



Agenda

August 16, 2018

6:00 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

10. **Roll Call**

20. **Recognitions, Community Group Reports**

20.1 Employee Recognition

20.2 Medford Parks and Recreation Foundation Check Presentation

20.3 Medford Water Commission update by Brad Taylor

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

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

40. **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 4 minutes. PLEASE SIGN IN.

40.1 COUNCIL BILL 2018-99 An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 4.36 acres located at 555 Airport Road from General Industrial (GI) to Commercial (CM). (CP-18-054) Land Use, Quasi-Judicial

40.2 COUNCIL BILL 2018-100 An ordinance amending sections 10.140, 10.200, and adding sections 10.715A, 10.716A, 10.717, 10.718, and 10.719 of the Medford Municipal Code to gain conformance with Senate Bill 1051 and to establish standards for multiple-family dwelling projects consisting of three or more attached units. (DCA-17-111) Land Use, Legislative

50. **Approval or Correction of the Minutes of the August 2, 2018 Regular Meeting**

60. **Consent Calendar**

70. **Items Removed from Consent Calendar**

80. **Ordinances and Resolutions**

80.1 COUNCIL BILL 2018-101 A resolution affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 3640 Fieldbrook Avenue.

80.2 COUNCIL BILL 2018-102 A resolution adopting the Public Art Selection and Acquisition Policy.

- 80.3 COUNCIL BILL 2018-103 A resolution adopting a fee for applications for deferred payment of System Development Charges.
- 80.4 COUNCIL BILL 2018-104 An ordinance authorizing exemption from competitive bidding and awarding a contract in the amount of \$465,808.71 to TriTech Software Systems Company for Law Enforcement Records Management System software.
- 80.5 COUNCIL BILL 2018-105 A resolution in support of the Statewide Constitutional Amendment for Affordable Housing Bonds.

90. Council Business

- 90.1 Proclamations issued: None
- 90.2 Committee Reports and Communications

100. City Manager and Staff Reports

- 100.1 Receivership Program and Nuisance Properties update
- 100.2 Rogue Valley Fires update
- 100.3 Further reports from City Manager

110. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

DEPARTMENT: Planning Department

PHONE: (541) 774-2380

STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Public Hearings

MEETING DATE: August 16, 2018

COUNCIL BILL 2018-99

An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 4.36 acres located at 555 Airport Road from General Industrial (GI) to Commercial (CM).

SUMMARY AND BACKGROUND

Consideration of a proposal to change the General Land Use Plan (GLUP) Map designation of a single 4.36-acre parcel of land located at 555 Airport Road from General Industrial (GI) to Commercial (CM). The Planning Commission forwarded a favorable recommendation for the proposed GLUP amendment at the public hearing held on July 12, 2018, along with granting final approval for concurrent requests to change the property's underlying zoning from Light Industrial (I-L) to Regional Commercial (C-R) and for a Conditional Use Permit (CUP) to allow an elementary school use to occupy the existing building on the property. Contingent on approval of the subject request, Grace Christian Elementary – a private elementary school currently located at 649 Crater Lake Avenue – will relocate their campus to the subject property. (File No. CP-18-054)

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

Review of the proposed GLUP Map designation change can be found to meet the applicable criteria for a Comprehensive Plan Amendment as found in the *Review and Amendments* chapter of the Comprehensive Plan, as the proposed change: 1) responds to a deficit for commercial land as demonstrated by the analysis completed as part of the recent Urban Growth Boundary (UGB) expansion to accommodate future land need; 2) can be found to have adequate facilities to serve the future development of the property as a commercial use; 3) and can be found to meet the applicable statewide planning goals.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented
- Decline to approve the ordinance as presented and direct staff regarding further action

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to adopt the ordinance authorizing the change of the General Land Use Plan Map designation from General Industrial (GI) to Commercial (CM) for the 4.36-acre property located at 555 Airport Road as recommended by the Planning Commission.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 40.1

EXHIBITS

Ordinance

Planning Commission Report, including Exhibits A-X

ORDINANCE NO. 2018-99

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 4.36 acres located at 555 Airport Road from General Industrial (GI) to Commercial (CM).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* to change the land use designation of 4.36 acres located at 555 Airport Road from General Industrial (GI) to Commercial (CM) is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Planning Commission Report dated July 12, 2018, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor



Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

for a type-B & type-C quasi-judicial decision: Minor Comprehensive Plan (General Land Use Plan Map) Amendment, Zone Change and Conditional Use Permit (CUP)

PROJECT Grace Christian School
Applicant: 555 Airport Road, LLC.
Agent: CSA Planning, Ltd.

FILE NO. CP-18-054 / ZC-18-055 / CUP-18-056

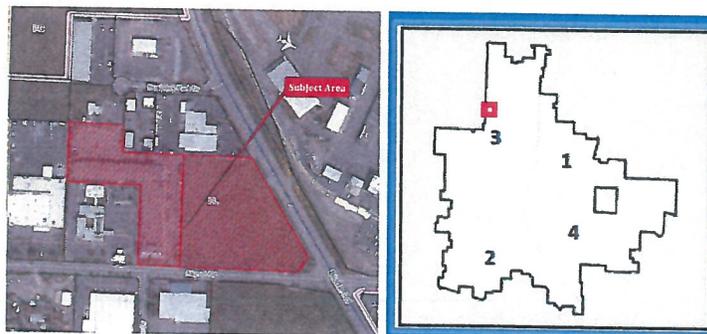
DATE July 12, 2018

BACKGROUND

Proposal

Request for concurrent consideration of a three-part proposal: a minor General Land Use Plan (GLUP) amendment to reclassify a single 4.36-acre parcel of land located at 555 Airport Road (Tax Lot 500) from General Industrial (GI) to Commercial (CM); a change of zone of the subject parcel and the adjacent 5.85-acre parcel (Tax Lot 503 currently designated as CM on the GLUP map) from Light Industrial (I-L) to Regional Commercial (C-R); and a Conditional Use Permit (CUP) to allow an elementary school use (Grace Christian Elementary School: existing private school currently located at 649 Crater Lake Avenue) to occupy the existing building on the subject Tax Lot 500, and for a 1.3-acre portion of the adjacent/vacant Tax Lot 503 to be used as an associated sports/recreation field (372W12A TL 500 & 372W12A TL 503).

Vicinity Map



Subject Site Characteristics

Zoning: Light Industrial (I-L)
GLUP: General Industrial (G-I) & Commercial (CM)
Overlay(s): AC (Airport Area of Concern)
Use(s): Vacant industrial building (TL 500) & Vacant land (TL 503)

Surrounding Site Characteristics

North Zone: I-L
Use(s): Rogue Valley Funeral Alternatives, Loomis Armored US, Business Park Drive

South Zone: I-L
Use(s): Pepsi Bottling Group, Navigator’s Landing Industrial Park

East Zone: I-L
Use(s): Rogue Valley International-Medford Airport

West Zone: I-L
Use(s): Columbia Distributing, Costco

Related Projects

None

Corporate Names

The applicant’s findings (Exhibit J-L) state the owners of the property are Odysseus Farms, LP, a California Limited Partnership, as having an undivided one-third interest; and Airport Road, LLC, an Oregon limited liability company, as having a two-thirds interests. The Oregon Secretary of State website lists 555 Airport Road, LLC as a registered business with a mailing address at 902 Chevy Way in Medford, Oregon, and lists its registered agent as Reid Murphy.

Applicable Criteria

Minor Comprehensive Plan Amendment

For the applicable criteria the Medford Municipal Code Section 10.184(1) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*
2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
3. *The orderly and economic provision of key public facilities.*
4. *Maximum efficiency of land uses within the current urbanizable area.*

5. *Environmental, energy, economic, and social consequences.*
6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*
7. *All applicable Statewide Planning Goals.*

Zone Change Criteria MLDC 10.227

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

- (1) *The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

- (c) *For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:*

(iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

- (2) *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*

- (a) *Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*

- (b) *Adequate streets and street capacity must be provided in one (1) of the following ways:*

- (i) *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
- (ii) *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
- (iii) *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:*
 - (a) *the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
 - (b) *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.*
- (iv) *When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- (c) *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation, returned to the Planning Department, and may include, but are not limited to the following:*
 - (i) *Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent*

parcels. In no case shall residential densities be approved which do not meet minimum density standards,

- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.*

CUP Criteria MLDC 10.248

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

- (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.*
- (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*

In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*
- (2) Establish a special yard or other open space or lot area or dimension requirement.*
- (3) Limit the height, size, or location of a building or other structure.*
- (4) Designate the size, number, location, or nature of vehicle access points.*
- (5) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.*
- (6) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.*
- (7) Limit or otherwise designate the number, size, location, height, or lighting of signs.*
- (8) Limit the location and intensity of outdoor lighting, or require its shielding.*
- (9) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.*

- (10) *Designate the size, height, location, or materials for a fence.*
- (11) *Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.*

Authority

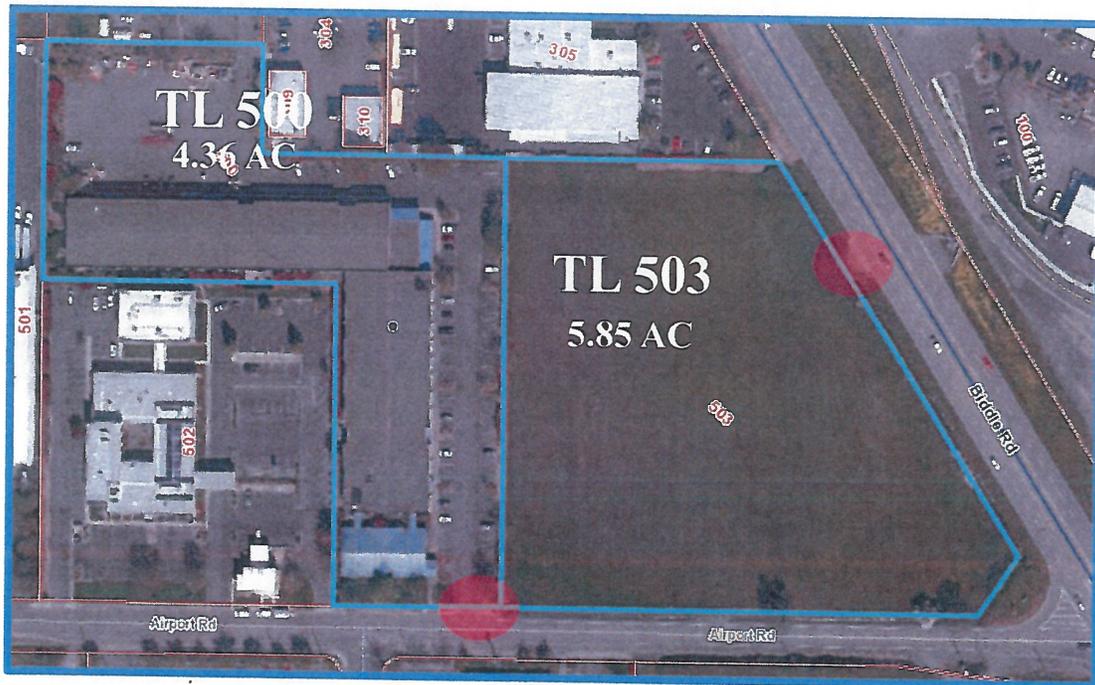
The Planning Commission is designated as the approving authority for Class-C land use actions involving both zone change and conditional use permits (CUP). The subject application also includes a Class-B quasi-judicial Comprehensive Plan Amendment. The Planning Commission is authorized to act as an advisory agency, forwarding a recommendation to City Council for proposed amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185.

