharmacy, a small restaurant, or a medical office could potentially meet the parking requirements of MLDC §10.743, when the site is evaluated as a whole. The sum of the

required parking spaces is 30 to 37 spaces, as currently calculated using the general office standards. If the proposed office building were changed to *Commercial Use: less than 25,000 square feet*, the sum adjusts to 32 to 38 spaces, which is still feasible with the proposed layout. Similarly, changing the office to *Office, Medical* adjusts the calculation just slightly to 32 to 38 spaces plus 1.0 space per doctor, still feasible, although limited, with the proposed layout.

Together, the Starbucks and general office building as proposed require a minimum of 30 parking spaces and 5 spaces for drive-up window queue. However, the location of the three angled parking stalls (designated as employee only), on the south east portion of the site, creates a potentially awkward and potentially dangerous situation for drivers utilizing the spaces and for cars travelling in the shared drive aisle. All backup movements would be conducted off the subject site, within the shared drive aisle access easement. Similarly, the spaces on the west side of the site near the office building can only be accessed via the Bank of the Cascades site.

The applicant explains in the written narrative and findings that the parking required exceeds what is actually necessary, based on similar projects in Oregon and Washington (Exhibit I-1). The requirement of MLDC §10.743 for *Restaurant (with drive thru)* is a minimum of 12.0 spaces per 1,000 square feet of gross floor area plus 5.0 spaces for drive-thru window queue, which is one space required for every 83 square feet of floor area, plus the drive-thru queue spaces. The applicant explains that this ratio is quite high, and Starbucks of the same size in other locations function adequately when parking is designed at a ratio of one space per 112 square feet up to one space per 156 square feet. These alternative ratios would result in a Starbucks parking minimum of 12 to 17 spaces plus 5.0 spaces for the drive-thru lane. While the current proposal meets the minimum standards of the Code, the applicant suggests that the Commission consider allowing a reduction in parking, which would allow the removal of the angled employee spaces at the southern portion of the site. Medford Land Development Code 10.743(3) provides authority to the Commission to approve proposals with less than the typically required parking, *if they find the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required.*

**DECISION:** *The Commission approved the applicant's request for less required parking for the Starbucks building. The Commission approved the proposed site plan with the removal of the three angled parking spaces along the southern boundary of the site. In addition, the Commission specifically approved outdoor seating for Starbucks in excess of 15 patrons.*

## FINDINGS AND CONCLUSIONS

The proposal for this site has been reviewed and revised multiple times. While improvements to the overall site have been made, there remain aspects of the design that are less than ideal. As the Commission has already expressed a number of concerns, staff has prepared findings and conclusions to support the Commission's decision of either approval or denial.

### *§10.290 Site Plan and Architectural Review Criteria*

- (1) The proposed development is compatible with uses and development that exist on adjacent land;

*The Site Plan and Architectural Commission finds that there is sufficient evidence contained in the Applicant's narrative and findings to determine that the proposal is compatible with the uses and development on adjacent land.*

## OR

*The Site Plan and Architectural Commission finds that the proposed development in AC-15-013 is not compatible with the development that exists on adjacent land as it has not been made to be functionally adequate in terms of pedestrian connectivity and vehicular access and maneuverability. Due to the issues associated with the proposed plans, the imposition of conditions is not sufficient to render this development proposal conforming to the approval criteria.*

**DECISION:** *The Commission found sufficient evidence in the Applicant's narrative and findings to determine that the proposal is compatible with the uses and development on adjacent land.*

- (2) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.

*The Site Plan and Architectural Commission finds that the proposal can be made to comply with the applicable provisions of the Code with the imposition of conditions of approval contained in Exhibit A and through the approval of the requested exception for right-of-way dedication.*

### *§10.253 Criteria for Exception*

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the

following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised.

*The Site Plan and Architectural Commission finds that the proposed exception meets all of the criteria and the standards are satisfied.*

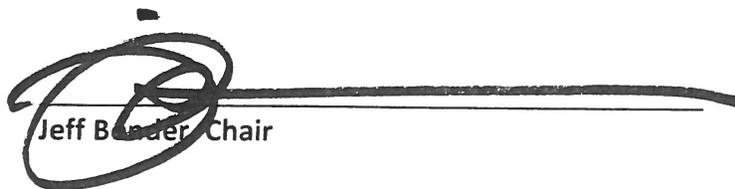
#### **ACTION TAKEN**

Adopt the findings as recommended by staff and directed staff to prepare a Final Order for approval of AC-15-13 and E-15-060 per the Commission report dated June 05, 2015, including Exhibits A through U.

#### **EXHIBITS**

- A-2 Revised Conditions of Approval, dated June 05, 2015
- B-5 Revised Site Plan, received May 15, 2015
- C-1 Revised Landscape Plan, received February 06, 2015
- D-1 Revised Site Details, received April 24, 2015
- E Starbucks Roof Plan, Floor Plan, and Elevations, received January 30, 2015
- F-1 Revised Office Building Elevations, received April 24, 2015
- G Color Renderings of Building Elevations, received February 24, 2015
- H Proposed Materials, received February 24, 2015
- I-1 Applicant's Revised Narrative, received May 15, 2015
- J Public Works Staff Report, received March 18, 2015
- K Fire Department Report, received March 17, 2015
- L Building Department Memo, received March 18, 2015
- M Medford Water Commission Memo, received March 26, 2015
- N-4 Drainage Plan, received May 15, 2015
- O Aerial Site Plan – Large Site Area, received May 15, 2015
- P Aerial Site Plan – Specific Site Area, received May 15, 2015
- Q Applicant's Exception Narrative and Findings, received April 16, 2015
- R Public Works Staff Report – Exception, received May 28, 2015
- S Letter from Huycke O'Connor Jarvis, LLP received June 02, 2015
- T Site Design Sketch from Jeff Bender, received June 05, 2015
- U Applicant's Turning Radius Illustration, received June 05, 2015  
Vicinity map

**SITE PLAN AND ARCHITECTURAL COMMISSION**



Jeff Bender, Chair

**SITE PLAN & ARCHITECTURAL COMMISSION AGENDA:**

**JUNE 05, 2015**

**JUNE 19, 2015**

## EXHIBIT A-2

Starbucks and Office Building  
AC-15-013/E-15-060  
Revised Conditions of Approval  
June 05, 2015

### CODE REQUIREMENTS

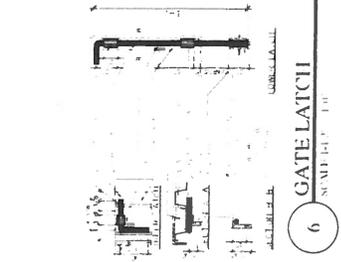
1. Prior to issuance of the first building permit, the applicant shall:
  - a. Comply with the Public Works Department Memo received March 18, 2015 (Exhibit J).
  - b. Comply with the memo from the Medford Water Commission Memo dated March 26, 2015 (Exhibit M).
  - c. Submit a revised Landscape Plan which includes the total square footage of all landscaping areas and high water use landscape elements, as required by Medford Land Development Code section 10.780F(4).
2. Prior to installation of any signage, administrative sign permits must be submitted for review and approval to the Medford Planning Department.



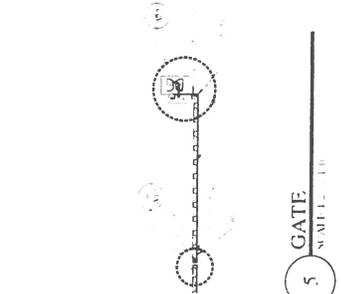


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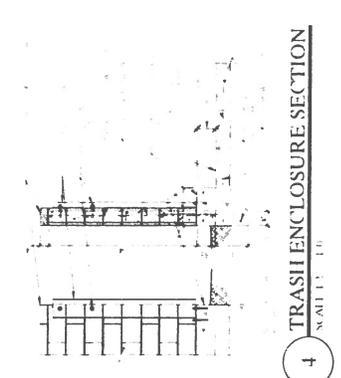
ARCHITECTURE  
 OREGON  
 221 W 10 STREET  
 MEDFORD, OREGON 97504  
 Phone 541.772.4572 | WWW.OREGONARCHITECTURE.COM



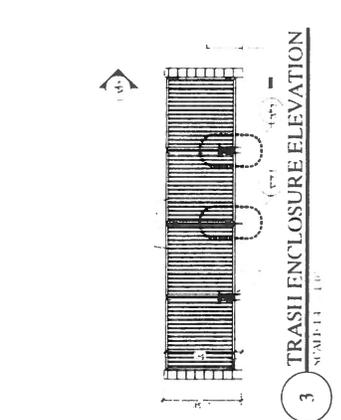
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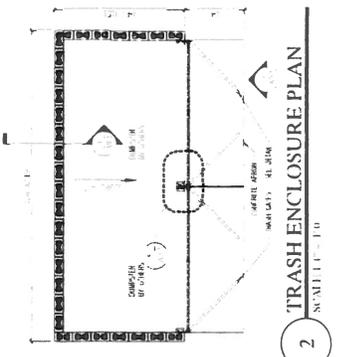
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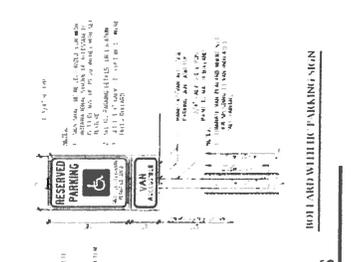
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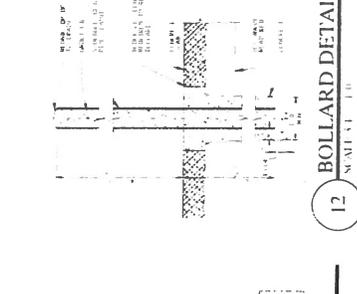
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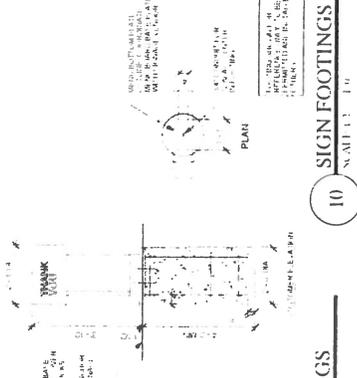
6 GATE LATCH  
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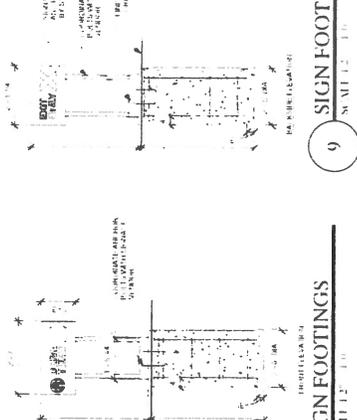
7 SIGN FOOTINGS  
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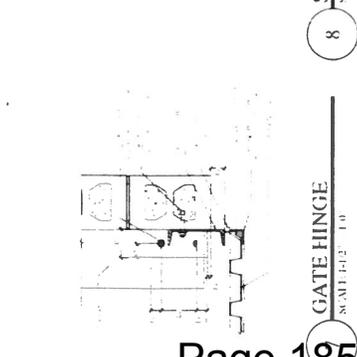
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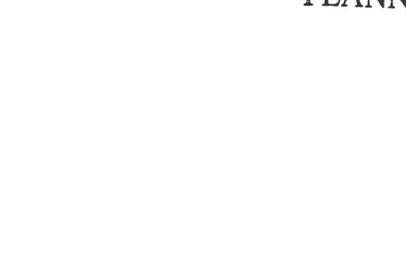
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10 SIGN FOOTINGS  
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11 BOLLARD DETAILS  
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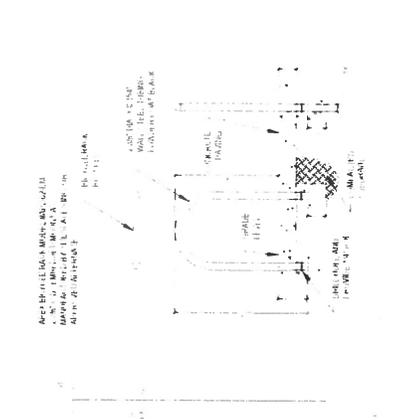
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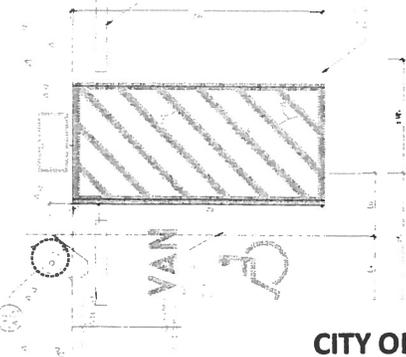
13 SIGN FOOTINGS  
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14 BICYCLE PARKING  
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15 ANDICAP PARKING  
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16 VAN  
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**THOMASFOX**  
 PROPERTIES, LLC

**OREGON ARCHITECTURE**  
 221 A Ave. South Street  
 Medford Oregon 97501  
 Phone 541 772-4272 Fax 541-499

NO VOUCHER FOR  
 D. MARCHETTI

PROJECT NO. 15-001  
 DATE: 1/30/15  
 SCALE: AS SHOWN

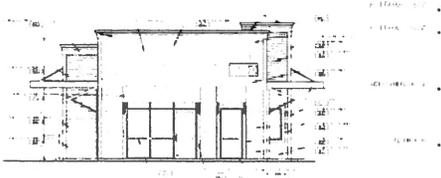
Prepared for the Owner by:	Date:
ARCHITECT	1/30/15
DESIGNED BY	1/30/15
REVISED BY	1/30/15
DATE BY	1/30/15
DATE BY	1/30/15

**A1.1**  
 BUILDING PLANS  
 ELEVATIONS

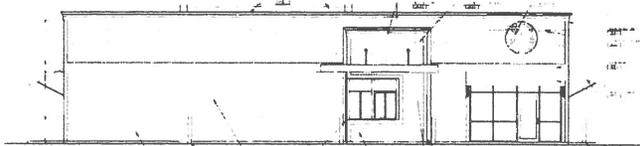
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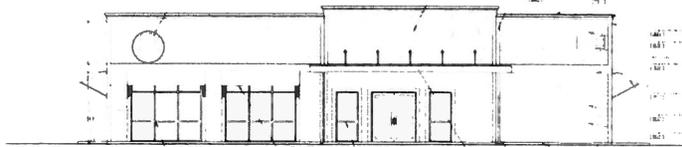
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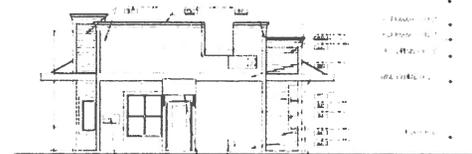
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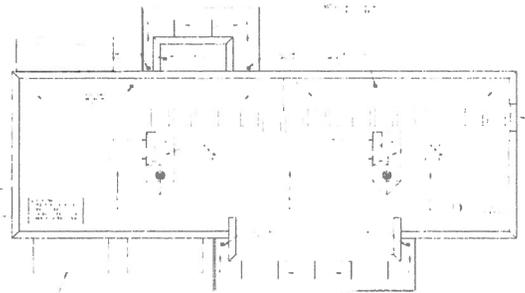
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3 WEST ELEVATION  
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4 SOUTH ELEVATION  
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1 ROOF PLAN  
 SCALE: 1/8" = 1'-0"



1 FLOOR PLAN  
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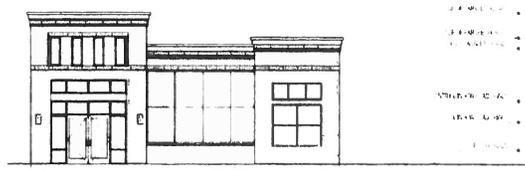

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**STAFF SOLUTIONS**  
 141 HORTON - BENTON, ARIZ  
 700 EAST BARNETT RD.  
 MEDFORD, OREGON

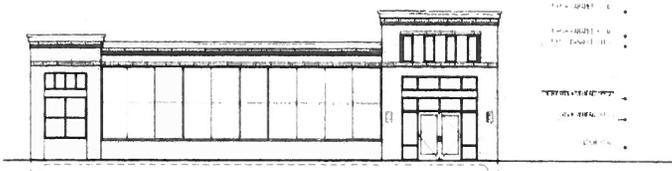
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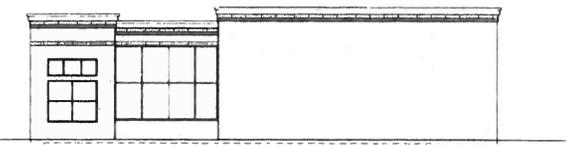
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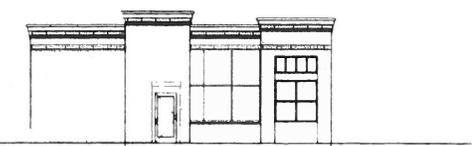
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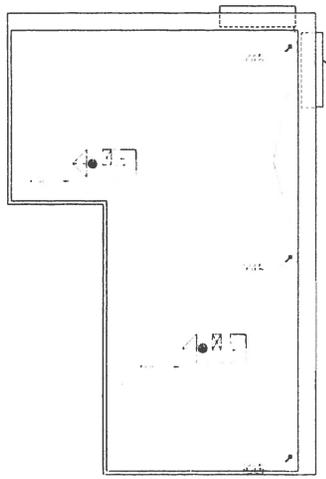
2 EAST ELEVATION