ISSUES AND ANALYSIS

Project Summary

Existing Conditions

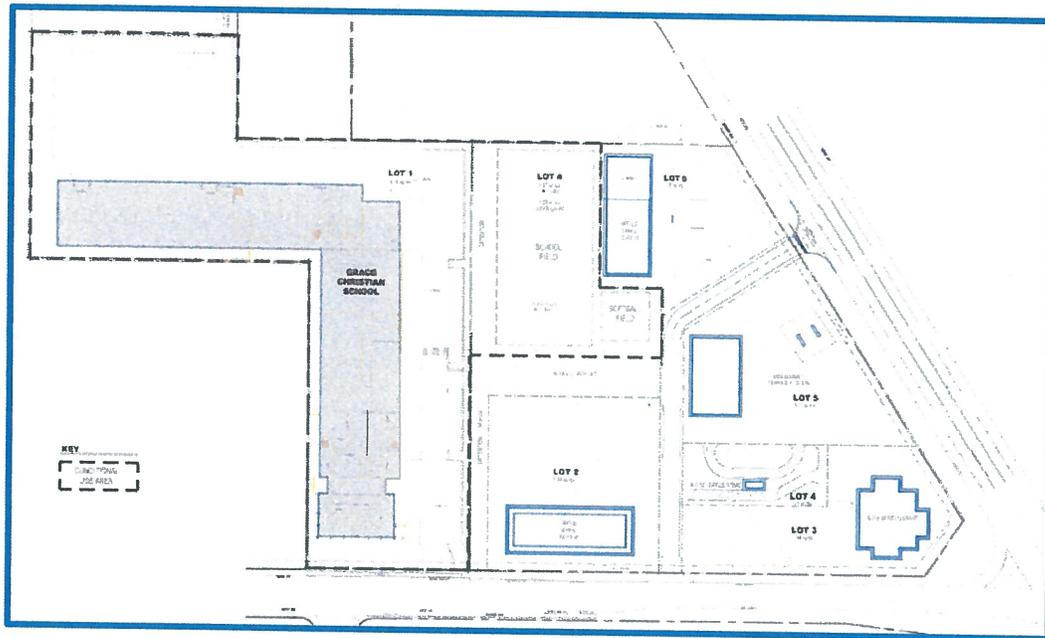
The subject site consists of two contiguous lots totaling 10.21 acres. The westerly 4.36-acre lot (Tax Lot 500) currently contains an “L” shaped industrial building which was previously occupied by an electronics company specializing in antenna technology (Kethrein Holding USA, Inc.), and is composed of an approximate 4,784 square foot single-story office building and courtyard in the front, an approximate 28,000 square foot two-story masonry building wing (north/south axis), and an approximate 30,400 square foot two-story masonry building wing (east/west axis). The easterly 5.85-acre lot (Tax Lot 503), located on the corner of Biddle Road and Airport Road, is completely vacant.



Access to the westerly lot (Tax Lot 500) is currently provided by a curb cut driveway off of Airport Road extending north along the east side of the building through a parking area and wrapping around the north side of the building to a second large parking area. Access to the easterly lot (Tax Lot 503) is provided by a single curb cut access point off of the site's easterly frontage with Biddle Road – classified as a Major Arterial street.

Proposal

With the subject requests, the applicant is proposing to convert the existing industrial building to serve as the new location for the Grace Christian School – a private school currently located at 649 Crater Lake Avenue – along with utilizing a portion of the adjacent easterly lot (Tax Lot 503) to be used as an associated sports/recreation field for the school.

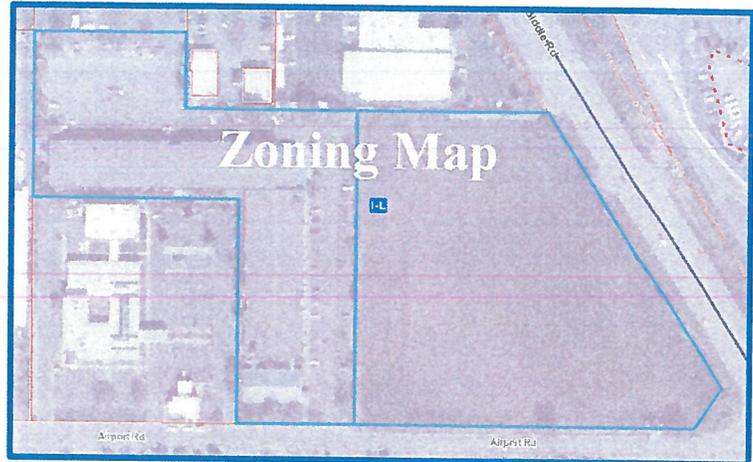


The applicant's submitted Conceptual Site Plan (Exhibit C) also identifies several future commercial buildings located on the easterly lot (Tax Lot 503) – minus the sports/recreation field identified as part of the CUP land area – including two office buildings, a mini-market service station, a coffee stand, and a restaurant. However, the inclusion of the future conceptual layout of the site identified on the applicant's site plan is intended strictly for informational purposes, and is not subject to review as part of the subject application.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
821	Elementary and Secondary Schools	C	C	C	C	C	X	X	X
822	Colleges and Universities	P	P	P	P	P	P	X	X
823	Libraries	P	P	P	P	P	P	X	X
824	Vocational Schools	P	P	P	P	P	P	X	X
829	Schools & Educational Services, nec	P	P	P	P	P	P	X	X

Pursuant to MLDC 10.337, elementary and secondary schools are permitted in all commercial zones – subject to approval of a CUP – but prohibited in all industrial zones. Accordingly, in

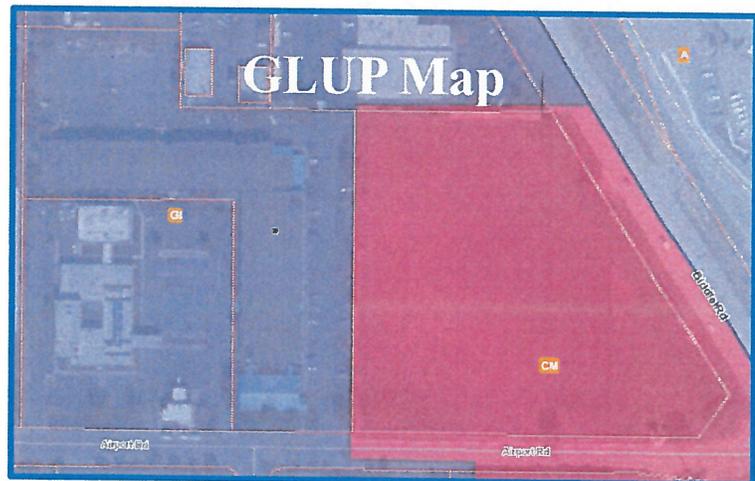
order for the existing building located on the subject property to be considered for a CUP to serve as the new location for the Grace Christian School, the applicant will need to rezone the property from its current I-L zoning to a commercial zoning classification. As Tax Lot 500, the westerly parcel containing the industrial building is also designated with the General Industrial (GI) GLUP designation – consistent with its current I-L zoning classification – the



applicant will likewise need to be approved for a GLUP map amendment, changing the GLUP designation from General Industrial (GI) to Commercial (CM), which permits commercial zones.

The rezoning of the site to a commercial zone will also need to include the easterly parcel (Tax Lot 503), as the northwest portion of the parcel is proposed to be included as part of the school

use (sports/recreation field). The applicant is also proposing several future commercial buildings on the parcel as identified on the Conceptual Site Plan (Exhibit C). While a change of zone to a commercial classification will need to include both Tax Lots 500 and 503 – which are both currently zoned I-L – a change of the GLUP designation from GI to CM is limited to the westerly parcel (Tax Lot 500), as the easterly parcel (Tax Lot 503) is currently designated with the CM



GLUP. As such, a change to a commercial zone will bring the easterly parcel (Tax Lot 503) into compliance with its current CM GLUP designation.

In summary, the subject application includes a three-part proposal: a GLUP change amendment for the 4.36-acre westerly parcel (Tax Lot 500); a change of zone from I-L to C-R for both parcels in order for the proposed school use to be eligible for the approval of a CUP (and for the future uses identified on the applicant's Conceptual Site Plan (Exhibit C) to likewise be permitted); and, contingent on the approval of the GLUP and zone changes, the applicant is requesting a CUP for their proposal to relocate the Grace Christian School to the subject site, as required per MLDC 10.337.

All three requests have been submitted for concurrent review with the Planning Commission designated as the approving authority for both the Class C CUP and zone change requests, while the Planning Commission will additionally serve as an advisory body for the Class B quasi-judicial GLUP change request, forwarding a recommendation to the City Council which is scheduled to hear the request on August 16, 2018. The approval of the proposed rezone for the westerly parcel (Tax Lot 500) will be contingent on subsequent approval of the proposed GLUP amendment by City Council, while the approval of the CUP request will be contingent on both the approval of the zone change and GLUP amendment requests.

Parking

Per MLDC 10.743(1), the required parking for an elementary school is as follows:

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
School, Elementary Kindergarten – 8th	1.0 space per teacher and staff plus 1.0 space per 2.4 classrooms	1.0 space per teacher and staff plus 1.0 space per 2.2 classrooms	1.0 space per teacher and staff plus 1.0 space per 1.8 classrooms

The applicant’s submitted findings (Exhibit L) state that the future layout of the school will include 14 classrooms, and will include a total staff of 40 employees. Based on this information, the minimum/maximum parking requirements for the site are as follows:

PARKING TABLE (10.743-751)

	Required	Existing
Total Spaces	46 min. / 48 max.	80
Accessible Spaces	4	4
Bicycle Spaces	8	4

As shown in the Parking Table above, the subject site meets the minimum parking requirements for total spaces and handicap spaces as required per MLDC 10.743-751. However, the existing site currently provides only four spaces for bicycles, and the applicant’s submitted plans do not identify additional bicycle spaces to be added to the site to serve its future use as a school. In explaining this deficiency in bicycle spaces to the applicant’s agent, it was explained to staff that the intention of the applicant is to possibly include additional spaces for bicycle parking within the building. The applicant’s agent further requested that a final parking plan be delayed until

the time in which building remodel plans have been drafted for the subject building, so that the applicant can determine the location for the indoor bicycle parking area.

As a condition of approval, the applicant will be required to submit plans showing a minimum of eight bicycle spaces provided for the school prior to the issuance of a building permit, as required per MLDC 10.743-1.

Access

The submitted CUP Plan (Exhibit B) shows vehicular access to the subject site provided by the two driveways off of Airport Road: the existing driveway currently serving the westerly parcel (Tax Lot 500), and a second proposed driveway connecting the easterly parcel (Tax Lot 503) to the future school site and serving as a drop-off area for the school. The applicant's submitted Conceptual Site Plan (Exhibit C) shows the proposed driveway ultimately connecting to the site's existing access driveway off of Biddle Road as part of the future commercial development of the easterly parcel (Tax Lot 503).

Traffic Analysis

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history.