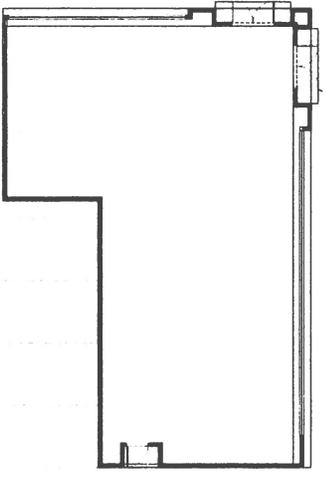
3 WEST ELEVATION



4 SOUTH ELEVATION



1 ROOF PLAN

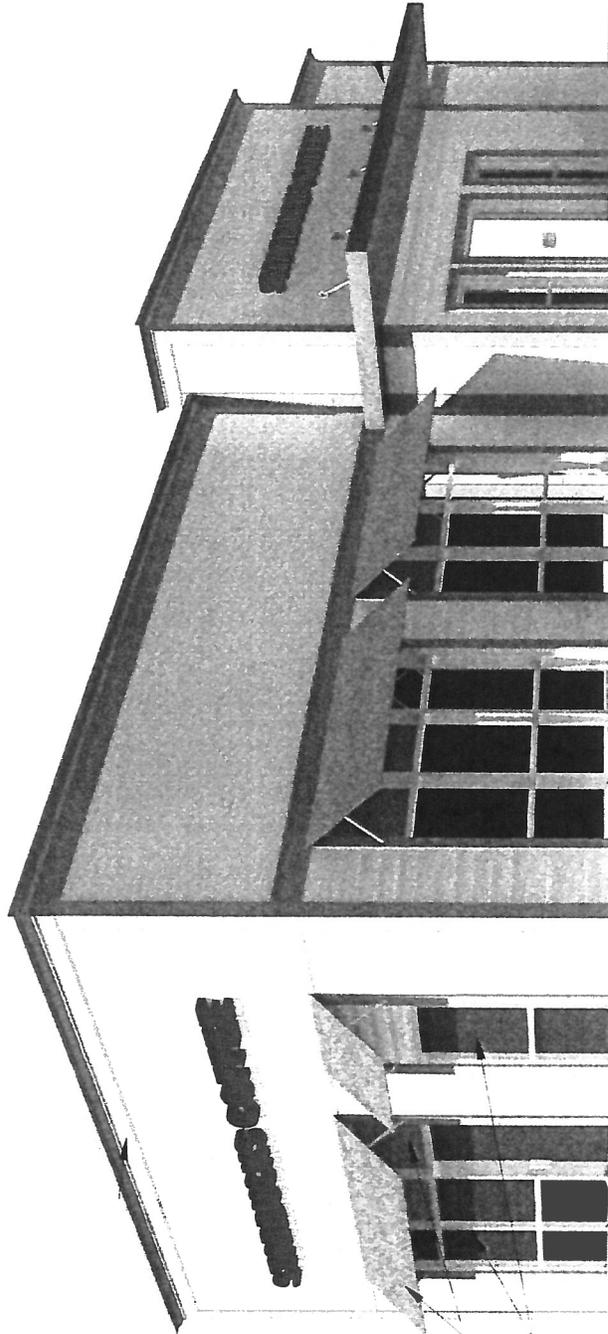


1 FLOOR PLAN



MAP SHOULD BE ASSESS FOR INCH BY ONE/2 INCH BY 24

Proposed New Commercial Building  
 INTENDED TENANT  
**STARBUCKS COFFEE**



HARDIE BOARD ACCENT

FABRIC & METAL AWNING

ALUMINUM STORE  
 FRONT WINDOWS

STEEL CANOPY

**RECEIVED**  
**FEB 24 2015**  
**PLANNING DEPT.**

A2.3

OREGON ARCHITECTURE  
 221 West Tenth Street  
 Medford Oregon 97501  
 Phone 541.772.4372 Fax 541.459

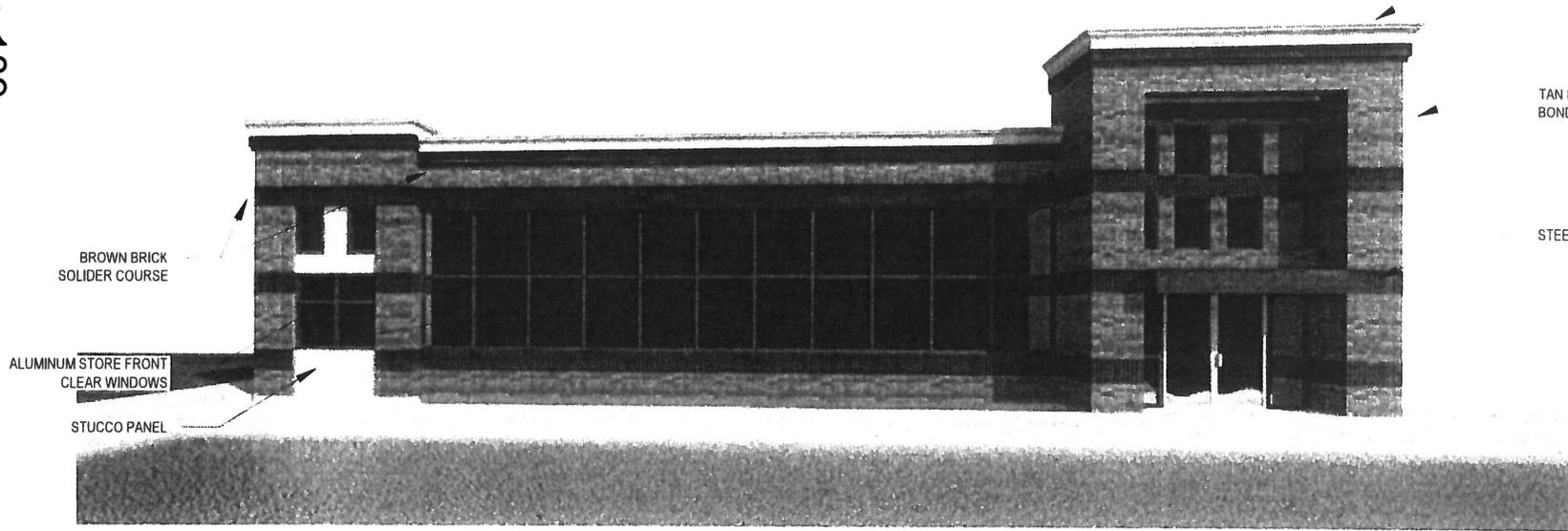
JAMDFORD.ORG  
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 TOWN OF

DATE: 02/24/15  
 BY: [Signature]  
 PROJECT: STARBUCKS COFFEE  
 SHEET: A2.3  
 SCALE: AS SHOWN  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

Proposed New Commercial Building  
INTENDED TENANT

MEDICAL OFFICES

Page 189



BROWN BRICK  
SOLIDER COURSE

ALUMINUM STORE FRONT  
CLEAR WINDOWS

STUCCO PANEL

STUCCO CORNICE

TAN BRICK STACK  
BOND

STEEL CANOPY



221 West Tenth Street  
Medford, Oregon 97501  
Phone: 541-772-2572 Fax: 541-899

DAVIDSON GROUP

D. M. HOFFORD, OR

270 PA  
1/1/10

Project Name	Sheet No.
Client	Scale
Architect	Date
Designer	Drawn By
Checker	Sheet No.

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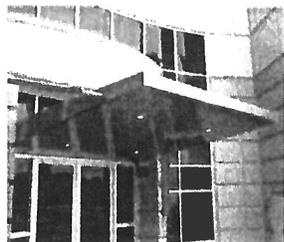
# Proposed New Commercial Building

INTENDED TENANT

STARBUCKS COFFEE

MEDICAL OFFICES

STEEL CANOPY



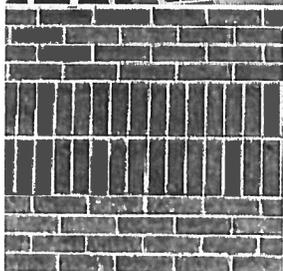
STEEL CANOPY



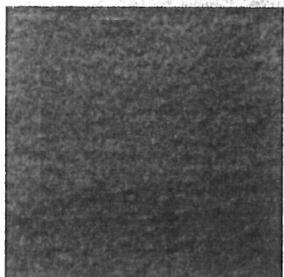
HARDIE BOARD LAP SIDING  
DESERT SAND



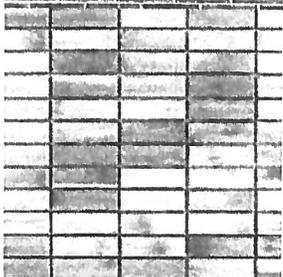
RED BRICK - SOLDER COURSE



HARDIE BOARD ACCENT  
TIMBER BARK



TAN BRICK - STACKED COURSE



FABRIC & MTL AWNING



ALUMINUM STORE FRONT WINDOWS



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FEB 24 2015  
PLANNING DEPT.



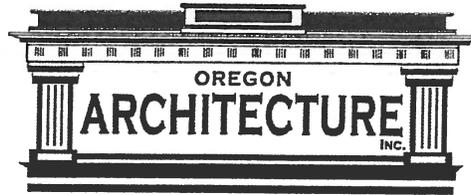
OREGON ARCHITECTURE  
221 West Tenth Street  
Medford, Oregon 97504  
Phone 541-772-4322 FAX 541-7499

J. MEDFORD, OR

JANUARY

APPROVED BY:	DATE:
REVISIONS:	DATE:
DATE:	DATE:

A2.2



RECEIVED

MAY 15 2015

Planning Dept.

(541) 772-4372

221 WEST 10TH ST • MEDFORD, OR 97501 • FAX: (541) 499-6329 • WWW.OREGONARCHITECTURE.BIZ

January 21, 2015  
Revised May 12, 2015

**NARRATIVE FOR TWO PROPOSED BUILDINGS ON THIS SITE, A STARBUCKS AND A FUTURE OFFICE BUILDING, WHICH MAY OR MAY NOT BE USED AS A MEDICAL USE**

**PROJECT DESCRIPTION:**

The Developer is proposing to construct a 1,850 square foot single-story freestanding Starbucks Coffee Shop with a drive-thru on the east end of this site. Currently a branch bank is located on the west end of this one acre plus property. The proposed Starbucks building will be clad in horizontal lap siding of varying depths of exposure and will have aluminum storefront windows.

In addition, the Owner proposes to allow space for a possible 2,200 square foot single story office building between the proposed Starbucks and the existing Bank of the Cascades structure. No tenant has been identified for the future building and no plans are proposed at this time for a structure. When a building is proposed we expect some portion of it will be clad in stone to reflect what has been constructed with the Bank of the Cascades.

The balance of the site will be taken up with parking spaces and landscaping. As noted on the site plan, the crosswalks will be concrete

The site is only accessed from an internal driveway along the southern property line. It has no direct access onto Barnett Road.

**PROJECT COMPATIBILITY WITH THE NEIGHBORHOOD**

- A. List the existing uses and development adjacent to your project site. Describe the architecture, age, and condition of the adjacent buildings. Along with this list describe the architecture, age and condition of the adjacent buildings.**

The one acre parcel fronts on East Barnett Road and is adjacent on the east to the driveway entrance and property of Southern Oregon Orthopedics. That building is located to the south of this site and abuts Larsen Creek. The driveway, which is signal controlled, is located 50 feet east side of the subject parcel. Immediately to the south of the project site is a large parking lot reserved for tenants and clients of the Southern Oregon Orthopedics building.

The Southern Oregon Surgery Center is currently constructing a new building on the east side of Medical Center Drive, as the Orthopedics Center access drive is known.

The Rogue Valley Hospital campus is to the north of the subject site on the north side of East Barnett Road.

West of the project site is a Bank of the Cascades branch, which was constructed within the last few years.

**B. Describe building architecture and exterior treatments in this proposal and how they fit with and complement adjacent buildings and development.**

The exterior facade of the Starbucks will be in a scale sympathetic to surrounding development. The area in which these buildings are located is characterized by one-story medical office buildings primarily with a mix of exterior materials. The Starbucks building will fit in nicely in this mix of materials and will provide additional visual variety for drivers along this stretch of East Barnett.

**C. Describe the proposed architecture and exterior treatments that break up large facades and give relief to the building mass.**

The Starbucks Building is only 24 feet wide on the building face parallel with East Barnett, so the building is not overly large. The side perpendicular to East Barnett is 72 feet long, with a major change in the building elevation that occurs over a third of the building face. The structures will employ cornices, projections and decorative trim to add visual interest. The lap exposure of the siding will vary from 10-inches at the base to 4-inches at the top of the parapet, as well as trim boards in a contrasting color to provide additional visual interest.

**D. Describe how the placement and orientation of the proposed building relates to the street facilities and how this orientation promotes a more pedestrian friendly site design.**

The buildings have been placed on a north/south grid, with building faces parallel with East Barnett to maintain the symmetry of the block. There is parking between the buildings, as well as parking behind the future office building.

**E. If the site lies within 600-feet of an existing transit stop describe compliance with the standards of Section 10.808.**

East Barnett Road is a transit route with established bus stops, but they do not appear to be within 600 feet of the site. However, the Developer expects a significant amount of foot traffic on the site from employers around the area, including the hospital across the street. Consequently, no parking has been placed between the public sidewalk and either the coffee shop's outdoor space or the entry to the medical building. The front door of the Starbucks will be approximately 30 feet from the existing public side walk, which is pretty close to the street considering there is will be an 8-foot ROW dedication and a 10-foot PUE along Barnett Road, which prevents that building from being any closer to the street.

**F. Describe pedestrian facilities and amenities on your site and how they will function for pedestrians.**

Part of the site amenities for this project is a patio space in front of the Starbucks building, easily accessible from the public sidewalk. As per Starbucks corporate policy, the patio and its tables are available and open to the public and not just reserved for patrons. That is an amenity that is often used at many Starbucks locations.

**G. Describe vehicle and pedestrian access to the site and how it relates internally on the site and to adjacent sites.**

Pedestrian access to either building from the public sidewalk has already been addressed above. Pedestrian access to either proposed structure will be by means of sidewalks from the parking areas. Vehicle access is from an access road on the south side of the site that parallels East Barnett. No access is available directly from East Barnett except through the signalized intersection to the east of the site, or from the west on the other side of Bank of the Cascades.

In addition, there is an access through the center of the site west to the bank building.

**H. Describe if and how the proposed plan is sensitive to retaining any existing trees or significant native vegetation on the site.**

There are no trees or significant native vegetation existing on the site. The site will be landscaped to meet current code requirements.

**I. Describe stormwater detention facilities on the site. If these facilities will be landscaped areas, describe how the proposed landscaping will be integrated with other landscaping on the site.**

Stormwater will be handled with detention piping under the parking lot. There is an existing extension to the stormwater system developed for the adjacent bank that was extended to this site. That piping will be used for the stormwater system for this site as well. If required, a maintenance agreement for the storm system will be provided. Generally, the land for this parcel slopes away from East Barnett towards Larsen Creek, with the bulk of the landscaped area to be located on the high side of the building and upslope of the parking area, so a landscaped swale for detention along the street frontage is not a practical solution on this project.

**J. Describe how your proposed landscaping design will enhance the building and other functions on the site.**

Landscaping can be a critical element in the design of a building. We will be using a planted hedge to separate patrons from the drive-through lane. We will use landscaping to shield the parking area from the public sidewalk. We will use landscape planters to provide shade trees for the parking area.

**K. Describe how your exterior lighting illuminates the site, and explain how the design of fixtures does not diminish a view of the night sky, or produce glare on adjacent properties, consistent with the standards of section 10.764.**

The parking areas will be lit with freestanding poles with fixtures designed to not cast light above the horizontal plane. Some of the parking may also be lit with building mounted fixtures. There will also be a small amount of decorative lighting.

All fixtures and their placement will be designed to not illuminate the night sky and to eliminate glare on adjacent properties.

**L. Describe any proposed signage and how it will identify the location of the occupant and serve as an attractive complement to the site.**

The Starbucks building will have a freestanding pylon sign facing perpendicular to East Barnett, in addition to its standard building signs. The Starbucks sign package is well recognized and no changes are proposed to their standard sign package, which is expected to meet City of Medford requirements.

The medical office building is expected to just have building signage.

**M. Explain any proposed fencing, including its purpose, and how it has been incorporated as a functional, attractive component of the development.**

No fencing, other than a guard rail along the drive-thru lane, is proposed.

**N. Explain how any potential noise generated by future occupants will be mitigated on the proposed site, consistent with the standards of Section 10.752-10.761.**

Neither location is expected to generate any noise above ordinary conversation levels.

**O. Explain anything else about your project that adds to the compatibility of the project with adjacent development and uses.**

This location is ideal for a coffee shop, as there are lots of businesses in the area and few places to grab something quick. In addition, this facility and the proposed future office, along with the other projects currently under construction on the adjacent blocks will complete the development of East Barnett Road along this stretch of the street.

**P. List and explain any exceptions or modifications requested and provide reasons for such.**

The Developer has applied for an exception to the ROW dedication standard for the East Barnett ROW. That calls for an 8-foot dedication in lieu of the standard 14-foot dedication. The Medford City Department of Public Works supports this alternate dedication because there is a bike path along Larson Creek to the south, which eliminates the need for a bike path along East Barnett

**Q. List any petition for relief of landscaping standards. Provide rationale for requested deviation from standard.**

No exceptions or modifications to the Land Development landscape standards are contemplated or proposed at this time.

**ADDITIONAL FINDINGS**

**THE ADJACENT PARCEL TO THE EAST**

There is an existing remnant parcel immediately to the east between the proposed Starbucks and medical Center Drive. It is approximately 29' x 140'. The Developer has felt that this parcel, even though riddled with easements would make a nice buffer for the project and would clean up an eyesore along Barnett Road. To date the adjacent property owners have been unwilling to either sell the property at a reasonable price or allow the parcel to be landscaped in conjunction with this construction. Unfortunately, even though it has a sidewalk and access easement that covers the entire surface of the lot, it remains unimproved. It is also unfortunate in that it extends the entire east side length of this parcel. So for the moment it must remain unimproved.

**PEDESTRIAN CONNECTIONS TO ADJACENT STRUCTURES**

This building will be constructed among a large number of office buildings with few outside food opportunities, so the Developer is expecting there to be higher than typical foot traffic to this site. We have provided a pedestrian connection to the Barnett Road ROW, a pedestrian connection between the buildings on the site, and a pedestrian connection to the adjacent bank property. All these connections are outside the public sidewalk system. We would like to be able to provide a pedestrian connection to the Orthopedic Building to the south, but the only option available to the south is to dump pedestrians out at the intersection of the east-west access road and the driveway to the Orthopedic Building. The developer thinks this is an inherently unsafe location to put pedestrians, and we have to agree. The only option for foot traffic to and from the Orthopedic Center Building will be to walk down the roadway or across several rows of parking to get to the Orthopedic Building sidewalk, located on the east side of their access driveway (there is only one sidewalk to the building). This option has the added negative of placing pedestrians between cars lined up in the order side of the Starbucks drive-thru.

As inconvenient as it may seem, the only safe route for pedestrians is to walk north to Barnett and then west along the sidewalk. While this may seem inconvenient, the extra distance is less than the length of the building, which is 72 feet.

**SITE PARKING**

The Medford Development Code requires 22 parking spaces for a structure of this size. To date, we have designed, had built and are now in operation 4 Starbucks locations in Oregon and Washington, plus another one in design in the Salem area. All of those locations have drive-through lanes, and all are approximately 1,850 square feet. The parking ratio for these locations ranges from a low of 112sf/space to a high of 156sf/space, with the average around 125sf/space. Compare this to the Medford code requirement of 83sf/space. We have received no complaints about parking at any of these locations – from the Developers or from the communities involved planning departments. Based on real project experience, we think the parking ratio for dine-in restaurants currently in the Medford Land Development Code (111sf/space – on the low end of our project examples) is an appropriate parking requirement for a Starbucks. If the requirement was reduced from 22 to 17 spaces for the Starbucks, we can eliminate the three spaces which back directly in to the access drive.

We are currently showing 33 parking spaces, 22 for the Starbucks and 11 for the office building, without any shared parking. Parking for the Starbucks is at the 12 spaces per 1000 sf. Parking

**PARKING SPACES**

We have shown 3 parking spaces to be reserved for employees to be directly off the access road. While this is not the most ideal situation, there is nothing in the access agreement that prohibits parking directly from the

access. These spaces will be limited to employees only, so the amount of in-and-out from these parking stalls will be typically twice a day, with the first occupant showing up before the location opens, or about 5:00 am. Parking is more flexible than the trash in that access is limited to moments, rather than minutes and can be timed to fit traffic flow. And as indicated above, if the Commission agrees with our reasoning for parking calculations, these spaces can be eliminated.

#### **TURNING RADIUS FOR DRIVE-THRU**

We were asked by the Planning Department to illustrate a turning radius for the drive-thru demonstrating that vehicles can maneuver into the drive-thru lane from the access road. We are showing on the plan a turning radius for a large passenger vehicle (a crew cab pick-up) and a standard-sized sedan.



Continuous Improvement Customer Service

## CITY OF MEDFORD

**RECEIVED**  
**MAR 18 2015**  
**PLANNING DEPT.**

Date: 3/18/2015  
File Number: AC-15-013

### **PUBLIC WORKS DEPARTMENT STAFF REPORT MEDICAL OFFICE / COFFEE SHOP**

**Project:** Consideration of plans for construction of a 1,850 square foot coffee shop and a 3,285 square foot medical office building on a 1.01 acre parcel.

**Location:** South side of Barnett Road between Black Oak Road and Murphy Road; 371EW33b TL 434.

**Zoning:** C-C (Community Commercial) District.

**Applicant:** Thomas Fox Properties, LLC

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

**Prior to issue of the first building permit, the following items shall be completed and accepted:**

- Barnett Road right-of-way and PUE dedications
- Submittal and approval of plans for site grading and drainage
- Submittal and approval of plans for site public improvements and work within the public right-of-way, if required.

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

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

## A. STREETS

### 1. Dedications

**Barnett Road** is classified as a major arterial street, and in accordance with Medford Land Development Code (MLDC) Section 10.428, it requires a total right-of-way width of 100 feet. The Developer shall dedicate sufficient area south of the centerline to provide 50 feet of right-of-way measured from centerline, which is half of the full 100 feet required by the Development Code for the entire width. The existing right-of-way south of the centerline appears to be 36 feet. Prior to issue of any permit for construction, the Developer shall dedicate an amount of right-of-way necessary to result in a half-width measure of 50 feet. **The amount of additional right-of-way needed appears to be 14 feet.**

**The Developer may request an Exception to the City's right-of-standards on Barnett Road to reduce the amount of right-of-way to be dedicated from 14 feet to 8 feet.** The 6 feet of reduction would mean the elimination of a bike lane on Barnett Road in the future. Public Works and Planning has been involved with creating a multi-use path along Larson Creek parallel to Barnett Road and approximately 500 feet south, to provide bike facilities in this area in-lieu of Barnett Road. Based on this work, Public Works does not anticipate it will try to provide bike lanes on Barnett in the future, and would have no objection to this request.

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

In accordance with MLDC 10.471, **the property owner shall dedicate a 10 foot wide public utility easement (PUE)** adjacent to the new right-of-way line on Barnett Road.

The right-of-way and PUE dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: right-of-way and PUE dedications, 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, all for review and signature acceptance by the City Engineer prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the areas dedicated.

**Medical Center Drive** is a private drive and not public right-of-way. Applicant shall provide documentation of legal right to use Medical Center Drive for access to the proposed project.

## 2. Public Improvements

### a. Public Streets

All standard street section improvements have been completed on Barnett Road, including pavement, curb and gutter and sidewalk. **No additional street are required.**

### b. Street Lights

The Developer shall protect and preserve all existing street lighting, power supply, and appurtenances.

### c. Pavement Moratoriums

There is a pavement cutting moratorium on Barnett Road at this frontage effective until 8/17/2019. No pavement cuts are allowed in Barnett Road except as provided in MMC 3.070.

## 3. Access and Circulation

Access to this site shall be restricted to Medical Center Drive.

## 4. MLDC Section 10.668 Analysis

*Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless: (1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose, and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or (2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.*

### 1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and are 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, and pedestrians. 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 required dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Also, the City is allowed to consider the benefits to the development from the dedication and

improvements when determining “rough proportionality.”

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

### **Barnett Road:**

The additional right-of-way will provide the needed width for a future planter strip ~~and bike lane~~ on Barnett Road. If an Exception is applied for and approved, then the additional 8 feet will just be for a future 10 foot wide planter strip. Barnett Road is a 35 mile per hour facility, which currently carries approximately 16,000 vehicles per day. The 10’ planter strip moves pedestrians a safe distance from the edge of the roadway. Barnett Road will be the primary route for pedestrians traveling to and from this development.

The City assesses System Development Charges (SDC’s) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

## **B. SANITARY SEWERS**

This site lies within the Medford sewer service area. The proposed site plan does not indicate the location of building connections to the existing sanitary sewer main. The Developer shall ensure that this connection is to an existing main as a separate individual lateral or make a new connection to an existing main with a separate lateral.

## **C. STORM DRAINAGE**

### **1. Drainage Plan**

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval. All area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

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

## **2. Grading**

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

## **3. Detention and Water Quality**

Storm water quality and detention facilities shall be required in accordance with Medford Land Development Code Section 10.481 and 10.729.

## **4. Certification**

Upon completion of the project, and prior to certificate of occupancy of the building, the developer's design engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

## **5. Erosion Prevention and Sediment Control**

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

## **D. 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. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings

(3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the Site Plan and Architectural Commission's Final Order, together with all pertinent details and calculations. 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.

### **3. Construction and Inspection**

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

### **4. Site Improvements**

All on-site parking and vehicle maneuvering areas related to this development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

### **5. System Development Charges**

Buildings in this development are subject to street, storm drain, sanitary sewer collection and treatment system development charges (SDC). All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Kris Lillie, RH2 Engineering

## **SUMMARY CONDITIONS OF APPROVAL**

**Medical Office / Coffee Shop**

**AC-15-013**

### **A. Streets**

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

Dedicate 14' of additional public right-of-way on south side of Barnett Road. Developer may apply for an exception to reduce public right-of-way dedication to 8'.

Dedicate 10 foot Public Utility Easement (PUE) along frontage.

#### **2. Improvements:**

No additional street improvements are required for this development.

Pavement moratoriums are currently in effect.

### **B. Sanitary Sewer:**

Construct separate individual sanitary sewer connection.

### **C. Storm Drainage:**

Provide a comprehensive grading and drainage plan.

Provide water quality and detention facilities, calculations and O&M Manual.

Provide engineers certification of stormwater facility construction.

Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

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.



# Medford Fire Department

200 S. Ivy Street, Room #180  
Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
E-mail www.fire@ci.medford.or.us

RECEIVED

MAR 17 2015

PLANNING DEPT.

## LAND DEVELOPMENT REPORT - PLANNING

To: Jennifer Jones

LD Meeting Date: 03/18/2015

From: Fire Marshal Kleinberg

Report Prepared: 03/10/2015

File #: AC - 15 - 13

### Site Name/Description: Coffee shop and medical office building

Consideration of plans for the construction of a 1,850 square foot coffee shop and a 3,285 square foot medical office building on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district; Oregon Architecture, Inc., Applicant/Agent. Jennifer Jones, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the 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 (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 the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.



RECEIVED

MAR 18 2015

PLANNING DEPT.

# Memo

**To:** Jennifer Jones, Planner, Planning Department  
**From:** Tanner Fairrington, Building Department  
**CC:** Oregon Architecture, Applicant / Agent  
**Date:** March 17, 2015  
**Re:** March 18, 2015 LDC Meeting: AC-15-013 – Item #4

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**Please Note:**

***This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a commercial plans examiner to determine if there are any other requirements for this occupancy type.***

***Fees are based on valuation. Please contact the front counter for estimated fees.***

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Code and Design Information" on left side of screen; click on "Design Criteria"; and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" on left side of screen for information.

**General Comments:**

3. The comments below are based on the site plans and elevations submitted. When final plans are submitted, and building information is provided, a more thorough review can be provided.

**Site Plan**

4. Accessible parking spaces to be per section 1106.7 of the 2014 OSSC, including figures referenced (see Building Codes Division for 2014 OSSC Errata which included these figures, dated October 16, 2014). Locations appear to be acceptable.
5. Please ensure accessible routes are provided from accessible parking spaces to main entrances.



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**RECEIVED**

**MAR 26 2015**

**PLANNING DEPT.**

**TO:** Planning Department, City of Medford

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

**SUBJECT:** AC-15-013

**PARCEL ID:** 371W33B TL 434

**PROJECT:** Consideration of plans for the construction of a 1,850 square foot coffee shop and a 3,285 square foot medical office building on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district; Oregon Architecture, Inc., Applicant/Agent. Jennifer Jones, Planner.

**DATE:** March 16, 2015

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Applicant or applicants' civil engineer shall coordinate with MWC engineering staff for location and size of proposed domestic water meters and fire sprinkler protection system.
4. Dedication of a 10 foot wide access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement to be submitted to MWC for review and recordation prior to construction.
5. Installation of an MWC approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

**COMMENTS**

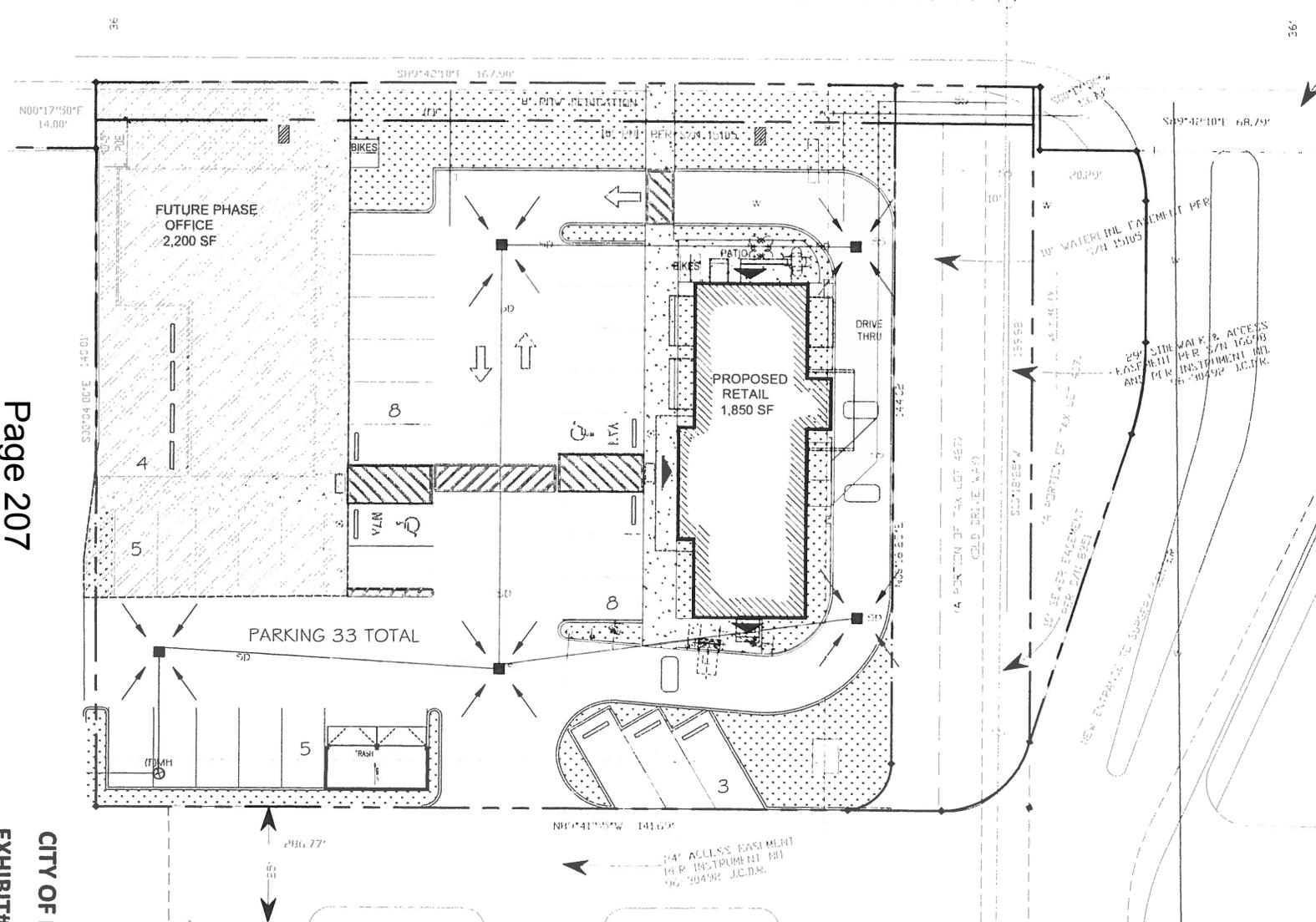
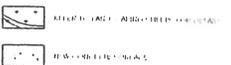
1. Off-site water line installation is not required.
2. On-site water facility construction may be required.
3. MWC-metered water service does not exist to this property.
4. Access to MWC water lines is available. There is a 10-inch water line in Barnett Road, and an 8-inch water line in the re-aligned driveway to Southern Oregon Surgery Center.

# E. BARNETT ROAD

## ARCHITECTURAL SITE PLAN NOTES:

- (A) REFER TO ELECTRICAL SYMBOLS ON SHEET(S) DRAWING 15-00000 FOR ELECTRICAL SYMBOLS. ALL ELECTRICAL SYMBOLS SHALL BE AS SHOWN ON SHEET(S) DRAWING 15-00000.
- (B) REFER TO MECHANICAL SYMBOLS ON SHEET(S) DRAWING 15-00000 FOR MECHANICAL SYMBOLS. ALL MECHANICAL SYMBOLS SHALL BE AS SHOWN ON SHEET(S) DRAWING 15-00000.
- (C) ALL EXTERIOR LIGHTING FIXTURES SHALL BE AS SHOWN ON SHEET(S) DRAWING 15-00000. ALL LIGHTING FIXTURES SHALL BE AS SHOWN ON SHEET(S) DRAWING 15-00000.

- (1) DRIVEWAYS 12" DIA.
- (2) 10" WIDE CONCRETED DRIVEWAYS TO BE CONCRETE TO MATCH EXISTING DRIVEWAYS.
- (3) 10" WIDE CONCRETED DRIVEWAYS TO BE CONCRETE TO MATCH EXISTING DRIVEWAYS.
- (4) 10" WIDE CONCRETED DRIVEWAYS TO BE CONCRETE TO MATCH EXISTING DRIVEWAYS.
- (5) 10" WIDE CONCRETED DRIVEWAYS TO BE CONCRETE TO MATCH EXISTING DRIVEWAYS.