A TIA was submitted with the subject application, which was performed by Southern Oregon Transportation Engineering, LLC, and the TIA determined that the proposed comprehensive plan amendment and zone change to C-R for the subject site would result in a net increase of 12,252 ADT within the study area identified in the analysis – a significant impact to the transportation system. In order to maintain an adequate level of service, the applicant has stipulated to a trip cap of 3,312 ADT or an equivalent 331 p.m. peak hour trips as part of the zone change request.

The Traffic Engineering division of Public Works reviewed the submitted TIA with the proposed trip cap stipulation and has recommended the following condition:

Trip generation on the property shall not exceed 3,312 ADT until a TIA for a higher cap generation is accepted. The developer shall submit a trip accounting with any subsequent development applications showing that trip generation from the proposal will not cause the total trip generation of the subject 10.23 acres to exceed 3,312 ADT.

Facility Adequacy

Per the agency comments submitted to staff, including the Rogue Valley Sewer Services (Exhibits M-P), it can be found that there are adequate facilities to serve the future development of the site.

Other Agency Comments

Rogue Valley Sewer Services (RVSS) (Exhibit P)

The subject property is within RVSS service area, which requires that future sewer improvements be designed and constructed in accordance with RVSS standards. As a condition of approval, the applicant will be required to comply with all applicable conditions of RVSS.

Rogue Valley International-Medford Airport (Exhibit R)

The subject site is within the Airport Area of Concern (AC) zoning overlay district. In an email submitted to staff, the airport stated that the applicant will need to contact the Federal Aviation Administration (FAA) regarding filing a 7460-1 *Notice of Proposed Construction or Alteration*. As a condition of approval, the applicant will be required to provide documentation to staff confirming compliance with all FAA requirements.

Jackson County Roads (Exhibit Q)

The section of Airport Road fronting the southern boundary of the subject site is under the jurisdiction of Jackson County. Jackson County Roads' report (Exhibit Q) provided an itemized list of comments, including, but not limited to, any frontage road improvements be permitted and inspected by the City of Medford, and the recommendation that the City of Medford request road Jurisdiction. As a condition of approval, the applicant will be required to comply with all applicable requirements of Jackson County Roads.

Committee Comments

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

DECISION

At the public hearing held on July 12, 2018, the Commission voted unanimously to approve the CUP and zone change requests, and forwarded a favorable recommendation to City Council for the Comprehensive Plan Amendment request. At the recommendation of staff, the Commission added three exhibits into the record (V-X), and added conditions #11 and #12. However, the Commission voted to amend the language drafted for condition #11, striking "*or any physical expansion of the existing building*" from the condition, with the Commission feeling the language was redundant and could potentially be misconstrued.

FINDINGS AND CONCLUSIONS

Comprehensive Plan Amendment

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*

Findings

The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process has provided information demonstrating the need for commercial land.

Conclusions

The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of commercial land.

- 2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

Findings

The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process identified a slight surplus of industrial land and a deficit in commercial land.

Conclusions

The proposed change responds to a demonstrated need for an adequate supply of commercial land and for adequate employment opportunities.

- 3. The orderly and economic provision of key public facilities.*

Findings

Per the agency comments submitted to staff, including the Rogue Valley Sewer Services (Exhibits M-P), it can be found that there are adequate facilities to serve the future development of the site as a commercial development. Additionally, the trip cap stipulation on the site to limit traffic generation will ensure there will be no significant impact to the transportation system based upon the change in designation from General Industrial to Commercial.

Conclusions

Sufficient facilities exist to accommodate the proposed classification change.

- 4. Maximum efficiency of land uses within the current urbanizable area.*

Findings

A designation change to a commercial designation will allow for the land to be used for both commercial and residential uses, and would not eliminate possible residential uses of the site.

Conclusions

The proposed designation change would mean the land could be used for both commercial and residential uses – a more efficient and versatile use of land than the limited uses permitted under the site’s current Industrial designation.

5. *Environmental, energy, economic, and social consequences.*

Findings

Environmental: The subject area is already within the UGB, and thus has already met tests concerning environmental impacts; a change of designation does not affect suitability for urbanization.

Energy: A designation change to CM would not pose any discernable energy consequences, as the site is located within the UGB, and thus has already met tests concerning environmental impacts; change of designation does not affect suitability for urbanization.

Economic: The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process identified a slight surplus of industrial land and a deficit in commercial land, and thus employment opportunities.

Social: The surrounding area of the subject site is a mix of industrial and commercial uses. The changing of the subject site (TL 500) to the Commercial (CM) GLUP will result in the site abutting other property also designated with the CM GLUP. The proposed change to the subject site is not anticipated to have a negative social consequence as the surrounding area is already a mix of commercial and industrial uses.

Conclusions

Environmental: No discernable environmental consequences would result with the proposed change of designation.

Energy: No discernable energy consequences would result with the proposed change of designation.

Economic: The proposed change of designation would reduce the deficit of commercial land within the UGB, thereby providing additional employment opportunities.

Social: No discernable social consequences would result with the proposed change of designation.

6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

Findings

Economic Element

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5-b: Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Conclusions

This proposed change does supply a small amount of the projected need for Commercial land.

7. *All applicable Statewide Planning Goals.*

Goal 1 – Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2 – Land Use Planning

Findings

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

There is an adequate factual basis for the proposed designation change.

Goal 3 – Agricultural Lands

Not Applicable.

Goal 4 – Forest Lands

Not Applicable.

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

Not Applicable.

Goal 6 – Air, Water and Land Resources Quality

Findings

There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusion

The proposed change will have no discernable effect on the production of pollutants. There are no water or land resource quality impacts.

Goal 7 – Areas Subject to Natural Hazards
Not Applicable.

Goal 8 – Recreation
Not Applicable.

Goal 9 – Economic Development

Findings

Goal 9 outlines that Comprehensive Plans shall *“provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.”*

Conclusion

The proposed change will provide additional commercial land in the existing urban area – a land use designation in which the recent UGB analysis demonstrated as being deficient.

Goal 10 – Housing

Findings

Goal 10 requires that *“plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.”* A designation change to commercial will allow for the land to be used for both commercial and residential uses, while housing is largely prohibited within zones permitted under the General Industrial designation.

Conclusion

The proposed designation change will create a potential for the expansion of the City’s existing housing stock.

Goal 11 – Public Facilities and Services

Findings

Refer to findings under Criterion 3 above.

Conclusion

Refer to conclusions under Criterion 3 above.

Goal 12 – Transportation

Findings

The *Transportation Planning Rule* (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. A traffic impact analysis was provided with this proposal and the corresponding zone change.

Conclusion

The submitted traffic impact analysis states that the potential development associated with the proposed GLUP designation change and zone change would generate approximately 12,252 trips – a significant impact to the public transportation system. However, the traffic engineering division of the Public Works Department has reviewed the analysis and concluded that with the enforcement of the trip cap stipulation, limiting traffic generation, the change of designation will not significantly impact the surrounding system facilities.

Goal 13 – Energy Conservation

Not Applicable.

Goal 14 – Urbanization

Not Applicable.

Goals 15- 19 are not applicable.

Zone Change

Findings

Staff finds that, in regards to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the CM General Land Use Plan Map designation, and a Traffic Impact Analysis has been provided, reviewed, and approved by the Public Works Department to ensure consistency with the Transportation System Plan; with the overall area of the site exceeding three acres, and fronting upon an arterial street, the locational criteria for a change of zone to C-R are met, and the changing of the easterly parcel's (Tax Lot 503) zoning to C-R will bring its zoning into compliance with its current Commercial GLUP designation. In regards Criterion 2, the agency comments included as Exhibits M through P, together with the submitted Traffic Impact Analysis (TIA) establishing a trip cap to ensure traffic generation will not adversely impact the public street network, demonstrate that there are adequate Category A facilities available to serve the subject site.

Conclusion

Based on staff's forecited findings, the Commission can find that the criteria are met.

Conditional Use Permit (CUP)

Findings

Staff finds that, in regards to Criterion 1, the proposed use of the property as an elementary school will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional: as the proposed location does not abut residential property, all abutting property has already been developed, the use of the site as the location of an elementary school is a less intense use – in terms of potential noise,

vibration, air pollution, and glare generation – than many of the uses permitted by-right in the C-R zoning district, and the trip cap stipulation will ensure there will be no significant impact to the transportation system based upon the change in designation from General Industrial to Commercial.

Conclusion

Based on staff's aforementioned findings, the Commission can find that the criteria are met.

RECOMMENDED ACTION

Adopted the findings as recommended by staff and directed staff to prepare Final Orders for approval of ZC-18-055 and CUP-18-056 per the Planning Commission report dated July 12, 2018, including Exhibits A through U; and, based on the Findings and Conclusions that all the approval criteria are met or not applicable, forward a favorable recommendation to City Council for approval of CP-18-054.

EXHIBITS

- A-1 Conditions of Approval (revised) dated July 12, 2018.**
- B CUP Plan, received June 26, 2018.
- C Conceptual Site Plan, received May 18, 2018.
- D Conceptual Stormwater Plan, received June 5, 2018.
- E Applicant's vicinity map, received April 23, 2018.
- F Zoning Map, received April 23, 2018.
- G Proposed Zoning Map, received April 23, 2018.
- H GLUP Map, received April 23, 2018.
- I Accessor's Map, received April 23, 2018.
- J Applicant's Findings of Fact (GLUP Amendment), received April 23, 2017.
- K Applicant's Findings of Fact (Zone Change), received April 23, 2017.
- L Applicant's Findings of Fact (CUP), received April 23, 2017.
- M Public Works Staff Report, received June 13, 2018.
- N Medford Water Commission memo & associated map, received June 13, 2018.
- O Medford Fire Department Report, received June 13, 2018.
- P Rogue Valley Sewer Services (RVSS) report, received June 4, 2018.
- Q Jackson County Roads report, received June 6, 2018.
- R Rogue Valley International-Medford Airport memo, received June 8, 2018.
- S Rogue River Valley Irrigation District (RRVID), received June 4, 2018.
- T TIA summary, submitted to Public Works on May 30, 2018.
- U Public Works review of TIA, dated June 13, 2018.
- V Public Works staff report (CUP), dated July 2, 2018.**
- W Letter of support from RSA, Inc., received July 10, 2018.**
- X City Surveyor memo, received May 31, 2018.**
Vicinity map

PLANNING COMMISSION AGENDA:

JULY 12, 2018

JULY 26, 2018



David McFadden, Vice Chair

EXHIBIT A-1

Grace Christian School
CP-18-054 / ZC-18-055 / CUP-18-056
Conditions of Approval
July 12, 2018

CODE REQUIRED CONDITIONS

1. The change of zone (ZC-18-055) shall be effective upon City Council approval of the General Land Use Plan (GLUP) map amendment (CP-18-054).
2. The Conditional Use Permit (CUP-18-056) shall be contingent on concurrent approval of the zone change (ZC-18-055), and effective upon City Council approval of the General Land Use Plan (GLUP) map amendment (CP-18-054).

Prior to the issuance of a building permit, the applicant shall:

3. Comply with all conditions stipulated by the Public Works Department (Exhibit M).
4. Comply with all conditions stipulated by the Medford Water Commission (Exhibit N).
5. Comply with all requirements of the Medford Fire Department (Exhibit O).
6. Comply with all requirements of the Rogue Valley Sewer Services (Exhibit P).
7. Comply with all requirements of Jackson County Roads (Exhibit Q).
8. Comply with all requirements of the Federal Aviation Administration (FAA) (Exhibit R).
9. Comply with all requirements of the Rogue River Valley Irrigation District (Exhibit S).
10. Submit plans showing a minimum of eight bicycle spaces provided for the future use of the site as an elementary school, as required per MLDC 10.743-1.

As part of the Conditional Use Permit (CUP), the proposed school shall:

11. Be limited to a maximum of 400 students until the applicant has provided an updated traffic analysis studying the impacts of a larger number of students. Any proposed expansion of the student enrollment beyond 400 students will require the approval of a revision to the approved CUP to be heard by the Planning Commission.

DISCRETIONARY CONDITION

The applicant shall:

12. Provide evidence to staff confirming that the two subject tax lots were legally established.



CSA Planning, Ltd
 4427 Greenwood Terrace
 Medford, OR 97504
 541 779 0560
 CSAPlanning.com

GRACE CENTER
 CORNER AIRPORT ROAD & BIDDLE ROAD
 MEDFORD, OREGON

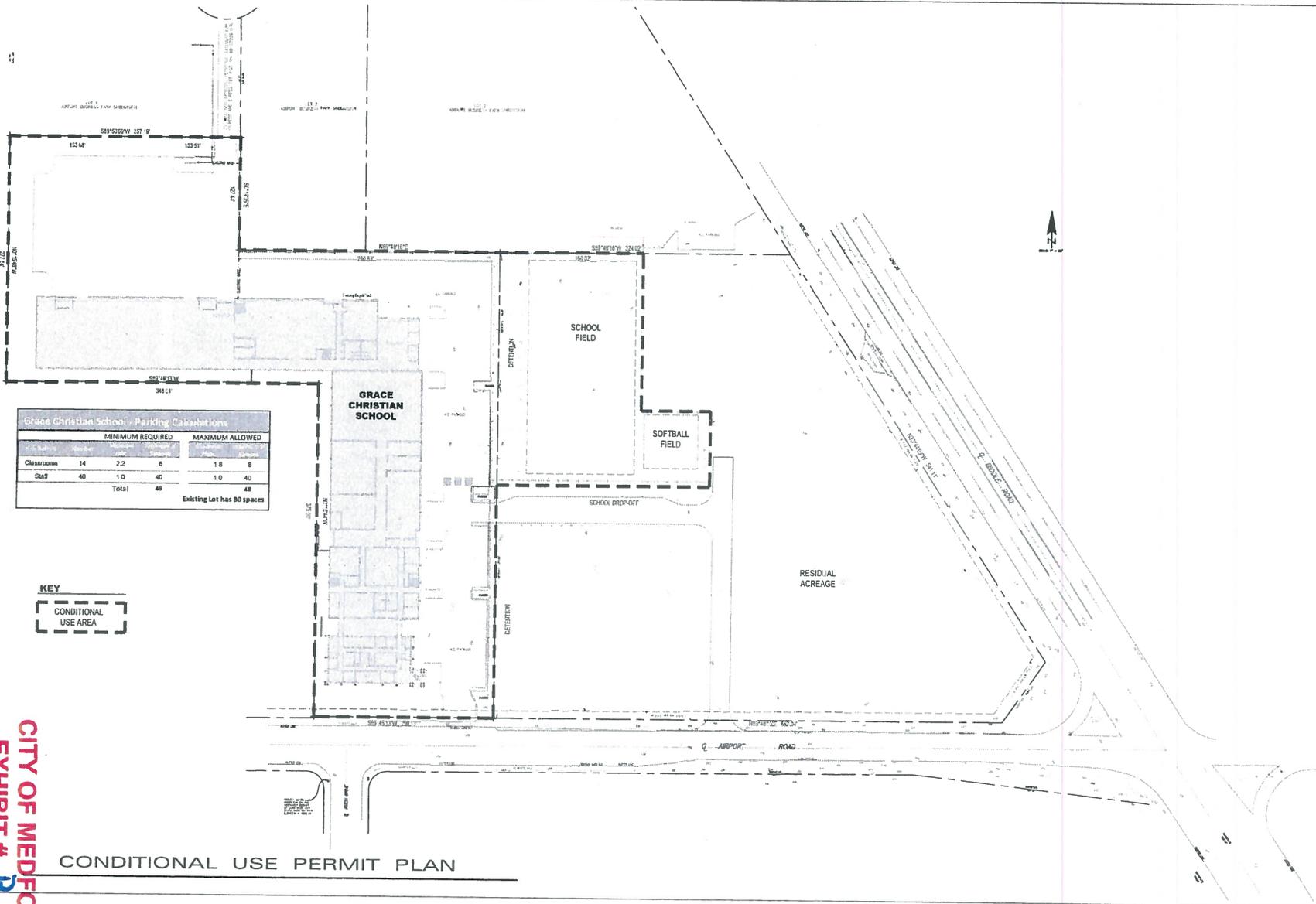
REVISIONS

DATE	DESCRIPTION
07/18/18	ADD DIMENSIONS
02/26/18	PARKING LINES

CUP
 PLAN

DATE: 4/23/18
 SCALE: 1/32" = 1'-0"
 (11 X 17)
 DRAWN BY: BT
 REVIEWED BY: RW

CUP



Grace Christian School - Parking Calculations

	MINIMUM REQUIRED		MAXIMUM ALLOWED	
	No. Spaces	Area (sq. ft.)	No. Spaces	Area (sq. ft.)
Classrooms	14	2.2	1.8	8
Staff	40	1.0	1.0	40
Total	48		48	

Existing Lot has 80 spaces

KEY
 [Dashed Line] CONDITIONAL USE AREA

CONDITIONAL USE PERMIT PLAN

CITY OF MEDFORD
 EXHIBIT # **B**
 File # CP-18-054/
 ZC-18-055/CUP-18-056



CSA Planning, Ltd.
4487 Glenview Terrace
Medford, OH 97504
541.770.0600
CSAplanning.net

GRACE CENTER
CORNER AIRPORT ROAD & BIDDLE ROAD
MEDFORD, OREGON

REVISIONS:
DATE DESCRIPTION
5/15/18 ADD DIMENSIONS

CONCEPTUAL
SITE
PLAN

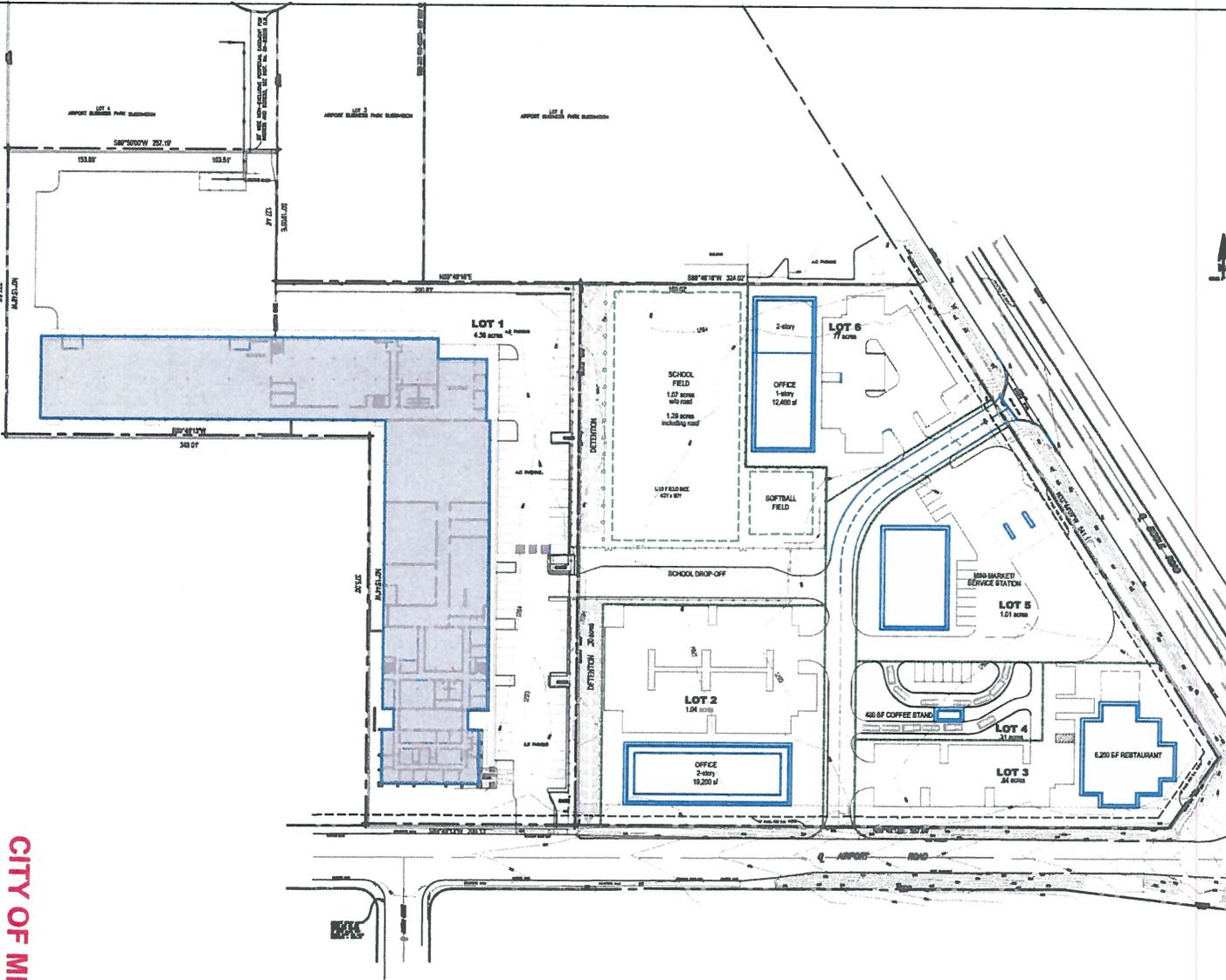
DATE: 4/23/18
SCALE: 1:100
(11 X 17)
DRAWN BY: BT
REVIEWED BY: RW



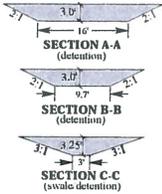
RECEIVED

MAY 18 2018

PLANNING DEPT.