1 DRAINAGE PLAN  
SCALE: 1" = 10' 0"



**STARBUCKS COFFEE**

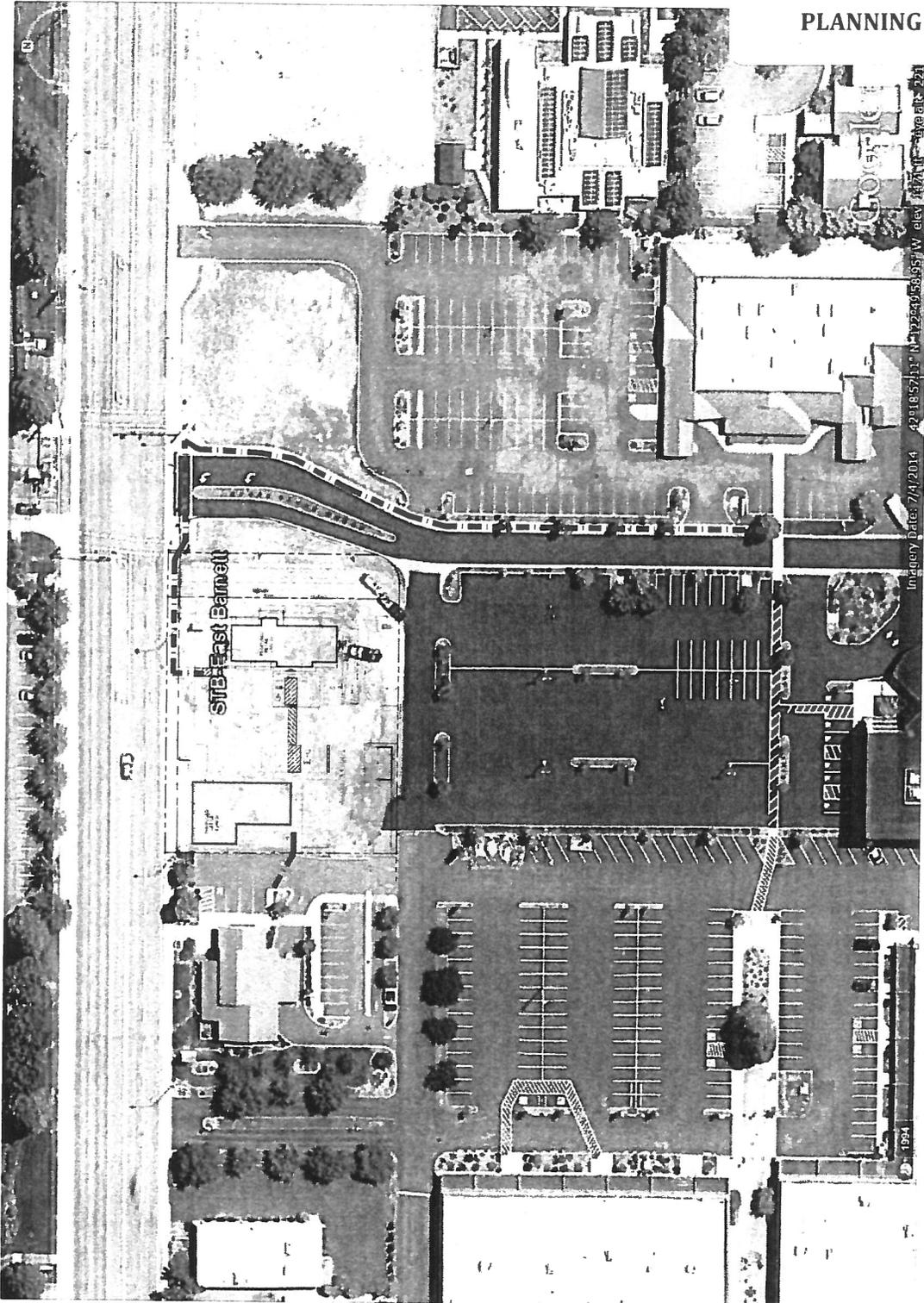
**ARCHITECTURE**

221 West 10th Street  
Medford Oregon 97501  
PH: 541-772-4372 | OREGONARCHITECTURE.BIZ

80 EAST BARNETT RD,  
MEDFORD, OREGON.  
MAP: 371453B - TAXLOT: 54

RECEIVED  
May 15, 2015  
PLANNING DEPARTMENT

<p>ARCHITECTURE OREGON 221 West 10th Street Medford Oregon 97501 PH 541 773-4173   OREGONARCHITECTURE.BIZ</p>	<p>STARBUCKS COFFEE 80 EAST BARNETT RD, MEDFORD, OREGON, MAP 37W3B-FAYLOT 43</p>	<p>SD 1.1 SITE PLAN</p>	<p>RECEIVED May 15, 2015 PLANNING DEPARTMENT</p>	<p>STARBUCKS COFFEE</p>	<p>PROJECT: 1504 DATE: 5/15/15 DRAWN BY: [unclear] CHECKED BY: [unclear]</p>	<p>INQUIRY DATES: 7/9/2014 - 42°18'57.11" N, 122°49'58.55" W, elev. 777.0' - 784.0'</p>
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1 AERIAL SITE PLAN

RED LINE INDICATED PATH OF PEDESTRIAN ACCESS

DATE: 11-26-2014 10:46:48 AM - G:\PROJECTS\1504\SD 1.1\SD 1.1.MXD



RECEIVED

APR 16 2015

PLANNING DEPT.



(541) 772-4372

221 WEST 10TH ST • MEDFORD, OR 97501 • FAX: (541) 499-6329 • WWW.OREGONARCHITECTURE.BIZ

NARRATIVE ON AN EXCEPTION TO THE MEDFORD CITY LAND DEVELOPMENT  
CODE SECTION 10.428

April 16, 2015

***Description of Project:***

The Developer is seeking approval to construct a 1,850 sf single story new building on property located on Barnett Road immediately west of Medical Center Drive. The property is vacant. The existing Barnett ROW is narrower than current standards for a major arterial, therefore additional ROW must be dedicated to the City prior to project and building permit approval. The standard ROW dedication in this area (including that in front of the Bank of the Cascades immediately to the west) would be 14 feet, as called for in Section 10.428 of the Medford Development Code. However, the City of Medford Public Works Department is recommending an 8 foot dedication because the requirement for a 6 foot bike path along this major arterial has already been met by the existing bike path along the north side of Larson Creek at the south side of the adjacent property.

The Developer is requesting an Exception to the development standard in Section 10.428 with an 8 foot ROW dedication.

***SECTION 10.428***

***(1) Major Arterial. The half-street cross section includes a 6 foot bike path...***

Over the years the City of Medford has required the dedication of 14 feet for additional ROW along Barnett Road. In recent projects, the City has determined that 8 feet of additional ROW will be sufficient because a 6 foot bike path currently exists on generally the same line as the street ROW, only located along Larson Creek, which is located to the south of the subject property.

While this adds a quirk to the property boundary along this stretch of Barnett Road (in that the properties immediately to the east and west show a line 14 feet away from the current ROW line), the property developer is in support of this kinder-gentler ROW dedication. The location of the bike path along the creek is a superior location to one immediately adjacent to the heavily traveled shoulder of Barnett Road, and the developer supports the concept promoted by the Medford Public Works Department. As the developer of this site, East Barnett LLC is requesting that the proposed exception to the City Development Code be endorsed by The Site Plan and Architectural Review Commission.

## **EXCEPTION APPROVAL CRITERIA**

- 1. The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.***

The granting of the exception is in harmony with the general purpose and intent of the regulations. There already exists a bicycle path along Larson Creek, which is a superior alignment to one immediately adjacent to the existing street. That path would take the place of the one would typically constructed as part of the ROW along a major arterial street within the City of Medford. Since the path already exists, there is no injurious or detrimental aspects to the health, safety or welfare of the general public by dedicating less ROW along Barnett Road and proscribed in the Medford Development Code.

- 2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.***

The use for the proposed building is a permitted use in this zoning district. This criterion does not apply.

- 3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standards for which an exception is being requested would result in peculiar, exceptional and undue hardship to the owner.***

This site is already served by an existing bike path located along Larson Creek. The existing path runs in the same direction as a bike path along the shoulder of the main arterial would. This condition does not exist in other areas of the City. If the City were to fully exercise its option to require 14 feet of ROW dedication, this is additional 6 feet of ROW would create a hardship for the Owner and would most likely require the creation of additional agreements and easements for landscaping and PUEs. There would also be the issue of PUEs not being contiguous from property to property.

- 4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.***

The need for the exception is not the result of an illegal act. It is the result of this application. The proposed exception is tied to this property, which has been owned by this Owner for some time. The proposed exception is advantageous to the City which will be purchasing less ROW from the Owner, is advantageous for the Owner because more of the site will remain, and it is an efficient use of existing land resources.

**RECEIVED**

**MAY 28 2015**

**PLANNING DEPT.**

**CITY OF MEDFORD**  
**INTEROFFICE MEMORANDUM**

**TO: Jennifer Jones, Planning Department**

**DATE May 28, 2015**

**FROM: Doug Burroughs, Engineering Division of Public Works**

**SUBJECT: E-15-060**

---

The Developer has requested an Exception to the City's right-of-way standards on Barnett Road to reduce the amount of right-of-way to be dedicated from 14 feet to 8 feet. The 6 feet of reduction would mean the elimination of a bike lane on Barnett Road in the future. Public Works and Planning has been involved with creating a multi-use path along Larson Creek parallel to Barnett Road and approximately 500 feet south, to provide bike facilities in this area in-lieu of Barnett Road. Based on this work, Public Works does not anticipate it will try to provide bike lanes on Barnett in the future, and would have no objection to this request.

RECEIVED

JUN 02 2015

PLANNING DEPT.

Writer's Direct E-mail:  
[sbd@medfordlaw.net](mailto:sbd@medfordlaw.net)

Writer's Assistant:  
Leanne Perkins



ATTORNEYS AT LAW

June 2, 2015

Via Email Cheryl.Adams@cityofmedford.org

Commissioners  
Site Plan Architectural Committee  
c/o Cheryl Adams  
City of Medford Planning Department  
200 South Ivy Street  
Lausmann Annex  
Medford, OR 97501

**RE: AC-15-013/E-15-060**

Dear Commissioners:

Our office represents Investor's One, LLC, the owner of property commonly referred to as the Black Oak Shopping Center, which abuts this project to the southwest. At the initial hearing, we raised several concerns regarding the subject application including: 1) that the applicant was relying upon overflow parking to the south without the requisite evidence of a deed, lease, contract or other written or recorded document to allow joint use as required by MLDC 10.744; 2) that the driveway to the west of the subject property is owned by my client and is subject to a revocable license granted to the bank, and my client wanted to ensure the record was clear that recorded legal access is from the signalized intersection at Medical Center Drive and/or Black Oak and not from this driveway to the west of the Bank of the Cascades site; and 3) that there will likely be significant pedestrian access to the site for which pedestrian safety should be considered.

As I will be unable to attend the rescheduled hearing on June 5, I request that this letter be included in the record. I have reviewed the revised application, and respond as follows:

With regard to the three employee spaces that back into the access easement, my client objects. The access easement is a 2-lane private roadway for pedestrian and vehicular access. This was a carefully negotiated agreement between all the property owners within the former Black Oak PUD to allow cross-access along the properties. Allowing parking which would back into this private easement increases the risk of accidents, to both pedestrians and vehicles, and potentially blocks essential

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[www.medfordlaw.net](http://www.medfordlaw.net)

*Partners*

Patrick G. Huycke  
Daniel B. O'Connor\*  
Darrel R. Jarvis  
Sydney B. Dreyer  
Joseph R. Davis  
Erik J. Glatte\*\*  
Erik C. Larsen

*Associate*

Hilary M. Zamudio

\*Also admitted in Washington

\*\*Also admitted in Idaho

Commissioners  
June 2, 2015  
Page 2 of 2

access to the various properties within the former Black Oak PUD. Further, it is inconsistent with the intent of the easement which is to allow vehicular and pedestrian access, not parking and maneuvering.

With regard to overall parking, my client does not object so long as the application complies with Medford's parking standards and/or MLDC 10.744.

Yours truly,

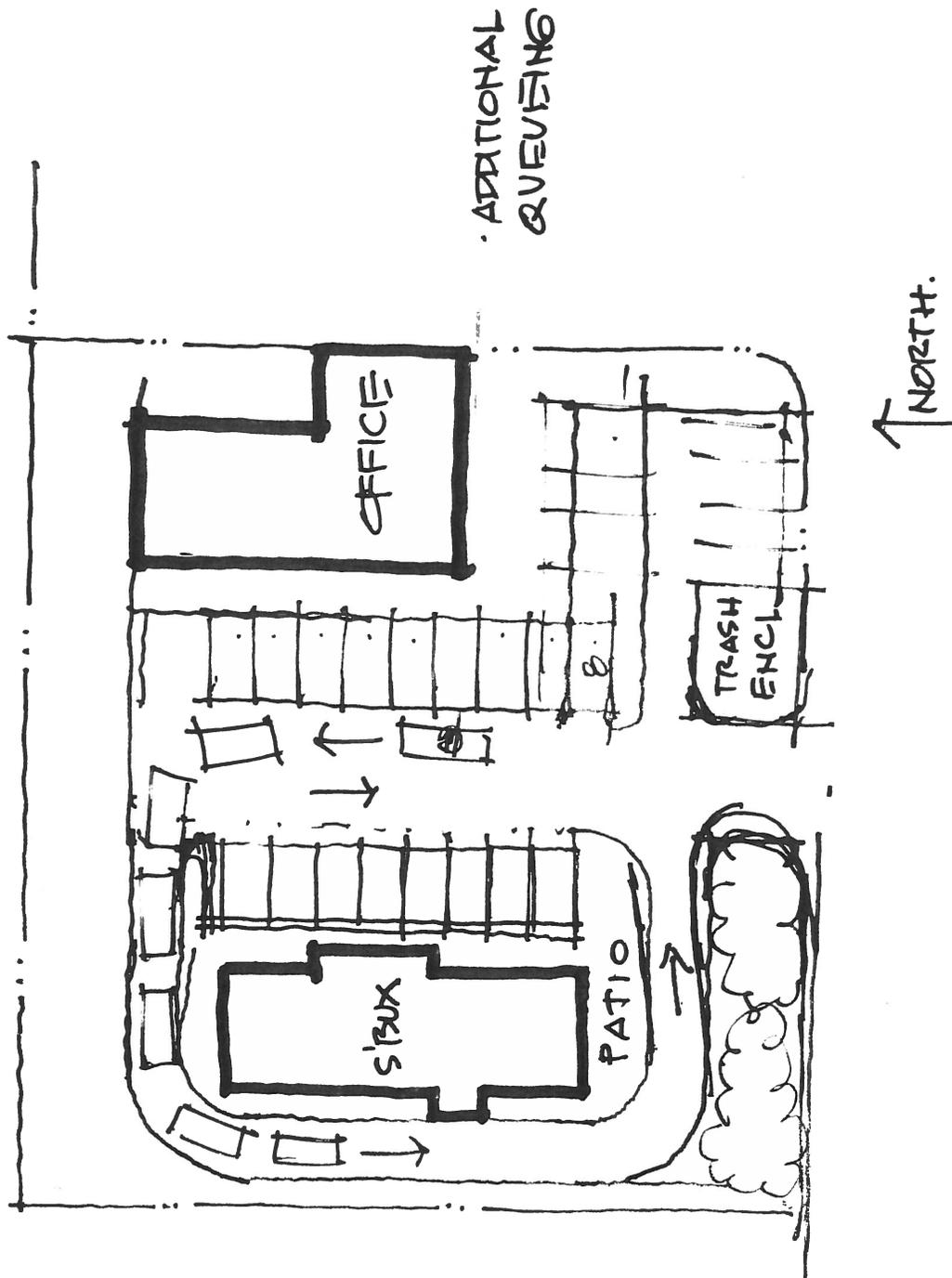
HUYCKE O'CONNOR JARVIS, LLP

A handwritten signature in black ink, appearing to read "SBDREYER", written over the printed name.

SYDNEE B. DREYER

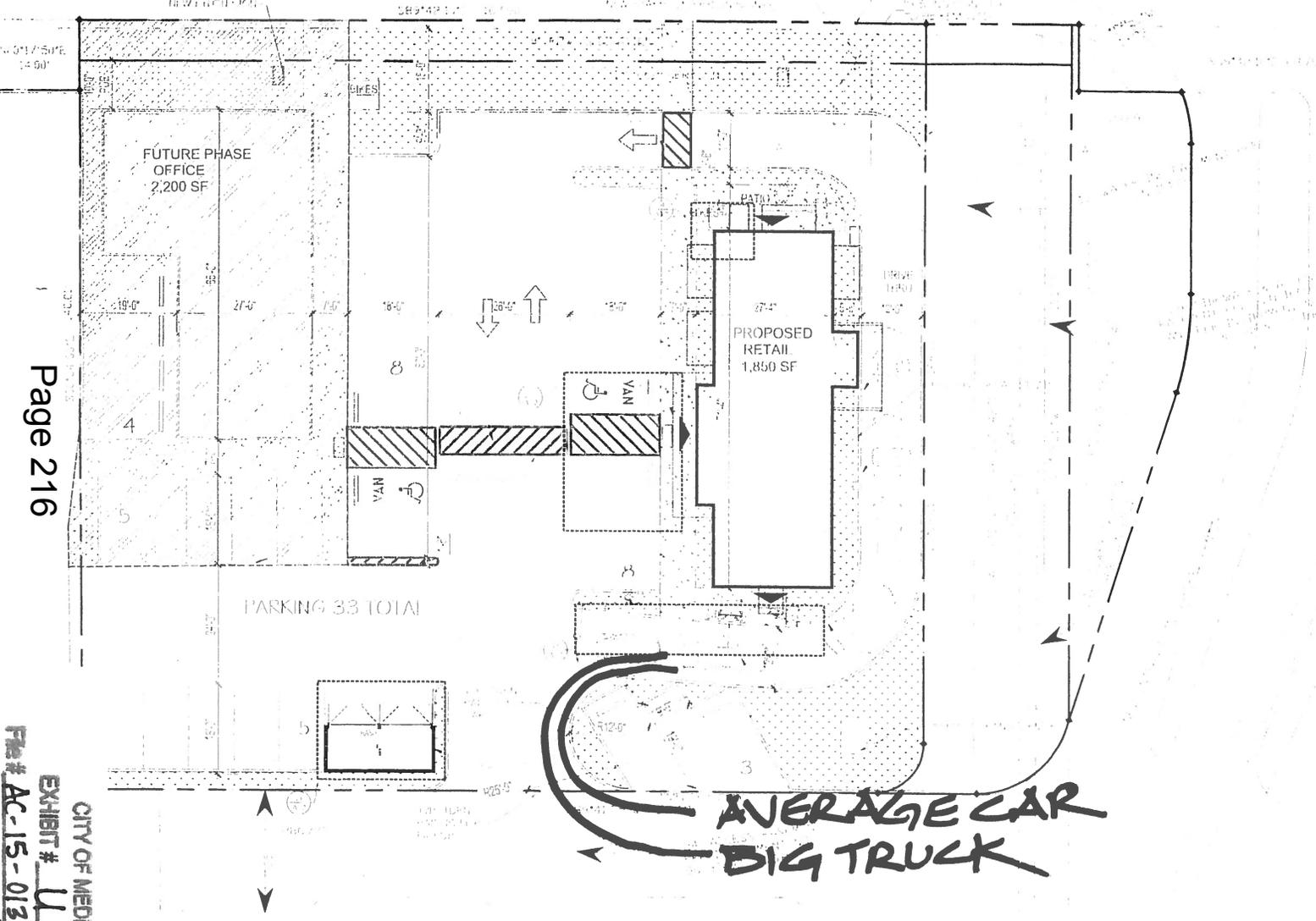
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cc: Client

RECEIVED  
JUN 05 2015  
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E. BARNETT ROAD

**ARCHITECTURAL SITE PLAN NOTES:**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVEWAY UNLESS NOTED OTHERWISE.  
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SIDEWALK UNLESS NOTED OTHERWISE.  
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURB UNLESS NOTED OTHERWISE.  
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS NOTED OTHERWISE.  
 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PROPERTY UNLESS NOTED OTHERWISE.  
 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS NOTED OTHERWISE.  
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BLOCK UNLESS NOTED OTHERWISE.