CONCEPTUAL SITE PLAN



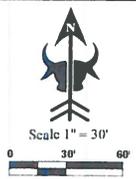
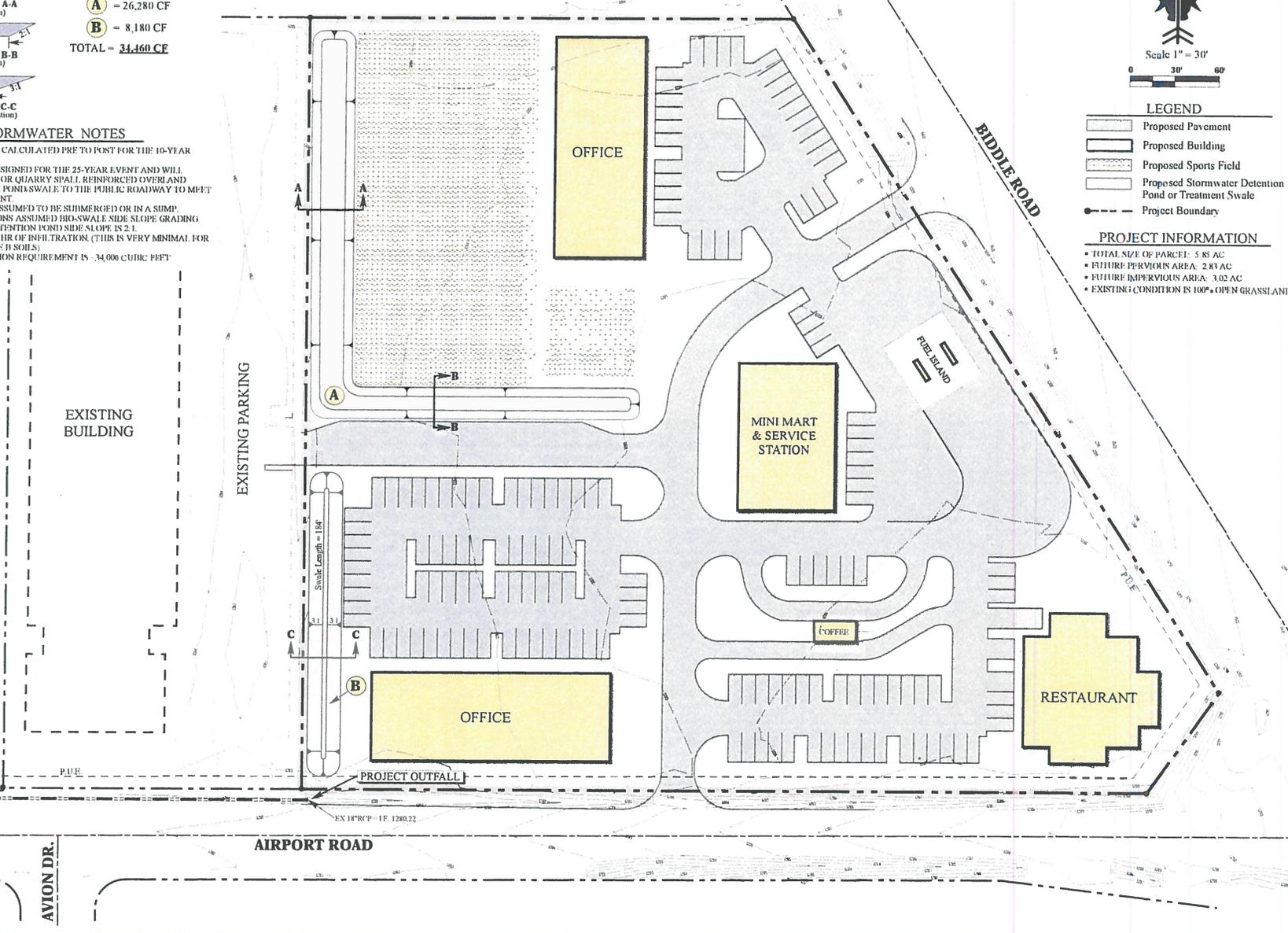
DETENTION VOLUMES

- A** = 26,280 CF
- B** = 8,180 CF
- TOTAL** = 34,460 CF

STORMWATER NOTES

- 1) DETENTION WAS CALCULATED PRE TO POST FOR THE 10-YEAR EVENT.
- 2) OVERFLOW IS DESIGNED FOR THE 25-YEAR EVENT AND WILL REQUIRE RIPRAP OR QUARRY SPALL REINFORCED OVERLAND DITCH FROM THE POND/SWALE TO THE PUBLIC ROADWAY TO MEET THIS REQUIREMENT.
- 3) THE OFFICE IS ASSUMED TO BE SUBMERGED OR IN A SUMP.
- 4) THE CALCULATIONS ASSUMED BIO-SWALE SIDE SLOPE GRADING AT 3:1, WHILE DETENTION POND SIDE SLOPE IS 2:1.
- 5) ASSUMED 0.05 IN HR OF INFILTRATION (THIS IS VERY MINIMAL FOR A SITE WITH TYPE B SOILS).
- 6) 10-YEAR DETENTION REQUIREMENT IS 34,000 CUBIC FEET.

AIRPORT BUSINESS PARK SUBDIVISION



LEGEND

- Proposed Pavement
- Proposed Building
- Proposed Sports Field
- Proposed Stormwater Detention Pond or Treatment Swale
- Project Boundary

PROJECT INFORMATION

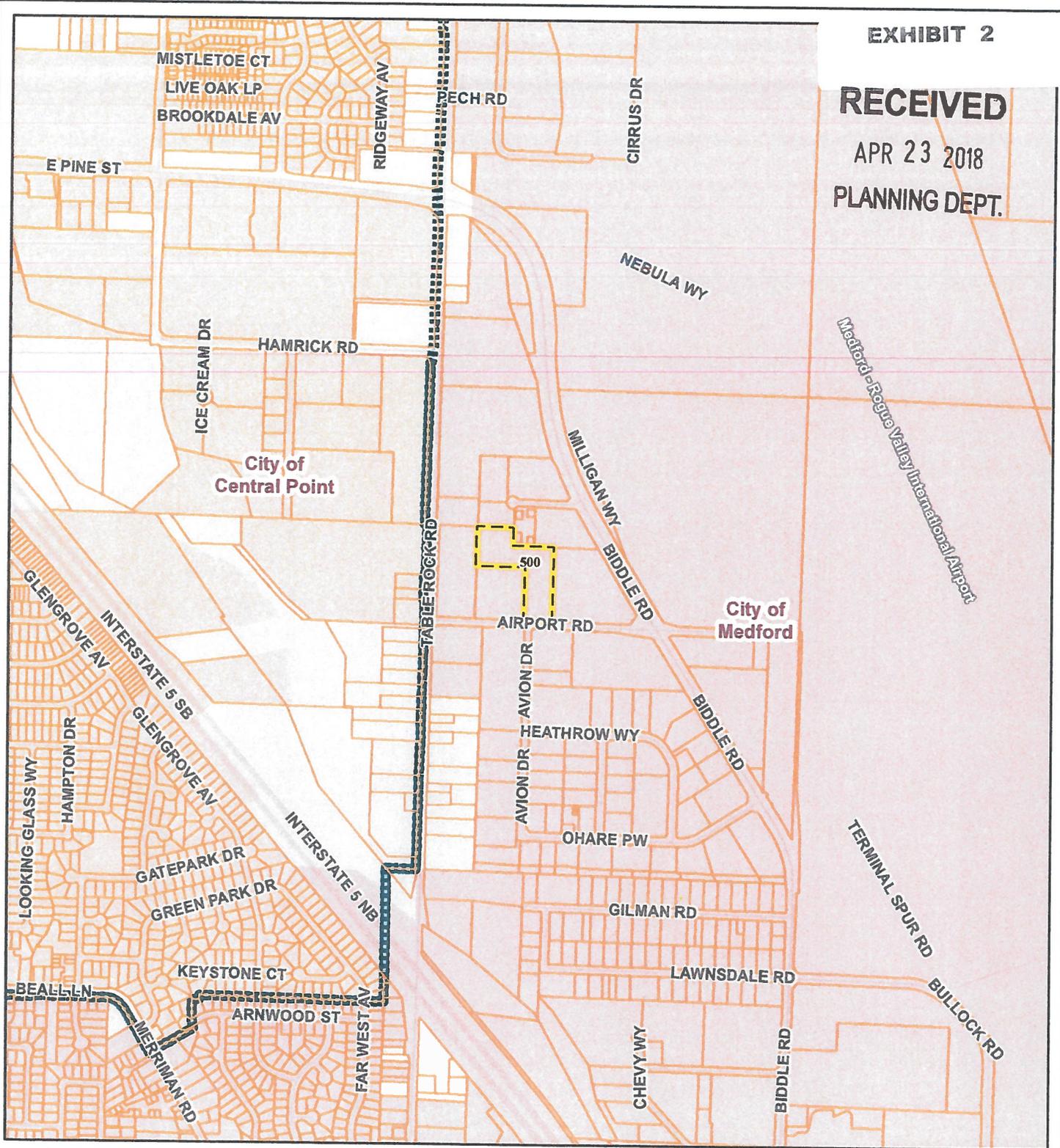
- TOTAL SIZE OF PARCEL: 5.85 AC
- FUTURE PERVIOUS AREA: 2.83 AC
- FUTURE IMPERVIOUS AREA: 3.02 AC
- EXISTING CONDITION IS 100% OPEN GRASSLAND

Bull Engineering	Design by: MB Drawn by: LLH
PRELIMINARY STORMWATER MANAGEMENT SITE PLAN	Date: 06/01/2018 Scale: 1" = 30'
GRACE CENTER CORNER AIRPORT Road & BIDDLE Road Medford, Oregon	
SP	

RECEIVED

APR 23 2018

PLANNING DEPT.



-  Subject
-  Urban Growth Boundary
-  Tax Lots

- City Limits**
-  Central Point
 -  Medford

Vicinity Map

37-2W-12A tax lot 500



CSA Planning LTD

1,000 500 0 1,000 Feet



CITY OF MEDFORD
EXHIBIT #
File # CP 18 054

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APR 23 2018
PLANNING DEPT.

City of
Central Point

City of
Medford

I-G

I-L

C-R

C-C



-  Subject
-  City Limits
-  Urban Growth Boundary
-  Tax Lots
-  Medford Zoning

Zoning Map

2016 Aerial



37-2W-12A tax lots 500 & 503



CSA Planning LTD

300 150 0 300 Feet

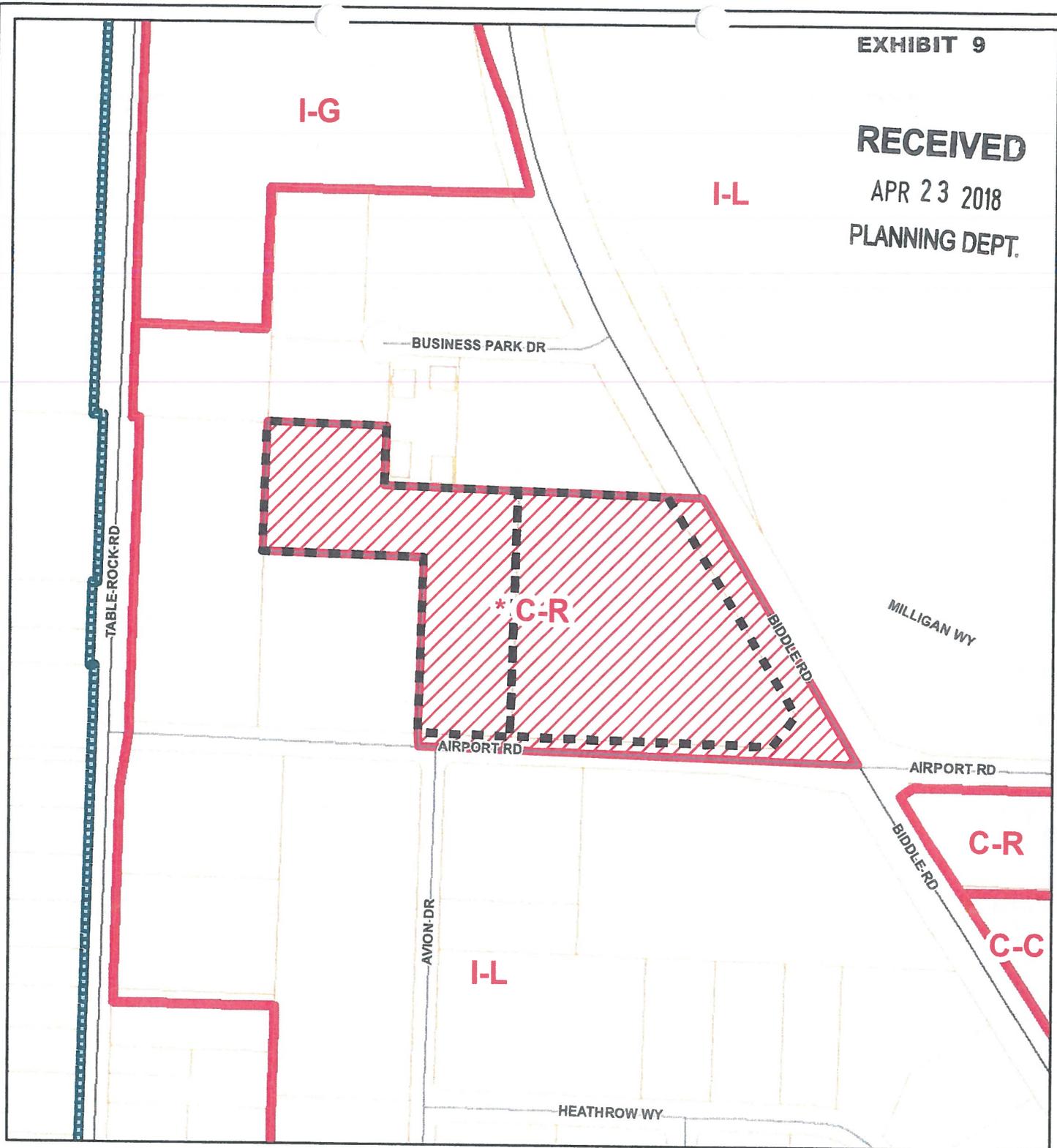


10-10-2017 Source: CSA Planning, Ltd; City of Medford GIS; Jackson County GIS

EXHIBIT # 5
File # ZC-18-055/CUP-18-056

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PLANNING DEPT.



-  Subject
-  Urban Growth Boundary
-  Tax Lots
-  Zoning Outline
-  * Proposed C-R

Proposed Zoning

37-2W-12A tax lots 500 & 503



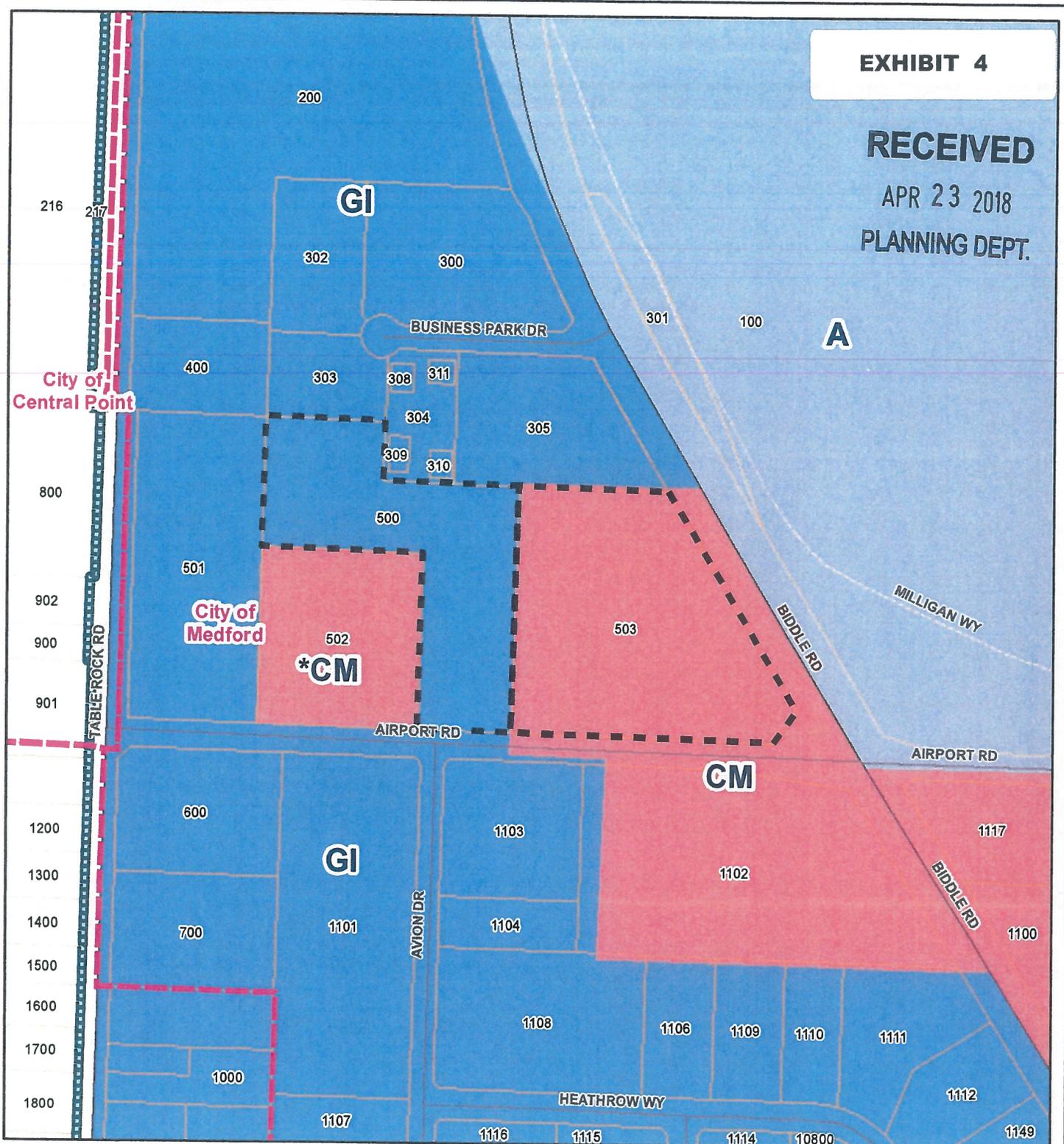
CSA Planning LTD

300 150 0 300 Feet



CITY OF MEDFORD
EXHIBIT #

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APR 23 2018
PLANNING DEPT.



GLUP	
	Subject
	City Limits
	Urban Growth Boundary
	Tax Lots
	Airport (A)
	Commercial (CM)
	General Industrial (GI)
	*CM (CP-17-154)

General Land Use Plan (GLUP) Map
37-2W-12A tax lots 500 & 503

CSA Planning LTD

10-12-2017 Source: CSA Planning, Ltd. City of Medford GIS - Leeksbu County GIS

CITY OF MEDFORD
EXHIBIT # CP-18-054

300 150 0 300 Feet

EXHIBIT 3

RECEIVED

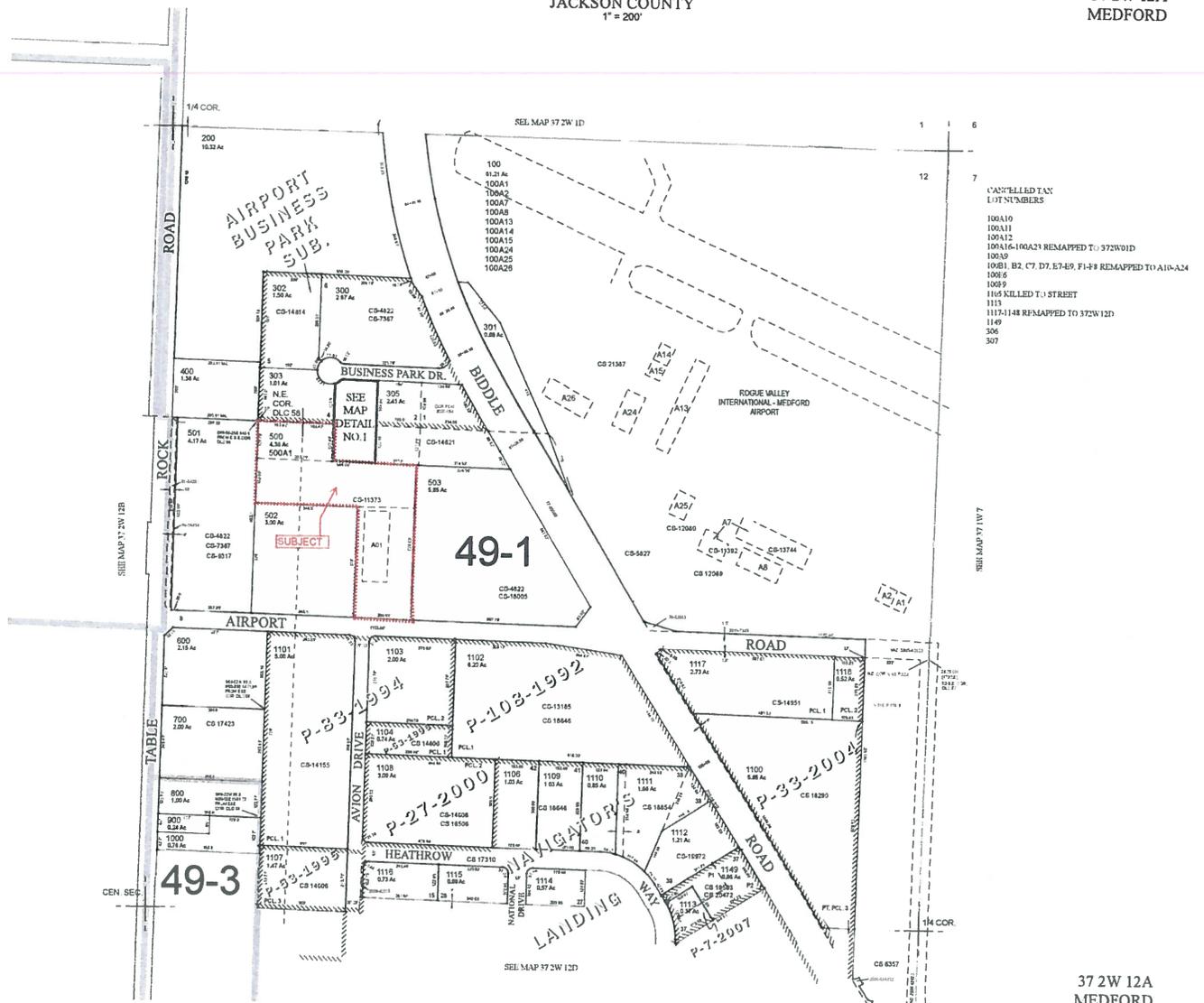
APR 23 2014

PLANNING DEPT

N.E. 1/4, SEC. 12, T.37S., R.2W., W.M.
JACKSON COUNTY
1" = 200'

37 2W 12A
MEDFORD

FOR ASSESSMENT AND
TAXATION ONLY



- CANCELLED TAX LOT NUMBERS
- 100A10
- 100A11
- 100A12
- 100A16-100A21 REMAPPED TO 372W12D
- 100A9
- 100B1, B2, C7, D7, E7-49, F1-F8 REMAPPED TO A10-A24
- 100B6
- 100B9
- 1105 KILLED TO STREET
- 1111
- 1112-1148 REMAPPED TO 372W12D
- 1149
- 306
- 307

GIS DATA
11/06/2014 10:12:25 AM Wgrip

37 2W 12A
MEDFORD
NEW MAP MARCH 28 2011
REV NOVEMBER 05 2014

CITY OF MEDFORD
EXHIBIT # I
File # CP-18-054

BEFORE THE CITY COUNCIL

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

THE MATTER OF A MINOR GENERAL)
 LAND USE PLAN MAP AMENDMENT,)
 CHANGING THE COMPREHENSIVE)
 PLAN MAP DESIGNATION FROM)
 GENERAL INDUSTRIAL (GI) TO)
 COMMERCIAL (CM) FOR ONE 4.36)
 ACRE PARCEL (372W12A-500))
 LOCATED 555 AIRPORT ROAD)
 WITHIN THE CORPORATE LIMITS OF)
 THE CITY OF MEDFORD, OREGON.)
)
Applicants/Owners: 555 Airport Road,)
 LLC and Odysseus Farms LP)
)
Agent: CSA Planning, Ltd.)