**PARKING STANDARDS**

✓	1.00	1.00	1.00
✓	1.00	1.00	1.00
✓	1.00	1.00	1.00
✓	1.00	1.00	1.00

**AVERAGE CAR  
BIG TRUCK**

1 SITE PLAN  
SCALE: 1/8" = 1'-0"



OREGON ARCHITECTURE  
 221 West 10th Street  
 Medford, Oregon 97501  
 Phone: 541.773.4799 | info@oregonarchitecture.com

221 WEST 10TH STREET  
 MEDFORD, OREGON

**RECEIVED**  
 JUN 05 2015  
 PLANNING DEPT.



Application Name/Description:  
**Starbucks & Medical  
 Office Building**

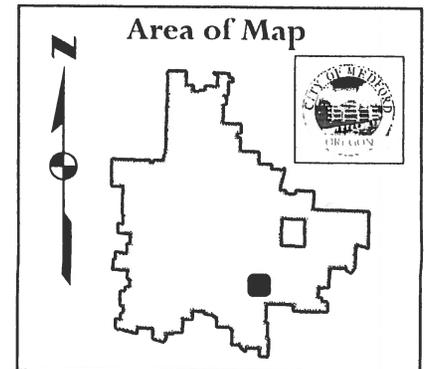
Proposal:  
**Coffee shop with drive thru  
 & medical office**

File Numbers:  
**AC-15-013**

Applicant:  
**Oregon Architecture, Inc**

Map/Taxlot:  
**371W33B TL 434**

	<b>Subject Area</b>
	<b>Medford Zoning</b>
	<b>UGB</b>
	<b>Tax Lots</b>
	<b>Central Business</b>
	<b>Historic</b>



Moved by: Commissioner Quinn

Seconded by: Commissioner Chmelir

Roll Call Vote: Motion passed, 8-0.

50.3



AC-15-013 Consideration of plans for the construction of a 1,850 square foot coffee shop and a 3,285 square foot medical office building on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. Oregon Architecture, Inc., Mark McKechnie, Applicant/Agent.

Chair Bender asked for any conflicts of interest or ex-parte communications. Commissioner Neathamer declared a potential conflict of interest. He said he is not involved with this project but he had worked recently on an adjoining project that included this property so he recused himself and sat in the audience. Commissioner Dew declared he did not have a conflict of interest but he had done work in the same area and could remain impartial.

Jennifer Jones, Planner II, gave a PowerPoint presentation of the March 27, 2015, Staff Report. Staff recommended approval.

The public hearing was opened and the following testimony was given:

- a) Mark McKechnie, agent for the applicant, displayed an updated site plan and spoke to the changes that had been made. He gave an overview of the project.

Commissioner Dew expressed his concerns with the parking and functionality of the project. Some of his concerns that were discussed included the cross-access he felt needed to be protected, the trash enclosure that is remote from the site and is located on the main drive, lack of vehicle maneuvering ability, the Exception for reduced parking, and the hair-pin turn/radius. Commissioner Dew felt the Commission needed to see a vehicle turning analysis. He was not comfortable with the reduced parking, and felt the project is too big for the site. He would like to see the pedestrian pathways crossing the drive-thru to be raised. He said there is a walkway on the east side of Medical Center Drive for a pedestrian connection from the corner of the property, and felt that would be a better location to drop people off instead of the middle of the drive. Mr. McKechnie disagreed saying he was not happy that pedestrians would be walking across the middle of the drive-thru lane and he would rather pedestrians be at the end of the lane rather than in the middle. He felt that where he has it is the best location possible.

Commissioner Dew had questions regarding the outdoor seating and storm water detention. He asked if there were public storm water facilities available. Mr. McKechnie said he had forgotten if there were or not. He noted they had gone through the Land Development meeting on this and there did not seem to be any issues. Commissioner Dew said he would like to see the issue addressed. He reiterated that his three biggest concerns are the lack of vehicle maneuverability into the drive-thru, the trash enclosure located on the main drive, and lack of parking.

Mr. McKechnie stated that Medford is one of the few towns that does not have a shared parking compliment. He said that Medford's parking requirements are way more than any other jurisdictions he has worked with on the west coast. He said typically they put in somewhere between 15-18 parking spaces for Starbucks Coffee and they have never had any issues with a lack of parking.

Mr. McKechnie commented that it would be possible to alter the direction of the drive-thru so

that they could take some area out of one planter and put it into the other planter which would give at least a 10 foot turning circle. Commissioner Dew said he would like to see a turning analysis if the proposal is to have traffic do a 180 degree maneuver.

Mr. McKechnie reserved time for rebuttal.

b) Sydnee Dreyer, representative of Investors One, the owner of tax lot 428 to the southeast, stated that her client does not object to this project but does have concerns with regards to parking. She said that her client is concerned that both staff and the applicant appear to rely upon the possibility of overflow parking being on the lots to the south, which are under separate ownership. They are either owned by Ms. Dreyer's client or by Southern Oregon Orthopedics. She read MLDC §10.744. She said that in this case there is nothing that establishes that this facility would have any legal right to any overflow parking in either tax lot 428, 435, or any of the others. Ms. Dreyer urged the Commission in looking at this and preparing their findings, that a finding be made as to whether or not the current 28 proposed spaces are sufficient to support the parking needs without any consideration of the possibility of parking at these additional properties as there is no right to park there at present. She said there cannot be any assumptions that this parking is just going to work out. Ms. Dreyer addressed the access and said that over the years it has been a little bit troubling and there have been issues with the property owners. She stated that recently the property owners had come to a very good resolution and explained that resolution. Ms. Dreyer said a new cross-access had been recorded that provides access in at the signalized intersection across tax lots 435 and 428 and out to Black Oak Drive. She said the cross-access easement does not provide access on the driveway which is private property owned by her client. Ms. Dreyer pointed out the driveway. She added that her client has issued a revocable license to the bank to allow them to use that driveway but her client wants to make clear that this is private property and driveway and the applicant's Findings were somewhat unclear but seemed to imply that that was the access to the west of the bank that they were referring to. Ms. Dreyer stated that the driveway exists today but it may not be there in the future. She said there is access out to Black Oak Drive. With regard to the trash enclosure, Ms. Dreyer said it is somewhat unclear to her but it appears that the trash enclosure extends onto that cross access and is something that when the trash is collected would block the cross access. She said her client also has concerns with regard to any encroachment into that cross access easement that might exist in the form of some sort of structure or wall. She noted that under the recorded cross access easement no one has the right to block that cross access. They want to ensure that nothing is approved that would result in blocking the access. Ms. Dreyer stated her client is also concerned about pedestrian safety from a liability standpoint because this is going to be a high pedestrian-generating project. They want to ensure the liability for pedestrians crossing these sites does not become theirs. She said her client would like to state they would certainly be willing to talk to the applicant about some sort of license for pedestrian crossing if that was appropriate. Ms. Dreyer wanted to make clear that when the bank was approved the landscaping that was approved as part of the bank's, all of that was approved on her client's property. She stated it is an encroachment onto tax lot 428 and is not located on the subject site. She said that is also now subject to a revocable license. Ms. Dreyer stated they wanted to make sure, that to the extent that the landscaping is being relied on for lot coverage or any kind of landscape requirement the Commission is clear that none of that landscaping is located on the applicant's property.

Commissioner Dew asked Ms. Jones if any part of the application relies on the landscaping west of the bank. Ms. Jones answered no, it does not.

Commissioner Dew asked Mr. McKechnie if he would like the Commission to continue the

meeting and give him a chance to address the concerns heard and provide a new site plan or to proceed with a motion. Mr. McKechnie answered that given the concerns heard it would be wise to revise the site plan and come back. Mr. McKechnie asked for a continuance to the May 1, 2015, meeting.

Mr. Georgevitch pointed out, regarding the right-of-way, that the Public Works Staff Report does require 14 feet which is the code requirement. He said they are supportive of the fact that the Transportation System Plan recognizes that there would not be a bike lane on this facility and the additional 6 feet is not needed however; they are still required to ask for the code requirement. He said more importantly there is a pavement cutting moratorium on Barnett Road at this frontage effective until 8/17/2019. Mr. Georgevitch said they typically receive a utility plan that shows where storm drains are going to be headed but looking at the applicant's plan; he is not sure where the storm drain is going to go so it is important the applicant consider that.

Commissioner Catt asked if Mr. Georgevitch had an issue with the encroachment on the street with the trash enclosure. Mr. Georgevitch explained that Public Works only deals with the public right-of-way and this issue is outside of their purview. He said typically trash is being picked up in off-peak times in commercial areas like this and has little impact on day-to-day operations. He noted this was his observation, not a fact.

Commissioner Dew said he presumed an Exception had been filed for the right-of-way. Ms. Jones stated an Exception had not been filed. Mr. McKechnie commented that they had just come to an understanding of that and the Exception would be filed with the revision of the site plan.

Mr. Georgevitch pointed out that along with the 14 foot dedication for public right-of-way there is also a need for a 10 foot public utility easement (PUE), per the code.

The public hearing was left open to the May 1, 2015, meeting.

Motion: Continue AC-15-013 to the May 1, 2015, meeting.

Moved by: Commissioner Quinn                      Seconded by: Commissioner Dew

Roll Call Vote: Motion passed, 7-0.

Commissioner Neathamer resumed his seat on the Commission.

- 60.     **Written Communications.** None.
- 70.     **Unfinished Business.** None.
- 80.     **New Business.** None.
- 90.     **Report from the Planning Department.**
- 90.1    Ms. Akin stated there is business scheduled through the May 15, 2015, meeting.
- 100.    **Messages and Papers from the Chair.** None.
- 110.    **Propositions and Remarks from the Commission.** None.

40. **Oral and Written Requests and Communications.** None.

50. **Public Hearings.**

John Huttli, Deputy City Attorney, read the rules governing the public hearings.

**Continuance Request.**



50.1 **AC-15-013** Consideration of plans for the construction of a 1,850 square foot coffee shop and a 3,285 square foot medical office building on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. Oregon Architecture, Inc., Mark McKechnie, Applicant/Agent.

Commissioner Neathamer declared a potential conflict of interest and recused himself.

Kelly Akin, Principal Planner, stated that the applicant requested this item be continued to the May 15, 2015, meeting

Motion: Continue AC-15-013 to the May 15, 2015, meeting.

Moved by: Commissioner Ames      Seconded by: Commissioner Catt

Roll Call Vote: Motion passed, 5-0

60. **Public Hearings—New Business.** None.

70. **Written Communications.** None.

80. **Unfinished Business.** None.

90. **New Business.** None.

100. **Report from the Planning Department.**

100.1 Ms. Akin stated there would be business scheduled for the May 15 and June 5, meetings.

100.2 Ms. Akin reminded the Commissioners of the study session immediately following the meeting.

110. **Messages and Papers from the Chair.** None.

120. **Propositions and Remarks from the Commission.** None.

130. **City Council comments.**

130.1 Councilmember Gordon introduced Rick Whitlock who was seated in the audience. Mr. Whitlock is a member of the Medford Budget Committee.

Chair Bender asked for any conflicts of interest or ex-parte communications. There were none.

Kelly Akin, Principal Planner, stated that the applicant requested this item be continued to the June 5, 2015, meeting.

Chair Bender asked if there was anybody in the audience who wanted to speak on this item. There were none.

Motion: Continue AC-15-028/E-15-029 to the June 5, 2015, meeting.

Moved by: Commissioner Dew      Seconded by: Commissioner Quinn

Roll Call Vote: Motion passed, 6-0

50.2 **AC-15-034** Consideration of plans for the construction of a building comprised of a 1,540 square foot restaurant with drive through, and a 500 square foot lease space. The subject site is located on the west side of South Riverside Avenue on one parcel totaling 0.45 acres, within the C-R (Regional Commercial) zoning district (371W31AB Tax Lot 900). Oregon Architecture, Inc., Applicant/Agent.

Chair Bender asked for any conflicts of interest or ex-parte communications. There were none.

Ms. Akin stated that the applicant requested this item be continued to the July 17, 2015, meeting.

The public hearing was opened and the following testimony was given:

a) Thor Thompson, Eagle Point, Oregon, had concerns with traffic issues and said maybe he would talk directly with the Engineering Department.

Chair Bender and Commissioner Dew encouraged Mr. Thompson to come back and testify at the public hearing on July 17, 2015.

The public hearing was closed.

Motion: Continue AC-15-034 to the July 17, 2015, meeting.

Moved by: Commissioner Dew      Seconded by: Commissioner Catt

Roll Call Vote: Motion passed, 6-0

**Old Business.**



50.3 **AC-15-013** Consideration of plans for the construction of a 1,850 square foot coffee shop and a 3,285 square foot medical office building on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. Oregon Architecture, Inc.; Mark McKechnie, Applicant/Agent.

Chair Bender asked for any conflicts of interest or ex-parte communications. There were none.

Ms. Akin stated that the applicant requested this item be continued to the June 5, 2015, meeting.

The public hearing was opened and there being no testimony, the public hearing was closed.

Motion: Continue AC-15-013 to the June 5, 2015, meeting.

Moved by: Commissioner Dew      Seconded by: Commissioner Ames

Roll Call Vote: Motion passed, 6-0

**New Business.**

50.4 **AC-14-109** Consideration of a request for approval of a revision to the garage elevations for the 93,131 square foot City of Medford police station parking structure on 1.14 acres located between Ivy Street and Holly Street on the northwest side of 10<sup>th</sup> Street within the C-S/P/CB (Service Commercial/Professional Office/Central Business District Overlay) zoning district. City of Medford Parks & Recreation Department, Applicant; David Wilkerson, ORW Architecture, Agent.

Chair Bender asked for any conflicts of interest or ex-parte communications. Commissioner Dew and Chair Bender declared conflicts of interest and recused themselves.

Chair Bender turned the meeting over to Vice Chair Quinn.

Ms. Akin stated that the applicant requested this item be continued to the June 5, 2015, meeting.

The public hearing was opened and there being no testimony, the public hearing was closed.

Motion: Continue AC-14-109 to the June 5, 2015, meeting.

Moved by: Commissioner Catt      Seconded by: Commissioner Ames

Roll Call Vote: Motion passed, 4-0

Chair Bender resumed his position on the Commission.

50.5 **AC-15-032** Consideration of plans for the construction of a 155,825 square foot Costco Warehouse located on north corner of the intersection of McAndrews Road and North Central Avenue on a 15.26 acre site within the C-R (Regional Commercial) zone district. Regency Centers, Applicant; Perkowitz & Ruth, Agent.

Ms. Akin stated the applicant had withdrawn this application.



# Site Plan and Architectural Commission Minutes

From Public Hearing on June 5, 2015

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

### Commissioners Present

Jeff Bender, Chair  
Jim Quinn, Vice Chair  
Jim Catt  
Bill Chmelir  
Bob Neathamer  
Rick Whitlock  
Dick Gordon, City Council liaison

### Staff Present

Jim Huber, Planning Director  
Kelly Akin, Principal Planner  
John Huttli, Deputy City Attorney  
Kevin McConnell, Deputy City Attorney  
Doug Burroughs, Public Works Department  
Chris Reising, Deputy City Mgr. Dev. Svcs.  
Jennifer Jones, Planner II  
Praline McCormack, Planner II  
Debbie Strigle, Recording Secretary

### Commissioners Absent

Dan Ames, Excused  
Alec Schwimmer, Excused

### 10. Roll Call.

### 20. Consent Calendar/Written Communications. (voice vote) None.

### 30. Minutes.

30.1 The minutes for the May 15, 2015, meeting, were approved as submitted. Commissioners Neathamer, Whitlock, and Chmelir abstained.

### 40. Oral and Written Requests and Communications. None.

### 50. Public Hearings.

John Huttli, Deputy City Attorney, read the rules governing the public hearings.

### Continuance Request.

50.1 **AC-14-109** Consideration of a request for approval of a revision to the garage elevations for the 93,131 square foot City of Medford police station parking structure on 1.14 acres located between Ivy Street and Holly Street on the northwest side of 10<sup>th</sup> Street within the C-S/P/CB (Service Commercial/Professional Office/Central Business District Overlay) zoning district. City of Medford Parks & Recreation Department, Applicant; ORW Architecture/David Wilkerson, Agent.

Chair Bender asked for any conflicts of interest or ex-parte communications. Chair Bender declared a potential conflict of interest and recused himself. He turned the meeting over to Vice Chair Quinn.

Kelly Akin, Principal Planner, stated that the applicant requested this item be continued to the June 19, 2015, meeting.

Motion: Continue AC-14-109 to the June 19, 2015, meeting.

Moved by: Commissioner Neathamer Seconded by: Commissioner Catt

Roll Call Vote: Motion passed, 5-0

Chair Bender resumed his position on the Commission.

### Old Business.



**50.2 AC-15-013/E-15-060** Consideration of plans for the construction of a 1,850 square foot coffee shop and a 2,200 square foot office building and an exception request to allow an 8-foot right-of-way dedication rather than 14-feet, on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. Oregon Architecture, Inc., Applicant; Mark McKechnie, Agent.

Chair Bender asked for any conflicts of interest or ex-parte communications. Commissioner Neathamer declared a potential conflict of interest saying he provides services surrounding this property, and his office represents one of the abutting properties. He recused himself and sat in the audience.

Commissioner Whitlock declared he had not been at the previous meeting when this application had been heard but he had read the information contained in this meeting's agenda packet. He wanted to make the applicant aware of this and if the applicant had any concerns about his participation in the hearing today. Mr. McKechnie stated they had no objections.

Jennifer Jones, Planner II, read the approval criteria, and gave a PowerPoint presentation of the May 29, 2015, Revised Staff Report. She pointed out the addition of Exhibit S which had been placed at their seats. Staff recommended approval.

The public hearing was opened and the following testimony was given:

a) Mark McKechnie, agent for the applicant, gave an overview of the project and spoke to issues and concerns regarding the exception request, the request for reduction in parking, the patio easement, cross-access, and pedestrian access.

Commissioner Quinn expressed his concern with pedestrian traffic and asked if there would be a fence along the east property line. Mr. McKechnie answered they were not planning on it. He added that at some point the orthopedic group might come to some agreement to allow landscaping in that area so that it will

look good. Mr. McKechnie stated they could put a fence up if that is what the Commission wanted.

Commissioner Quinn asked about a raised area in the drive-thru in case pedestrians wanted to cross there. Mr. McKechnie answered the City typically requires either a raised area or something else so automobile drivers know there could be pedestrians in that area which tends to make them a little more cautious. He stated he was a little hesitant to do that though because he does not want to encourage pedestrians to cross at a potentially dangerous area.

Chair Bender commented he was not particularly troubled by not having a raised area crossing the drive-thru.

Commissioner Chmelir asked if Mr. McKechnie was opposed to having a raised area at the north ramp. Mr. McKechnie stated he was not opposed to that and it is shown on their site plan.

Chair Bender expressed concern over the tight turning radius that would be required to enter the drive-thru lane from the south entrance. He wanted to know if any consideration had been given to flipping the site plan, mirroring it so that the future office building was on the corner and Starbucks was on the inboard side. Mr. McKechnie said they had looked at several different ways but the current site plan seemed to be better than the alternatives. Chair Bender submitted his own site design sketch which rotated the buildings around so that Starbucks would be on the west property line and the office building to the opposite side to the east. He stated a design such as his would eliminate approximately 90% of the Commission's concerns that had previously been voiced.

Commissioner Whitlock asked if any consideration had been given to eliminating the southerly entrance and have traffic accessed from the southwest corner and queue from the west side of the property on through. Mr. McKechnie answered they had looked at that and the southerly entrance is needed due to parking constraints and the fact the driveway was not designed to handle all that traffic.

Commissioner Chmelir felt Mr. McKechnie had done a good job of addressing the Commission's concerns from the previous site plan but said the three angled parking spaces seemed awkward. Mr. McKechnie said he did not disagree.

Commissioner Whitlock wanted to know if there was any specific statistical support for the reduced parking need. Mr. McKechnie answered his experience with other Starbucks he has worked with have had no parking issues. Commissioner Whitlock then asked if any of the other Starbucks Mr. McKechnie had mentioned are located on streets with traffic counts similar to Barnett Road. Mr. McKechnie replied that the Starbucks in Happy Valley, California does.

Chair Bender wanted to know if there was any specific request for this building to look significantly different from what is proposed for the neighboring office building. He did not feel it fit in with the surrounding buildings. Mr. McKechnie

spoke to the materials that would be used on the future office building. He said the Starbucks building just has a different kind of urban look.

Commissioner Quinn felt the project could get by with fewer parking spaces. He agreed that the three angled spaces were unnecessary.

Chair Bender also agreed that the three angled parking spaces were unnecessary and said he was not particularly troubled with the request for reduced parking.

Mr. McKechnie reserved time for rebuttal.

Chair Bender asked if the future office building phase would return to the Commission for approval. Mr. McKechnie answered yes; it would come back as its own application at a future date.

b) Frank Pulver, Medford, Oregon, spoke in favor of the project. He felt the project was thorough and complete.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of AC-15-013 and E-15-060 per the staff report dated May 29, 2015, including Exhibits A through R, and allowing a reduction in parking in order to eliminate the three angled parking spaces along the southern boundary of the site.

Moved by: Commissioner Quinn      Seconded by: Commissioner Chmelir

Friendly Amendment: Accept and approve the outdoor seating exception.

Moved by: Commissioner Whitlock

Accepted by: Commissioners Quinn and Chmelir

Roll Call Vote: Motion passed, 5-0

Commissioner Neathamer resumed his seat on the Commission.

Commissioner Catt left the meeting at approximately 1:30 p.m.

**50.3 AC-15-028/E-15-029** Consideration of a request for approval of a new four-story, 34,642 square foot medical office building and associated exception requests seeking relief to: permit encroachment of vehicle bumpers into the required front setback, reduce width of 22 parking stalls, waive right-of-way dedication for a planter strip along State Street, and waive right-of-way dedication for a bike lane along East Barnett Road. The subject site is located on the southwest corner of East Barnett Road and State Street on three parcels totaling 1.54 acres, within the C-S/P (Commercial-Service/Professional) zoning district. (Map 371W33BA Tax lots 5000, 5100, 5200) Asante, Applicant; CSA Planning, Ltd, Agent.

Chair Bender asked for any conflicts of interest or ex-parte communications. Chair Bender declared a conflict of interest as his employer has on-going busi-



# Site Plan and Architectural Commission Minutes

From Public Hearing on June 19, 2015

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

**Commissioners Present**

Jeff Bender, Chair  
Jim Quinn, Vice Chair  
Dan Ames  
Jim Catt  
Bob Neathamer  
Rick Whitlock

**Staff Present**

Jim Huber, Planning Director  
Kelly Akin, Principal Planner  
Kevin McConnell, Deputy City Attorney  
Doug Burroughs, Public Works Department  
Debbie Strigle, Recording Secretary  
Donna Holtz, Office Administrator, Planning

**Commissioners Absent**

Bill Chmelir, Excused  
Alec Schwimmer, Excused  
Dick Gordon, City Council Liaison

**10. Roll Call.**

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



20.1 **AC-15-013/E-15-060** Final Order for consideration of plans for the construction of a 1,850 square foot coffee shop and a 2,200 square foot office building and an exception request to allow an 8-foot right-of-way dedication rather than 14-feet, on a 1.01 acre parcel located on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. Oregon Architecture, Inc., Applicant; Mark McKechnie, Agent.

20.2 **AC-15-028/E-15-029** Final Order for consideration of a request for approval of a new four-story, 34,642 square foot medical office building and associated exception requests seeking relief to: permit encroachment of vehicle bumpers into the required front setback, reduce width of 22 parking stalls, waive right-of-way dedication for a planter strip along State Street, and waive right-of-way dedication for a bike lane along East Barnett Road. The subject site is located on the southwest corner of East Barnett Road and State Street on three parcels totaling 1.54 acres, within the C-S/P (Commercial-Service/Professional) zoning district. (Map 371W33BA Tax lots 5000, 5100, 5200) Asante, Applicant; CSA Planning, Ltd, Agent.

Motion: Adopt the consent calendar.

Moved by: Commissioner Whitlock      Seconded by: Commissioner Quinn

Voice Vote: Motion passed, with Chair Bender and Commissioner Neathamer abstaining.

**30. Minutes.**

30.1 The minutes for the May 15, 2015, meeting, will be presented at the July 17, 2015, meeting.

**40. Oral and Written Requests and Communications. None.**

**50. Public Hearings.**

Kevin McConnell, Deputy City Attorney, read the rules governing the public hearings.

**Old Business.**

50.1 **AC-14-109** Consideration of a request for approval of a revision to the garage elevations for the 93,131 square foot City of Medford police station parking structure on 1.14 acres located between Ivy Street and Holly Street on the northwest side of 10<sup>th</sup> Street within the C-S/P/CB (Service Commercial/Professional Office/Central Business District Overlay) zoning district. City of Medford Parks & Recreation Department, Applicant; ORW Architecture/David Wilkerson, Agent.

Chair Bender asked for any conflicts of interest or ex-parte communications. Chair Bender declared a conflict of interest. He turned the meeting over to Vice Chair Quinn, recused himself, and sat in the audience.

Kelly Akin, Principal Planner, read the approval criteria, and gave a PowerPoint presentation of the July 12, 2015, Revised Staff Report. Staff recommended the following:

- Adopt the final order approving the base bid revision to the garage elevations for AC-14-109;
- Include exhibits A through D;
- Approve use of alternate mesh fabric and ground-face block;
- Authorize staff to approve the alternate bid elevations through the building permit process.

The public hearing was opened and the following testimony was given:

- a) David Wilkerson, agent for the applicant, gave some background and an overview of the project, building materials, and changes made to the original plan.



# Site Plan and Architectural Commission Minutes

From Public Hearing on September 18, 2015

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

**Commissioners Present**

Jeff Bender, Chair  
Bill Chmelir  
Bob Neathamer  
Rick Whitlock  
Tim D'Alessandro  
Dick Gordon, City Council liaison

**Staff Present**

Jim Huber, Planning Director  
Kevin McConnell, Deputy City Attorney  
Doug Burroughs, Public Works Department  
John Adam, Senior Planner  
Jennifer Jones, Planner III  
Debbie Strigle, Recording Secretary

**Commissioners Absent**

Jim Quinn, Excused  
Jim Catt, Excused  
Dan Ames, Unexcused

10. **Roll Call.**

20. **Consent Calendar/Written Communications. (voice vote) None.**

30. **Minutes.**

30.1 The minutes for the July 17, 2015, meeting were approved as submitted.

40. **Oral and Written Requests and Communications. None.**

50. **Public Hearings.**

Kevin McConnell, Deputy City Attorney, read the rules governing the public hearings.

**New Business.**



50.1 **AC-15-013** Request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. Oregon Architecture, Inc. (Mark McKechnie) Applicant/Agent.

Chair Bender asked for any potential conflicts of interest or ex-parte communications. Commissioner Neathamer declared a potential conflict of interest as he had worked on this property in the past and had offered to work on the construction site in the future. He recused himself and sat in the audience.

Commissioner Whitlock said it appeared to him this application is a request for reconsideration of a decision previously made by the Commission. He asked legal

counsel if there were any restrictions, standards, or requirements in the City Code, state law, or any other procedural rules that the Commission use which would affect the Commission's ability to make a decision.

Kevin McConnell, Deputy City Attorney, replied that he was struggling with the Commission's jurisdiction on this application. After asking Ms. Jones some pertinent questions, Mr. McConnell said his understanding was that this Commission had made a prior decision and the applicant was not requesting anything new. He said the applicant is asking the Commission to reconsider a decision the Commission had already made previously.

Mr. McConnell recommended the Commission hear what the applicant had to say and he would reserve his recommendation as to whether the Commission had jurisdiction or not.

Jennifer Jones, Planner III, read the approval criteria, and gave a PowerPoint presentation of the September 11, 2015, Staff Report. She pointed out an additional exhibit from Huycke, O'Connor, Jarvis, LLP that had been placed at each Commissioner's seat. Staff recommended denial.

The public hearing was opened and the following testimony was given:

a) Mark McKechnie, agent for the applicant, gave an overview of the revisions and issues.

Mr. McKechnie reserved time for rebuttal.

b) Sydnee Dreyer, Huycke, O'Connor, Jarvis, LLP, Medford, said her client had not been notified of the revision; and spoke in opposition to this application. The basis for the objection was that the proposed revisions would be incompatible with neighboring uses and development that exist on neighboring property. Ms. Dreyer added that both options are inconsistent with the intent of the easement which is to allow vehicular and pedestrian access, not parking and maneuvering. She said the applicant was seeking to renew two options that had previously been rejected by the Commission and opposed by her client.

After listening to the staff report, discussion, and testimony, Mr. McConnell recommended that if the Commission wanted to find they lack jurisdiction it can do so. If they want to proceed, have a motion, and make a decision it could do that. He stated if the Commission did decide they lack jurisdiction no decision should be made, these proceedings should stop, and they should move on to the next application. Mr. McConnell added that he did not see anything new with this revision; and the applicant had not used their right to an appeal after the Commission approved the original application in June.

The public hearing was closed.

After a lengthy discussion, the Commission found that it did lack jurisdiction on this revision application.

**Motion:** The Commission finds they lack jurisdiction to re-hear this matter on the basis that the applicant did not timely appeal the previous decision of this Commission, that it is effectively a re-hash of the same options that were not acceptable to the Commission

in previous hearings, and for the other reasons as indicated by the City Attorney's office during the discussion here today.

Moved by: Commissioner Whitlock

Seconded by: Commissioner Chmelir

Roll Call Vote: Motion passed, 4-0

Commissioner Neathamer resumed his seat on the Commission.

50.2 **AC-15-087** Consideration of plans for the construction of a 44-unit multi-family residential project on a 0.812 acre parcel, located on the east side of Crater Lake Avenue, between Roberts Road and Brookhurst Street, within the MFR-20 (multiple-family residential – 20 dwelling units per gross acre) zoning district. Terry/Diane Buntin, Applicants; Ron Grimes Architects (Dave Evans), Agent.

Chair Bender asked for any potential conflicts of interest or ex-parte communications. There were none.

Jennifer Jones, Planner III, gave a PowerPoint presentation of the September 11, 2015, Staff Report. Staff recommended approval.

The public hearing was opened and the following testimony was given:

a) Dave Evans, Ron Grimes Architects, agent for the applicant, spoke to the parking requirements, and open space area. He gave a brief overview of the project, and said the owner would have a clause in the lease agreement that prohibits storage in the garages. Garages would be for parking only.

Commissioner D'Alessandro asked if any consideration had been given to pedestrian easements out of the site. Mr. Evans answered there may have been some discussion to the property to the south. He said there is a sidewalk from the existing multi-family apartment complex directly below that goes right up to this site that they might be able to use. He added the driveway stub-out aligns perfectly with the driveway to the south for a possible future access for ingress and egress. There would also be potential access off the site to the east.

Commissioner Whitlock asked Mr. Evans how he would react to a condition that reflects that garages cannot be used for storage that would interfere with parking of vehicles or bicycles. Mr. Evans replied that it would be fine as a condition.

Commissioner Whitlock asked how many additional unmarked spaces exist. Mr. Evans answered there would be a potential of six additional parking spaces.

Mr. Evans reserved time for rebuttal.

b) John Cieri, Medford, a member of the church next to the site, requested that a wider driveway apron be made into the church than what is proposed.

c) Terry Buntin, applicant, had concerns with the Discretionary Conditions of Approval when the project meets all code requirements. Mr. McConnell explained that it is up to the Commission whether they want to impose conditions of approval to have an application go forward. He said it is not just meeting the minimum requirements of the code; there is also in §10.290(1) a compatibility requirement. He believed that is what staff was attempting to argue and whether staff made their case for those conditions of approval was up to the Commission to decide.

# Starbucks - Revision

AC-15-013



Site Plan and Architectural Commission

September 18, 2015

Presented by: Jennifer Jones, AICP

# SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

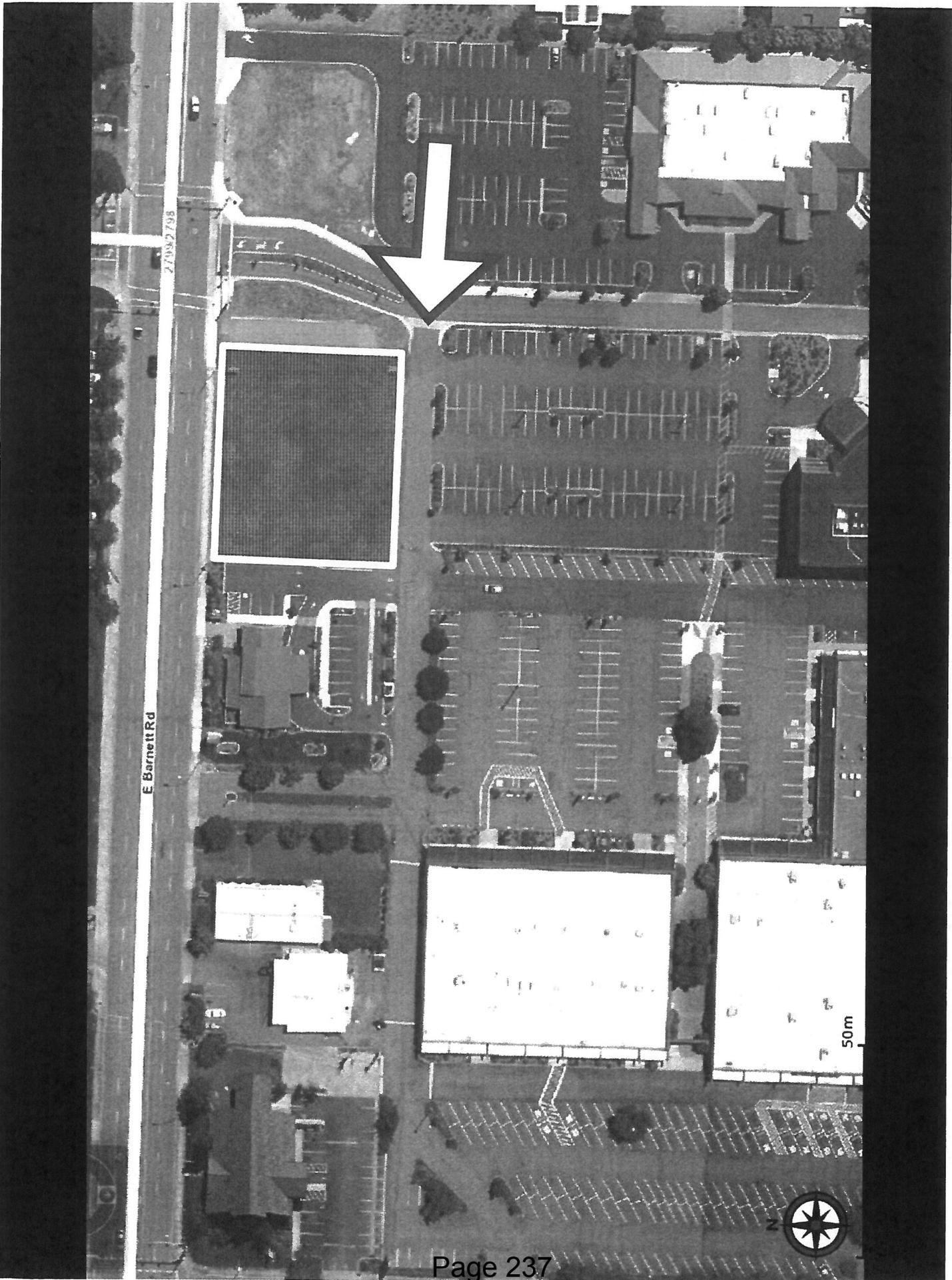
The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

# SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

1. The proposed development is compatible with uses and development that exist on adjacent land, and
2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved an exception as provided in MLDC Section 10.253.