FINDINGS OF FACT AND
 CONCLUSIONS OF LAW
 Applicants' Exhibit 1

I

SCOPE AND NATURE OF THE APPLICATION

This application, one of three submitted for concurrent/simultaneous review, requests a minor comprehensive plan amendment to change the General Land Use Plan (GLUP) map designation for the subject property at 555 Airport Road from General Industrial (GI) to Commercial (CM). The subject parcel is situated north of Airport Road approximately 567 feet west of its intersection with Biddle Road. The nature of the application is a Class-B quasi-judicial Comprehensive Plan Amendment.

The second application is to rezone the subject parcel and the adjacent 5.85 acre Tax Lot 503 to the east (which is already designated as CM on the GLUP map) to C-R (Commercial, Regional) from I-L (Industrial, Light). Tax Lot 503 is located on the northwest corner of the intersection with Airport Road and Biddle Road.

The third application is a request for Conditional Use Permit to allow private/parochial school use (Grace Christian) of the subject Tax Lot 500 (existing building to be adapted there) and a portion of the adjacent Tax Lot 503 (for sports/recreation field).

CITY OF MEDFORD
 EXHIBIT # 5
 File # CP-18-054

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed GLUP Map amendment complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 372W12A
- Exhibit 4.** Map of Current General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning over Aerial Photo
- Exhibit 6.** Traffic Impact Analysis for dated February 20, 2018 prepared by Southern Oregon Transportation Engineering, LLC
- Exhibit 7.** Conditional Use Permit and Conceptual Plan Traffic Findings dated April 20, 2018 by Southern Oregon Transportation Engineering, LLC
- Exhibit 8.** Signed and Completed Application Form and Agent Authorization.

III

APPLICABLE SUBSTANTIVE CRITERIA

The criteria under which the subject application for a minor comprehensive plan (GLUP) map amendment may be approved are recited verbatim below.

CITY OF MEDFORD LAND DEVELOPMENT CODE

10.192 Minor Comprehensive Plan Amendment Criteria

Refer to the Review and Amendment section of the Comprehensive Plan.

***CITY OF MEDFORD COMPREHENSIVE PLAN
Review and Amendment Procedures***

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

- (1) A significant change in one or more Goal, Policy, or Implementation Strategy.
- (2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.



- (3) The orderly and economic provision of key public facilities
- (4) Maximum efficiency of land uses within the current urbanizable area.
- (5) Environmental, energy, economic and social consequences.
- (6) Compatibility of the proposed change with other elements of the *City Comprehensive Plan*.
- (7) All applicable Statewide Planning Goals.

IV

FINDINGS OF FACT

The following facts reached and found to be true with respect to this matter:

1. **Property Location:** The subject property is located at 555 Airport Road within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is identified as Tax Lot 500 on Jackson County Assessment Plat 372W12A.
3. **Owners:** Odysseus Farms, LP, a California limited partnership, as to an undivided one-third (1/3rd) interest, and 555 Airport Road, LLC, an Oregon limited liability company, as to an undivided two-thirds (2/3rds) interest, as tenants in common. Reid Murphy is registered agent of record for owner 555 Airport Road, LLC.
4. **Existing Land Use:** The subject property was previously occupied by an electronics company that specialized in antenna technology. It is developed with an “L” shaped building complex comprised of a 52’ X 92’ single-story office building and courtyard in the front; a 100’ X 280’ two-story masonry building wing (long axis north/south) partitioned within for engineering offices, antenna assembly and warehouse space at the rear; and an 80’ X 380’ two-story masonry building wing on the east/west axis housing similar interior spaces including shipping and delivery area. A paved driveway exists from Airport Road and extending north along the east side of the building to a paved parking area on and across the north side of the building.
5. **Existing and Proposed GLUP Map Designation:** General Industrial (GI) is the existing designation. Commercial (CM) is proposed.
6. **Existing Zoning:** I-L (Light Industrial). An associated application submitted for concurrent/simultaneous review requests to rezone this parcel along with the adjacent Tax Lot 503 to the east to C-R (Regional Commercial). Tax lot 503 currently has a zoning designation of I-L (Light Industrial) although its current GLUP map designation is Commercial (CM).
7. **Adjacent Zoning:** All surrounding properties are currently zoned I-L (Light Industrial).
8. **Surrounding Land Uses:** The Exhibit 5 aerial/zoning map accurately depicts the pattern of land partitioning and development in the surrounding area. The land uses which presently surround the property are:

South: Airport Road fronts the subject parcel to the south. Avion Drive “T-s” into Airport Road across from the subject property, providing access to a mix of light industrial and commercial use parks, including the Navigator’s Landing PUD. The

corner lots across from the subject property along Airport Road and Avion Drive include the Pepsi Cola Distribution Center and a tire store.

East: Adjacent to the east is a 5.85 acre vacant parcel (Tax Lot 503) designated as CM on the GLUP Map and zoned I-L, which is situated on the northwest corner of the intersection at Airport Road and Biddle Road. The Rogue Valley International Airport is located to the east of Biddle Road. That area is designated as Airport on the GLUP Map and is zoned I-L. The properties at the southwest and southeast corners of the Airport/Biddle Road intersection are designated on the GLUP Map as CM land. A hotel and additional airport parking have been developed on the southeast side. The 6.2 acre parcel at the southwest corner of the intersection is currently vacant and still zoned I-L.

North: Properties adjacent to the north is the are zoned I-L and are developed with commercial office and light industrial uses including (e.g., Abbey Funeral, Loomis Armored, Avista Gas offices and customer service center, Precision Cheer Academy).

West: The area to the west of the subject property is zoned I-L. The adjacent property (Tax Lot 502), which is also abutted by the subject parcel to the north) is a three acre parcel developed with three buildings now vacant that were formerly used by Premier Bank for corporate administrative offices, a data center, and a bank branch. A GLUP Map Designation change from GI to CM was approved by the City Council on April 19, 2018 for that property. The applicant in that proceeding (Columbia Care Services) intends to apply for re-zone to C-R and to use the site for offices and clinic for medical and mental health care services.

9. Essential (Category ‘A’) Public Facilities:

- A. Sanitary Sewage Collection and Treatment:** The site lies within the Rogue Valley Sewer Service (RVSS) area. An 8-inch sewer main is located along airport road and the east and north property lines, connecting through to Airport Drive to the north. Existing structures on the property are already connected.
- B. Water Service:** Medford Water Commission has an existing 6-inch water line located on the north right-of-way boundary of Airport Road and an existing 24-inch water transmission line along the south right-of-way line. The existing buildings on the subject property are now connected to the MWC water system. Two fire hydrants are in place along east property line adjacent to the parking area.
- C. Storm Drainage:** This site lies within the Lone Pine Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area. This site is currently developed and Applicants’ plans are to adapt the existing structural and parking improvements for school use. A portion of the vacant adjacent parcel to the east, which is now designated as CM on the GLUP Map, will be improved for sports fields. Any new development or redevelopment will be required to provide stormwater quality and detention at time of development in accordance with city standards as may be in effect.
- D. Transportation Facilities:** Applicants engaged Southern Oregon Transportation Engineering to assess the traffic impacts expected to result from the proposed GLUP

map amendment and associated zone change to C-R for both the subject Tax Lot 500 and adjacent Tax Lot 503. An analysis for the GLUP Map amendment and zone change dated February 18, 2018, is attached as Applicants' Exhibit 6. A supplemental analysis dated April 20, 2018 attached as Applicants' Exhibit 7 is provided to establish that the proposed trip cap stipulation will not preclude future development of the property under the proposed C-R zone and to show how the proposed conditional school use will fit into an overall commercial development plan. The findings of fact are reached with respect to streets and traffic:

- **Access:** Subject Tax lot 500 takes its access from Airport Road, approximately 650 feet west of its intersection with Biddle Road. Tax lot 503 to the east has frontage on both Biddle Road and Airport Road with an existing access drive along Biddle Road.
- **Street Functional Classification:** According to Figure 5.2 of the City of Medford Transportation System Plan, Biddle Road is classified as a Major Arterial Street and Airport Road is classified as a Local Street. Table Rock Road, a Minor Arterial Road, is located nearby to the west of the subject property and connects to Airport Road.
- **Summary Traffic Impacts:** Southern Oregon Transportation Engineering, LLC (SOTE) determined that the proposed comprehensive plan map amendment and zone change to C-R for both properties would result in a net increase of 12,252 average daily trips (ADT) which would significantly impact some transportation facilities within the scoping area as identified in the analysis. Since an unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, a trip cap stipulation is proposed as per SOTE's recommendation and in accordance with MLDC Section 10.461 and 10.227(2)(c) to restrict traffic generation to the level that would be generated by the existing I-L zoning plus up to 249 ADT (a level commensurate with less than 25 peak hour trips). Accordingly, a trip cap stipulation of 3,312 ADT (or an equivalent 331 p.m. peak hour trips) is proposed to apply to both Tax Lots 500 and 503 as a condition of approval for the concurrent zone change application.

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are reached with respect to this proposed GLUP Map amendment. The following discussion and conclusions of law are preceded by the criteria to which they relate:

City of Medford Comprehensive Plan Amendment Approval Criteria
Medford Land Development Code (MLDC) 10.190
(Inapplicable provisions omitted)

MLDC 10.192 Minor Comprehensive Plan Amendment Criteria

Refer to the Review and Amendment section of the Comprehensive Plan.



Discussion: The adopted substantive approval criteria which govern minor comprehensive plan amendments are contained in the Review and Amendments section of the Medford Comprehensive Plan. The approval criteria in the plan’s Review and Amendment Procedures section are preceded by the following language which gives context to how the criteria are to be considered:

CITY OF MEDFORD COMPREHENSIVE PLAN
Review and Amendment Procedures

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

- (1) A significant change in one or more Goal, Policy, or Implementation Strategy.

Findings: The City has recently completed an Urban Growth Boundary amendment to accommodate future land need for population and employment growth. The UGBA adoption was preceded by several major comprehensive plan updates, including a Population Element update through the year 2027, completion of an Economic Opportunities Analysis as incorporated into the Economy Element (projecting significant shortfall of employment land within the existing UGB over the planning period), a major internal GLUP Map Amendment to more efficiently allocate land use types throughout the existing UGB, and finally the amendment of the urban growth boundary itself. The City has also changed its land use regulations to conditionally allow elementary and secondary schools within commercial zoning districts, thereby inducing additional demand for the same.