## PROJECT SUMMARY

- Additional Exhibit
- First brought to SPAC in April 2015
- Approved in June 2015
  - Reduction to required parking
  - With removal of 3 angled spaces from Site Plan
- Applicant now requests adding 3 parking spaces



E Barnett Rd

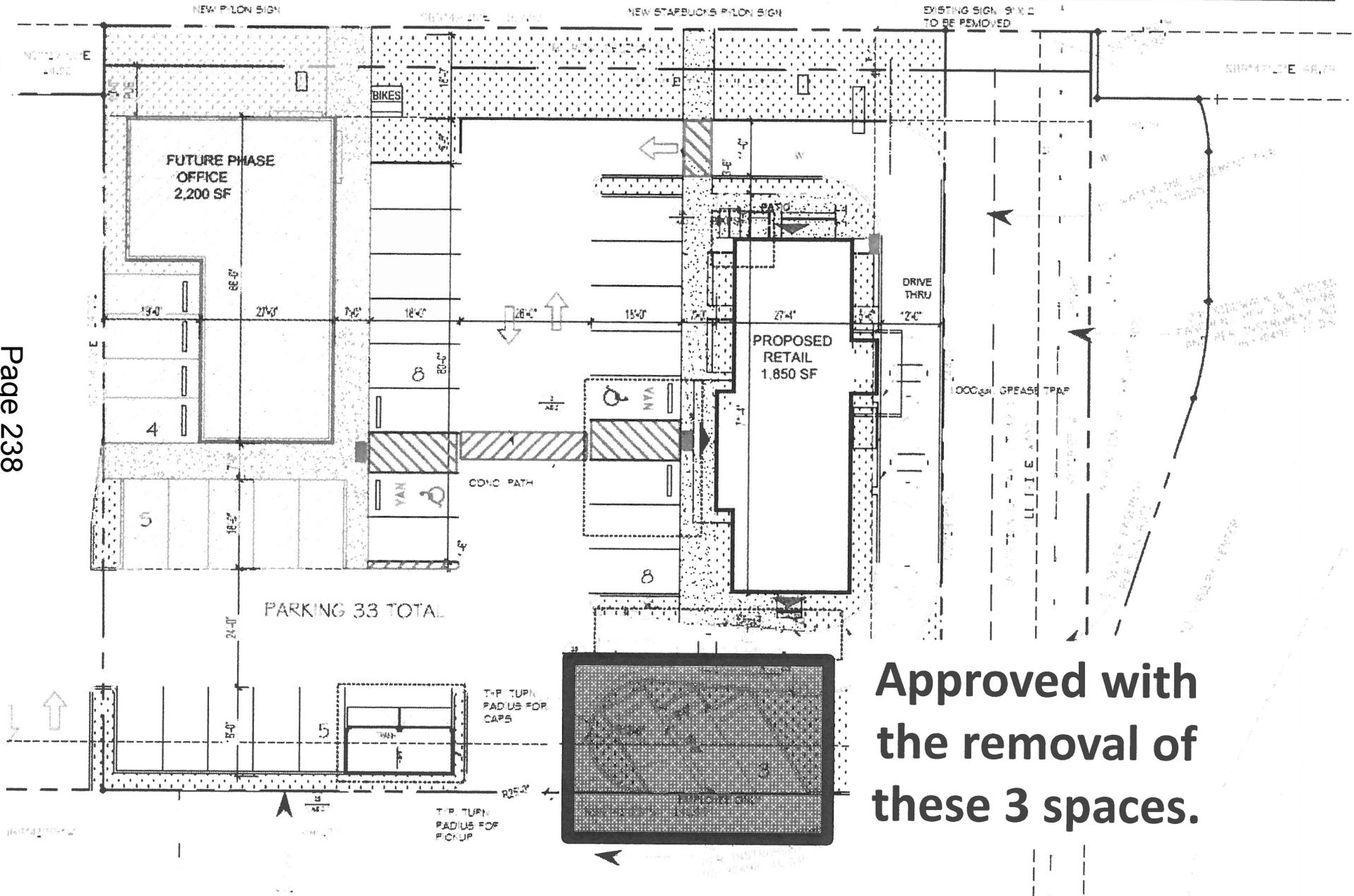
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# Approved Site Plan, June 2015

Page 238

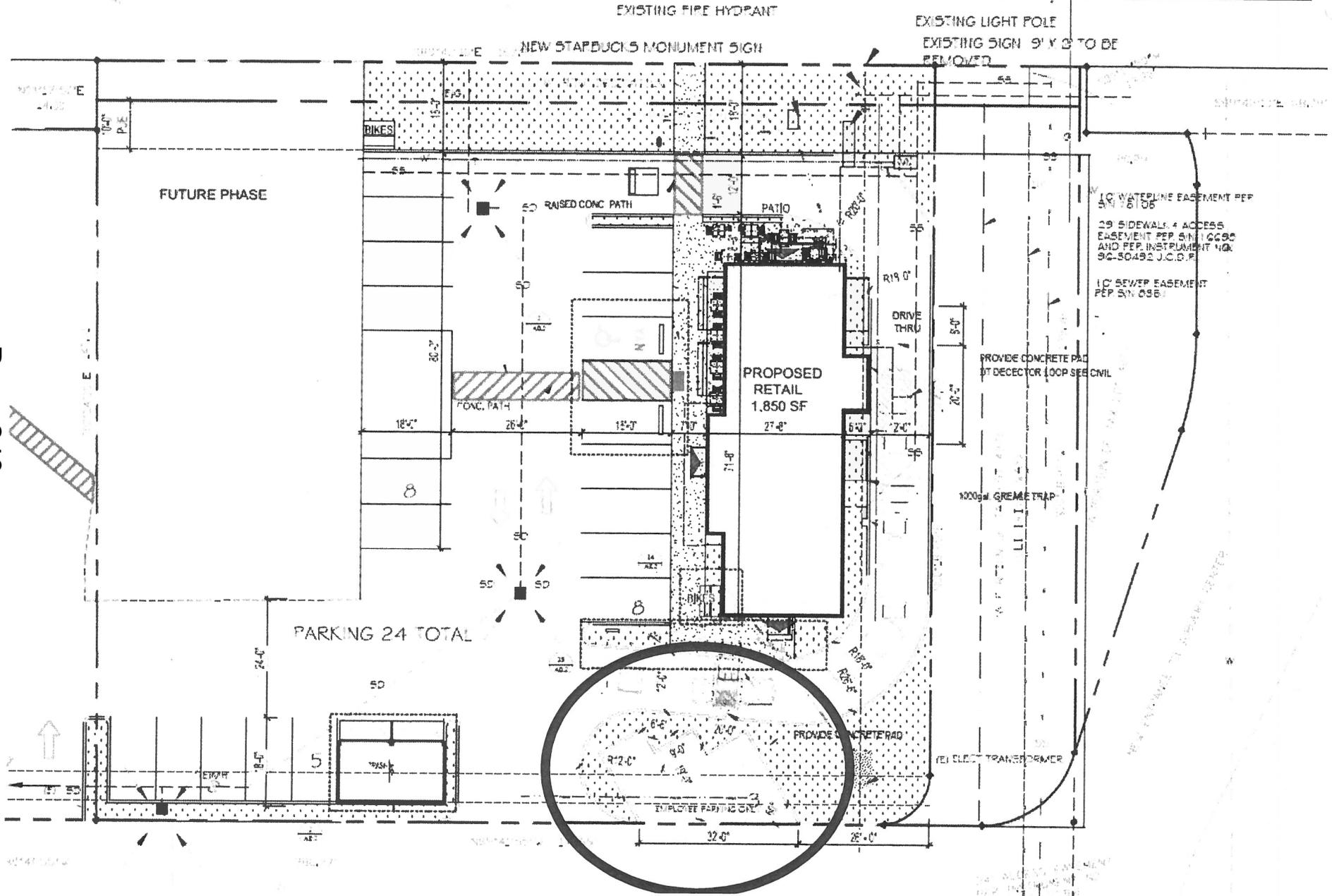


Approved with the removal of these 3 spaces.

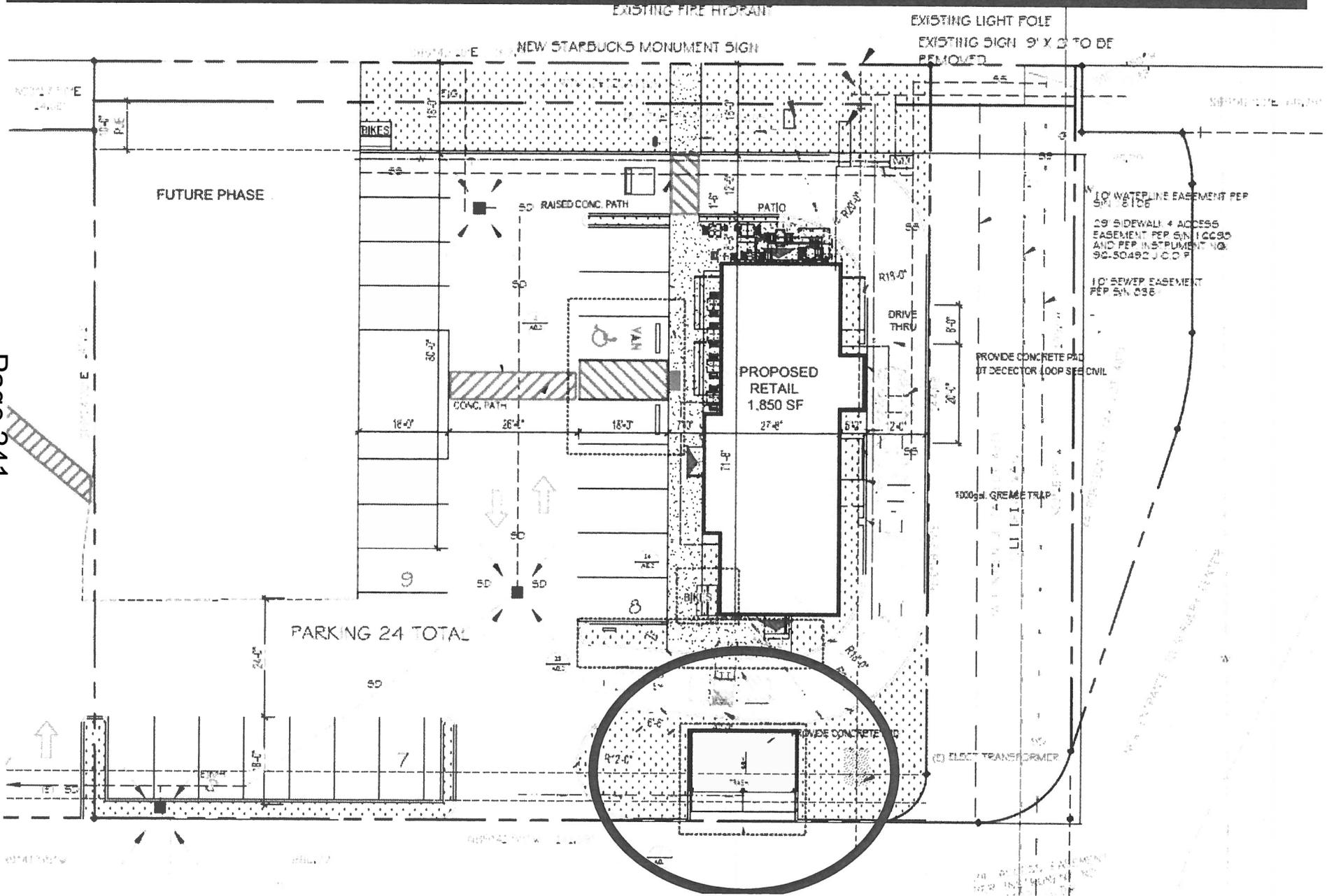
## PURPOSE OF REVISION

- From the applicant's narrative (Exhibit B)
  - *Starbucks saw the plan and now wants all the minimum required parking.*
- To accommodate the additional three spaces:
  - Site Plan Option 1
  - Site Plan Option 2
  - Both essentially the same as previous versions already seen by SPAC

# Site Plan Revision – Option 1



# Site Plan Revision – Option 2





# Summary of Approval Criteria

## 1. *Compatibility with surrounding uses and development*

As discussed in previous hearings, the Commission can find that the site plan proposals are not compatible with surrounding development.

→ Criterion not satisfied.

## 2. *Compliance with all City ordinances*

# RECOMMENDED ACTION

## DENIAL

As per the Staff Report  
dated September 11, 2015,  
including all exhibits.

*\*Upon denial of this revision, the approval  
from June 2015 remains in effect.*

# QUESTIONS FOR STAFF?

# DENIAL MOTION

Direct Staff to prepare  
a Final Order  
for denial of AC-15-013  
per the Staff Report dated  
September 11, 2015.





**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 120.4

www.ci.medford.or.us

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**DEPARTMENT:** Planning Department

**PHONE:** (541) 774-2380

**STAFF CONTACT:** James E. Huber, AICP, Planning Director

**AGENDA SECTION:** Public Hearings

**MEETING DATE:** November 19, 2015

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**COUNCIL BILL 2015-123**

An ordinance amending sections 10.012, 10.184, 10.713, 10.743, and 10.746 of the Medford Code pertaining to housing types, parking standards, criteria, and definitions.

**ISSUE STATEMENT & SUMMARY:**

This is a code amendment to revise various sections in Chapter 10 of the Municipal Code related to housing types, parking standards, criteria, and definitions. (DCA-15-103)

**BACKGROUND:**

The Planning Commission held a public hearing regarding this proposal on October 8, 2015. The Commission voted 7–0 to recommend the City Council approve the amendment.

**A. Council Action History**

None.

**B. Analysis**

The topics covered are intended to help clarify the code for ease of interpreting and implementing. The proposed changes help revise and strengthen the code in order to make the provisions clearer and more understandable for both staff and the community.

**C. Financial and/or Resource Considerations**

None.

**D. Timing Issues**

It is requested the ordinance be effective 30 days from Council approval.

**STRATEGIC PLAN:**

Theme: Healthy Economy

Goal 6: Maintain and enhance community livability.

**COUNCIL OPTIONS:**

1. Approve the ordinance.
2. Modify the ordinance.
3. Deny the ordinance.

**STAFF RECOMMENDATIONS:**

The Planning Commission recommended approval of the code amendment at their October 8, 2015, hearing by a 7–0 vote.

**SUGGESTED MOTION:**

I move to approve the ordinance amending Chapter 10 of the Municipal Code.

**EXHIBITS:**

Ordinance

The Commission Report for file DCA-15-103 dated November 12, 2015, including Exhibits A through E.

A copy of the slideshow presentation is on file in the Planning Department.

ORDINANCE NO. 2015-123

AN ORDINANCE amending sections 10.012, 10.184, 10.713, 10.743, and 10.746, of the Medford Code pertaining to housing types, parking standards, criteria, and definitions.

Section 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions.

\*\*\*

Garage. A building, or portion thereof, used or intended to be used for the parking and storage of motor vehicles.

~~Garage, private. A building or a portion of a building, not more than 1000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.~~

~~Garage, public. Any garage other than a private garage.~~

\*\*\*

Section 2. Section 10.184 of the Medford Code is amended to read as follows:

10.184 Class "A" Amendment Criteria.

\*\*\*

(2) Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

(a) Explanation of the public benefit of the amendment.

(b) The justification for the amendment with respect to the following factors:

~~(1) Conformity with applicable Statewide Planning Goals and Guidelines.~~

(21) Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

(32) Comments from applicable referral agencies regarding applicable statutes or regulations.

(43) Public comments.

(54) Applicable governmental agreements.

\*\*\*

Section 3. Section 10.713 of the Medford Code is amended to read as follows:

10.713 Duplex Dwellings.

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DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
SPECIAL STANDARDS	A duplex SHALL be divided by a lot-line AND be on a corner lot.	A duplex SHALL be divided by a lot-line.	A duplex is permitted on a lot of 6,000 sq. ft. or less ONLY if the duplex was legally existing or the application for development had been accepted prior to May 15, 2003.  A duplex need not be divided by a lot-line.  A duplex is permitted on a lot if it meets the density calculation.	A duplex is permitted on lots between 5,000 and 12,500 square feet in size.		
MINIMUM AND MAXIMUM DENSITY FACTOR RANGE (See 10.708)	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
LOT AREA RANGE (SQUARE FEET)	8,500 to 18,750 each half	6,000 to 12,500 each half	6,000* to 12,500*	5,000* to 12,500*		
***						

Section 4. Section 10.743 of the Medford Code is amended to read as follows:

10.743 Off Street Parking Standards.

\*\*\*

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
<b>Residential, Duplex</b>	<b>1 space per dwelling unit</b>	<b>2 spaces per dwelling unit</b>	<b>n/a</b>
<b>Residential, Townhouse</b>	<b>1 space per dwelling unit</b>	<b>2 spaces per dwelling unit</b>	<b>n/a</b>

Residential, Multiple Family	1.5 spaces per dwelling unit  1 space per dwelling unit	1.5 spaces per dwelling unit	n/a
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\*\*\*

Section 5. Section 10.746 of the Medford Code is amended to read as follows:

10.746 General Design Requirements for Parking.

\*\*\*

- (10) Parking, Required Yard. Parking and loading spaces and their maneuvering area shall not be located in a required yard, except as follows:
- (a) In a SFR or MFR zone, parking lots with more than three (3) spaces that do not back directly into the street may encroach to within ten (1) feet of a street right-of-way.
  - (b) When creating a common driveway with an adjacent parcel.
  - (c) At a single-family residence in a SFR zone, paving may be located within a required side or rear yard.
  - (d) Paved driveways located in a required front yard, street side yard, or rear yard off of an alley may be counted toward the off-street parking requirement for the lot or parcel. The paved area shall meet the dimensional requirements for a parking space and shall not be located within a public right-of-way.**

\*\*\*

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

NOTE: Matter in **bold** is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (\* \* \*) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



## COMMISSION REPORT

to City Council for a Class-A legislative decision: **Code Amendment**

Project Housekeeping Amendments 2015  
File no. DCA-15-103  
To Mayor and City Council *for 11/19/2015 hearing*  
From Planning Commission *via* Carla Angeli Paladino, Planner IV  
Reviewer John Adam, Principal Planner  
Date November 12, 2015

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### BACKGROUND

#### Proposal

This proposal will amend the Medford Land Development Code, Chapter 10 of the Municipal Code, to specifically: (see Exhibit B).

1. Clarify when duplexes are allowed in the SFR-10 zoning district. (Section 10.713)
2. Amend the off-street parking table and include the number of parking spaces required for duplex and townhouse structures. (Section 10.743)
3. Allow for driveways to count toward the off-street parking requirement. (Section 10.746)
4. Amend the criteria related to development code amendments. (Section 10.184)
5. Delete the definition of private and public garages. (Section 10.012)

#### History

Five years ago the Planning Department annually began bringing text amendments forward regarding topics identified as needing clarification or revisions in the Municipal Code. This was started in order to make corrections to the code in order to better explain and implement the code requirements. This is the sixth in the series of these amendments.

The Planning Commission held a study session on Monday, September 14, 2015, to discuss these amendments. A public hearing was held on October 8, 2015, by the Planning Commission who voted 7–0 to recommend adoption to the Council. The findings in support of this amendment are contained in Exhibit A at the end of this report.

### Authority

This proposed plan authorization is a Class-A 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 §§10.102–122, 10.164, and 10.184.

### **ANALYSIS**

The amendments cover a range of topics looking at residential parking standards, changes to definitions and criteria, and duplexes in the SFR-10 zoning district. These topics were identified as needing clarification or changes based on questions and projects reviewed by staff. These code amendments serve to revise and strengthen the code in order to make the provisions clearer and more understandable for both staff and the community. The modifications are seen as positive changes to the code.

### **RECOMMENDED ACTION**

The Planning Commission recommends adopting the proposed amendments based on the analyses, findings, and conclusions in the Commission Report dated November 12, 2015, including Exhibits A through E.

### **EXHIBITS**

- A Findings and Conclusions
- B Proposed amendment
- C Minutes, Planning Commission Study Session, 9/14/2015
- D Minutes, Planning Commission Hearing, 10/8/2015
- E Public Comment, Dennis Beatty, received 10/7/2015

**CITY COUNCIL AGENDA:** November 19, 2015

# Exhibit A

## Findings and Conclusions

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### Applicable Criteria

Code amendment criteria are in Medford Municipal Code §10.184(2).

*Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:*

*a. Explanation of the public benefit of the amendment.*

### Findings

Overall the proposed changes help to clarify, amend, and improve the existing Development Code. Specifically, the duplex standards in the SFR-10 zoning district are explained and clearly identify when such a structure is permitted.

The residential parking standards are amended to include the number of spaces for both duplex and townhouse structures, two types of uses that currently do not have parking standards identified in the parking table.

One of the proposed amendments will allow for paved parking spaces within the required yard (setbacks) to count toward the off-street parking requirement for the use. This change will allow for existing paved areas to meet the parking need without having to pave an additional area on the parcel outside of the required yard (setback) area. The ability to use existing paved area has the potential to reduce the amount of impervious surface created on the parcel which is better for storm water runoff and aesthetic purposes. It also will allow, in some cases, the conversion of garages to livable spaces.

Code amendments such as this application are subject to approval criteria. One of the criteria "Conformity with applicable Statewide Planning Goals and Guidelines" is viewed as redundant as the City's Comprehensive Plan has been acknowledged as meeting statewide goals. Code amendments that accord with the Comprehensive Plan by default conform with the Statewide Goals.

Definitions for private and public garages are proposed to be deleted as they unnecessarily restrict the size of garages. Other standards such as lot coverage and setbacks will help to regulate the square footage of garages located on a parcel.

### Conclusions

The proposed changes serve to help clarify the code provisions. These types of changes help make administering and understanding the code easier and clearer for both staff and the general public. Criterion 10.184 (2)(a) is found to be satisfied and serves the public interest.

*b. The justification for the amendment with respect to the following [five] factors:*

*1. Conformity with applicable Statewide Planning Goals and Guidelines.*

### Findings

The proposal complies with the applicable Statewide Planning Goals and Guidelines through acknowledgement of the City's Comprehensive Plan. Specific Goals such as Citizen Involvement and Land Use Planning are covered with the amendment providing a public process for the amendments to be reviewed and commented on by citizens. Specific goals addressed by the Comprehensive Plan are provided in the following criterion.

### Conclusions

Based on conformity with the Comprehensive Plan, the amendment conforms with the Statewide Planning Goals and Guidelines.

*2. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

### Findings

The goals outlined below identify some of the topics covered with the proposed Development Code amendments.

*Environmental Element, Goal 1:* To improve and maintain the quality of life in Medford by using land use planning strategies that have positive effects on the natural environment.

*Housing Element Goal:* To provide for the housing needs of citizens of Medford.

The amendments provide opportunities to provide for duplex development, a different housing type from the allowed single family residential use. A change to the parking standards help to clarify needed parking for attached housing types. The proposed change to allow for the existing paved driveway to count toward required off-street parking spaces will help reduce the amount of impervious surface created on a parcel.

### Conclusions

The proposed amendments broadly address some of the goals of the Comprehensive Plan and assist in carrying out the vision of the Plan through implementation of the Development Code regulations. Criterion 10.184 (2)(b)(2) is satisfied.

### *3. Comments from applicable referral agencies regarding applicable statutes or regulations.*

### Findings

The proposal was provided to applicable referral agencies and departments identified in Section 10.146 of the Code. Also, the amendments were e-mailed to the Department of Land Conservation and Development as required by state law. The amendments under review were discussed with Planning staff and during a Planning Commission study session. No written comments were received on the proposed changes.

### Conclusions

Opportunities for comments were provided to applicable referral agencies and no comments were received regarding the amendments. Criterion 10.184(2)(b)(3) is satisfied.

### *4. Public comments.*

### Findings

The amendments are posted on the City's website in order to provide citizens an opportunity to review and comment on the proposed changes. One comment was received prior to the Planning Commission hearing. (Exhibit E)

### Conclusions

The amendments have been made available for public review and comments. A study session and public meeting were held with the Planning Commission to discuss the proposal and explain the changes. Criterion 10.184(2)(b)(4) is satisfied.

### *5. Applicable governmental agreements.*

### Findings

There are no governmental agreements that apply to the proposed code amendments.

### Conclusions

Criterion 10.184 (2)(b)(5) does not apply.

## Exhibit B

# Proposed amendment

Deleted text is ~~struck through~~; added text is underlined

### 10.713 Duplex Dwellings.

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

<b>DUPLEX DWELLINGS</b> Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
<b>SPECIAL STANDARDS</b>	A duplex SHALL be divided by a lot-line AND be on a corner lot.	A duplex SHALL be divided by a lot-line.	<del>A duplex is permitted on a lot of 6,000 sq. ft. or less ONLY if the duplex was legally existing or the application for development had been accepted prior to May 15, 2003.</del> A duplex need not be divided by a lot-line. A duplex is permitted on a lot if it meets the density calculation	A duplex is permitted on lots between 5,000 and 12,500 square feet in size.		
<b>MINIMUM AND MAXIMUM DENSITY FACTOR RANGE (See 10.708)</b>	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
<b>LOT AREA RANGE (SQUARE FEET)</b>	8,500 to 18,750 each half	6,000 to 12,500 each half	6,000* to 12,500* <del>(Minimum of 8,712 square feet needed for duplex)</del>	5,000* to 12,500*		
<b>MAXIMUM COVERAGE FACTOR (See 10.706)</b>	40%					
<b>MINIMUM INTERIOR LOT WIDTH</b>	75 feet each half	60 feet each half	50 feet*			
<b>MINIMUM CORNER LOT WIDTH</b>	75 feet each half	60 feet each half	60 feet*			

<b>DUPLEX DWELLINGS</b>						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
MINIMUM LOT DEPTH	90 feet					
MINIMUM LOT FRONTAGE	15 feet each half		30 feet*			
MINIMUM FRONT YARD BUILDING SETBACK	20 feet EXCEPT 15 feet IF vehicular access to the garage is parallel to the street					
MINIMUM STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports					
MINIMUM SIDE YARD BUILDING SETBACK	4 feet PLUS ½ foot for each foot in building height over 15 feet					
MINIMUM REAR YARD BUILDING SETBACK	4 feet PLUS ½ foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street					
MAXIMUM HEIGHT (See 10.705)	35 feet					
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit					
<p>Where the duplex is REQUIRED to be divided by a lot-line (SFR-4 and SFR-6), THEN the standards pertain to each half separately. For the other zoning districts, the * indicates standards that are divided in half IF the duplex is to be divided by a lot-line. Where the duplex is permitted without being divided by a lot-line, THEN two DETACHED dwelling units are permitted in lieu of the duplex.</p>						
<p><i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i></p>						

10.743 Off-Street Parking Standards.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
<u>Residential, Duplex</u>	<u>1 space per dwelling unit</u>	<u>2 spaces per dwelling unit</u>	<u>n/a</u>
<u>Residential, Townhouse</u>	<u>1 space per dwelling unit</u>	<u>2 spaces per dwelling unit</u>	<u>n/a</u>
<u>Residential, Multi-family</u>	<u>1 space per dwelling unit</u>	<u>1.5 spaces per dwelling unit</u>	<u>n/a</u>

10.746 General Design Requirements for Parking.

- (10) Parking, Required Yard. Parking and loading spaces and their maneuvering area shall not be located in a required yard, except as follows:
- (a) In a SFR or MFR zone, parking lots with more than three (3) spaces that do not back directly into the street may encroach to within ten (1) feet of a street right-of-way.
  - (b) When creating a common driveway with an adjacent parcel.
  - (c) At a single-family residence in a SFR zone, paving may be located within a required side or rear yard.
  - (d) Paved driveways located in a required front yard, street side yard, or rear yard off of an alley may be counted toward the off-street parking requirement for the lot or parcel. The paved area shall meet the dimensional requirements for a parking space and shall not be located within a public right-of-way.

**Section 10.184 Class "A" Amendment Criteria.**

(2) Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

- (a) Explanation of the public benefit of the amendment.
- (b) The justification for the amendment with respect to the following factors:
  - ~~(1) Conformity with applicable Statewide Planning Goals and Guidelines.~~
  - (21) Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.
  - ~~(32)~~ (2) Comments from applicable referral agencies regarding applicable statutes or regulations.
  - (43) Public comments.
  - ~~(54)~~ (4) Applicable governmental agreements.

**Section 10.012 Definitions.**

**Garage.** A building, or portion thereof, used or intended to be used for the parking and storage of motor vehicles.

~~**Garage, private.** A building or a portion of a building, not more than 1000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.~~

~~**Garage, public.** Any garage other than a private garage.~~

# Exhibit C

## Minutes, Planning Commission Study Session, 9/14/2015

### *Excerpt*

#### **1. DCA-15-103 Housekeeping 2015**

Carla Paladino, Planner IV, reported that the Planning Department proposed six text amendments to Chapter 10 of the Land Development code. These are code sections that staff has identified that need clarification or revisions in order to more effectively administer the code provisions.

1. Clarify if duplexes are allowed in SFR-10 zone regardless of density.

Duplexes are permitted in SFR-10 but must meet density. It does not need to be separated by a lot line.

Chair McFadden asked if there would need to be an adjustment for corner lots? Ms. Paladino reported that there is no distinction in SFR-10 for corner lots. Usually corner lots are larger.

2. Clarify attached units and related parking.

Add duplex and townhouse to the parking table. Allow required front yard to count for parking.

Commissioner McKechnie asked if the property line is back to back to the sidewalk? Ms. Paladino replied yes.

3. Amend calculation of required yard.

Building height calculation for required side and rear yard on detached single family dwelling. The current code is the yard is determined by height of front wall of building.

Option #1 – Increase measurement from 15 feet to 18 feet and calculate each side; and  
Option #2 – Use stories instead of height

CSA Planning sent in two options: Option #1 is to change the ½ foot rule to a ¼ foot rule; and Option #2 splits it per zone.

Commissioner Mansfield asked what does the industry desire and also the interest of staff administering it? What recommendations do they have to these various options as to which one they prefer? Ms. Paladino reported the simplest one is the story one, unless it gets complicated with slope or walkout basement. The definition of story covers all that. Staff does not get paper plans anymore. It is all electronic and scaling from there. Hopefully, measurements will be given with the plans submitted. This is Option #2 from staff.

Kelly Akin, Principal Planner, stated that they need to be careful that they have had a minimum 4 foot setback for a long time. They do not want to make their minimum 5 or 6 feet because then they have 90% of the City as non-conforming.

Commissioner Foley asked what were the ramifications of non-conformities? Ms. Akin reported that it is something else to manage. They are messy.

Commissioner Pulver stated that a higher density in the higher zones resonated with him. Also, possibly closer lot line on one side allowing the neighbor to have a larger lot. He is thinking possibly a total of 12 feet side yard setback.

Commissioner Culbertson asked why SFR-10 was in this group and not classified with a medium density with 15? The footprint on those is so small. John Adam, Principal Planner, reported that medium density designation and the MFR-15 were late comers to this scheme. They had low density and high density. When the medium was created it may have been envisioned that SFR-10 would someday be moved into that category.

Jim Huber, Planning Director, reported that staff considered moving SFR-10 into the GLUP designation UM. In doing GIS work they found there were over a thousand lots with SFR-10 zoning. It is doable but it would be a huge zone change application. It is not a priority at this time. It is his opinion that it would be very controversial.

Ms. Paladino stated that she has heard a range of items but not one specific option. Is this something that the Planning Commission would like to pull from this and discuss it more or have staff bring back something different or point to and run with? She has heard talking to builders about this, looking at a combination of story plus the height, looking at the total number, buffer between SFR-6 and SFR-10 zones. She is asking the Planning Commission for direction.

Commissioner Mansfield repeated himself that it is time to hear from the industry.

Commissioner Foley requested staff to bring back some scenarios of this impact on existing developed neighborhoods.

Commissioner Culbertson asked if anyone liked the calculation of ½ foot per foot over 18 as opposed to trying to go to some sort of uniform single story so many foot setback?

Vice Chair Miranda reported that he likes the simplification. It is easy to manage, enforce, track and adjust. He leans towards that option.

Ms. Paladino stated that maybe the question is if one goes to a two-story in an existing neighborhood what is a reasonable setback for the neighbor that may not have a two-story.

4. Lot Legality.

Outlines a process to validate an illegal lot; reference statutes; identify actions and dates that created lawful lots and list types of unauthorized lots.

5. Amend development code amendment criteria.

Remove Criterion #1 – Conformity with applicable Statewide Planning Goals and Guidelines.

6. Delete the definition of private garage.

Remove private and public garage from the definition section.

# Exhibit D

## Minutes, Planning Commission Hearing, 10/8/2015

### *Excerpt*

**50.1 DCA-15-103** Consideration of a Class "A" legislative code amendment to revise provisions in Chapter 10 of the Municipal Code. (City of Medford, Applicant)

Carla Paladino, Planner IV, reviewed the proposal, read the approval criteria and gave a staff report.

The public hearing was opened and there being no testimony, the public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are met or are not applicable, initiate the amendment and forward a favorable recommendation for adoption of DCA-15-103 to the City Council per the staff report dated October 1, 2015, including Exhibits A and B including the email received yesterday as Exhibit C.

Moved by: Commissioner McKechnie

Seconded by: Commissioner D'Alessandro

Roll Call Vote: Motion passed, 7-0.

# Exhibit E

## Public Comment, 10/7/2015

Good morning,

I apologize for the delay in sending this email. I am writing to follow up on my recent phone call to support the proposed changes to the driveway/parking area setback requirements which are currently preventing me from closing in my garage to make it into a more secure storage area. As we discussed, the current rules seem quite arbitrary , so it will be nice to clean them up.

Thank you,

Dennis Beatty  
2228 Ruhl Way  
Medford, Oregon 97504