* * * * *

- (2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

Findings: The City has recently updated its urban growth boundary to accommodate urban land needs through the year 2028. The plan identified a small surplus of industrial land (one acre) and a deficit of commercial land (18 acres) for which minor GLUP map amendments could reasonably address without need to further expand the growth boundary. A changing trend is the increase in private and charter schools which draw students from throughout the region rather than from localized individual neighborhoods. Good accessibility is needed. Not all parents live and/or work in Medford, so the location near several regional transportation corridors is ideal. The former electronics company left the area, leaving the building underutilized. Educational services constitutes a significant cohort of employment growth in the region and a similar number of jobs will be replaced at the site by way of teaching faculty, administration, maintenance, and allied services. Another trend is that the difference between light industrial and commercial land uses/zoning is much less distinct than in the past. In this vicinity, commercial uses have been mixed into light industrial parks and planned developments, and demand for commercial land is increasing with the recent relocation of Costco nearby. The continued record growth in commercial passenger activity



at the nearby airport also has increased demand for commercial land to provide services to the travelling public. Relatedly, additional need for airport parking has consumed approximately 5.6 acres of CM designated land (372W12A-1100) adjacent to the airport beyond the need projected for the “A” Airport GLUP Map Designation – thereby effectively reducing the available supply of CM land.

* * * * *

(3) The orderly and economic provision of key public facilities

Findings: The area is fully served by the gamut of key public facilities and the site is already developed at urban intensity. A stipulation to limit traffic generation will ensure that the transportation system is not adversely affected. This is not a situation that requires key public facilities to be extended or expanded in any way, and is thus an orderly and economic use of key public facilities.

* * * * *

(4) Maximum efficiency of land uses within the current urbanizable area.

Conclusions of Law: The City’s adopted Economic Opportunities Analysis project that some of the projected land need for employment lands will be accommodated through redevelopment within the existing growth boundary. This proposal will accommodate the adaptive reuse of existing buildings and parking facilities where the former business relocated several years ago. The subject property is also situated between neighboring parcels already designated CM. The adjacent parcel to the west is fully developed with a former bank headquarters which is to be adapted for medical office and clinic use, and the adjacent parcel to the east is vacant but will be rezoned and developed in conjunction with the subject property to provide for a mix of commercial uses and some additional space to provide playfields for the school. The CM designation will be implemented by the C-R zoning district as requested in the associated zone change application for a site near the regional airport, state and federal highway interchanges and a network of other regional arterial streets.

* * * * *

(5) Environmental, energy, economic and social consequences.

Findings: The subject site is already developed with a large building and associated parking facilities. Adaptive re-use of existing buildings and site improvements avoids the necessity to use more natural resources and energy to construct new facilities and reduces the need to consume more land and impact soil, water and air resource. Energy is further saved by locating regional uses in central locations that are easily accessed by a variety of transportation modes and networks. The amendment will also have positive social consequences by providing a site for the Grace Christian Elementary School to relocate and increase capacity to provide additional educational services as an option to the growing population in our community. The location is closer to its companion high school (Cascade Christian) which will facilitate coordination and sharing of resources (e.g., counselors, tutors, etc..). Also, an empty building sitting for years is not a social positive. The proposal will put the building and grounds to beneficial use and the project will provide a catalyst for



commercial development of the prime vacant corner property that is to be re-zoned in conjunction with the subject Tax Lot 500 to C-R, thereby boosting the tax base to help fund community services with an infill project. A site for a nice restaurant across from the airport terminal would be a positive socially and environmentally as well as economically for those who would rather not idle their cars while waiting to pick up arriving associates, family and friends at the terminal. Overall, it is found that the environmental, energy, economic and social consequences will be positive.

* * * * *

(6) Compatibility of the proposed change with other elements of the City Comprehensive Plan.

Findings: Responsive findings are required only for policies expressed as regulatory requirements, but not for aspirational objectives. After reviewing the policies of the comprehensive plan, it is concluded that only the following goals and policies (addressed below) function as approval criteria for comprehensive plan map (GLUP) amendments and all others are held to be inapplicable. The below cited goals and policies are followed by the findings and conclusions as to how the proposal complies with the same.

ECONOMIC ELEMENT

ECONOMIC OPPORTUNITIES – CONCLUSION

...

4. Most industries in the region have lower wage levels compared to earnings across the state with the exception of Natural Resources, Retail Trade, and Education and Health Services. The City of Medford is well situated to serve the Retail Trade, Education and Health Service sectors.

...

Goal 2: Assure an adequate commercial and industrial land base to accommodate the types and amount of economic development and growth anticipated in the future, while encouraging efficient use of land and public facilities within the city.

Policy 1-2: The City of Medford shall encourage the redevelopment of underutilized employment sites.

Policy 1-3: The City of Medford shall, as appropriate under the Goal above, support the retention and expansion of existing businesses.

Implementation 1-3(b): When evaluating GLUP Map amendments, assess the potential impacts of those amendments on neighboring land uses.

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5(b): Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Policy 1-6: The City of Medford shall maintain a competitive Short-Term (five-year) supply of employment land equal to at least one-quarter (25%) of the amount of land projected to be demanded over the twenty-year planning horizon.

Findings: The plan’s Economic Element observes there to be a substantial *deficiency* in vacant land for commercial/employment enterprises amounting to over 250 acres. The City (and County) in adopting the recent urban growth boundary amendment, which has not yet been acknowledged by the state, concluded that the deficit of commercial land would be



reduced to just 18 acres and that there would be a small surplus (one acre) of industrial land. Amending the designation of this property to *Commercial* will help reduce the deficiency in line with Implementation 1-5(b) for inventory adjustments within the existing UGB. Minor amendments provide a way to hone the long term (20 year) projections to adapt to fluctuations within the planning horizon and to keep in compliance with Policy 1-6 to maintain Short-Term (five year) supply. Additional employment lands will come on line in the future if the UGBA is acknowledged by the state. But those lands will still need to be annexed, master planned (in many cases), zoned and in many cases subdivided. Adequate infrastructure will need to be available which will take considerable time to extend in many cases. The subject site is built but unoccupied and is readily available to accommodate commercial use in the short term.

The proposal to adapt the existing improvements for school use is squarely in accord with Policy 1-2 to encourage redevelopment of existing sites.

With regard to Policy 1-3, the proposal will accommodate a relocation of an existing school now within the City to a larger facility on a site within the same city, and thereby support growth in the Education sector in line with Conclusion 4 of the Economic Opportunities Analysis. Implementation 1-3(b) requires an assessment of potential impacts on neighboring land uses. Implementation 1-3(b) is directed to the broader question of how the CM GLUP Map Designation as a whole will fit in with the surrounding uses rather than any specific use that may be permitted in the future. The subject Tax Lot 500 is now situated between two CM designated parcels such that approval of the application will result in an orderly continuous land use pattern to and around the Biddle Road intersection. The property to the west will benefit if this proposed GLUP Map amendment and associated zone change application is approved. That is because the City's zoning approval criteria require that a C-R zoning district shall front upon an arterial street or state highway. Extending the C-R zoning over the subject property will then make possible the inclusion of the neighboring lot into a C-R zoning district that fronts upon Biddle Road, which is an arterial. That in turn will serve to encourage the redevelopment of that underutilized site for adaptive reuse of existing buildings as well – in more furtherance of Policy 1-2.

Accordingly, it is concluded that this application is consistent with the requirements of Economic Element.

PUBLIC FACILITIES ELEMENT

General Section

Goal 2: To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

Policy 2-A: [Limited Service Area Language Omitted] "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

Sanitary Sewers: Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the applicable sewer plan document as interpreted by the City Engineer.



Domestic water: Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the applicable water system plan document as interpreted by the Water Commission Manager.

Storm drainage facilities: Sufficient to serve any proposed development consistent with the General Land Use Plan GLUP map designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as interpreted by the City Engineer.

Findings: The findings of fact and conclusions for Comprehensive Plan Amendment Criterion 3 are hereby incorporated and adopted which also demonstrate compliance with Comprehensive Plan Public Facilities Element.

* * * * *

(7) All applicable Statewide Planning Goals.

Goal 1 – Citizen Involvement

Findings: A minor GLUP map amendment requires compliance with the overall comprehensive plan as adopted in accordance with the Goal 1 Citizen Involvement program. Procedure for review of minor amendments includes notice to nearby and affected parties and public hearings before the Planning Commission and the City Council for citizens to be heard.

Goal 2 – Land Use Planning

Finding: The City has a land use planning process and policy framework as a basis for all decision and actions related to use of and to assure and adequate base for such decisions. The proposed minor map amendment must comply with the City’s adopted comprehensive plan, in accordance with the requirements of Goal 2. Goal 2 also provides a procedure for taking exceptions to Statewide Planning Goals. The exceptions process is not implicated in this case where no exception is requested or required.

Goal 3 – Agricultural Lands

Finding: Goal 3 does not apply within urban growth boundaries

Goal 4 – Forest Lands

Finding: Goal 4 does not apply within urban growth boundaries

Goal 5- Natural Resources, Scenic and Historic Areas, and Open Spaces

Finding: No Goal 5 resource inventory includes or affects the subject property.

Goal 6 – Air, Water and Land Resources Quality

Finding: The property is fully served by the City’s sewerage system which has adequate capacity to process discharges and complies with applicable state and federal water quality statutes and licensure. The adaptive re-use of a developed site will also minimize the need to consume additional land and natural resources.

Goal 7 – Areas Subject to Natural Hazards



Finding: The subject property is not in an area, such as a flood hazard area, that is subject to Goal 7.

Goal 8 – Recreation

Finding: The subject property is not land that has been planned for recreational use or destination resort siting under Goal 8.

Goal 9 – Economic Development

Finding: The goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. The proposed change will be from one employment land category (Industrial) to another (Commercial) which is in accordance with the City’s adopted Economic Opportunities Analysis and most recent reconciliation of buildable land supply by way of the adopted urban growth boundary amendment. The City of Medford still has more unmet need for commercial land than for industrial land, and the subject site is properly located to meet the City’s siting requirements for commercial lands as per its adopted comprehensive plan and zoning requirements. Approval of the proposed commercial land designation will also extend in a cohesive block an area of commercial land from the Biddle Road/Airport Road intersection to the adjacent Tax Lot 502 on the west as is necessary to implement the CM designation already applied to that property – furthering the City’s Goal 9 compliance.

Goal 10: Housing

Finding: Although not part of the current proposal, the CM designation would provide potential for multi-family units on the subject property either through redevelopment or adaptive reuse. Approval of the proposed CM and associated C-R zoning would also extend that potential to the adjacent Tax Lot 502 to the west which will need to be included into a commercial zone that extends from an arterial road (i.e., Biddle Road) in order to obtain approval for rezoning. Finally, the proposed amendment will not remove any currently designated housing land from the City’s residential land inventory.

Goal 11 – Public Facilities and Services:

Finding: The goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural land. The subject property is urban land that is already developed and fully served by urban public facilities and services.

Goal 12 – Transportation

Finding: Applicants’ stipulation to accept a trip cap to avoid any significant impact to transportation facilities functions to maintain adopted level of service standards in accordance LCDC’s Transportation Planning Rule (OAR Chapter 660, Division 12) which implements Goal 12.

Goal 13 – Energy Conservation

Finding: The proposal will facilitate the adaptive reuse of existing building and site improvements which is consistent with the goal that land and uses developed on the land be managed and controlled as to maximize the conservation of all forms of energy based on sound economic principals. Goal 13 also includes the guideline that land use planning



should, to the maximum extent possible, combine increasing density gradients along high capacity transportation corridors to achieve greater efficiency. The proposed change from GI to CM on a site located between two arterial streets (Biddle and Table Rock), close to Interstate 5 and close to the regional airport fits well within the Goal 13 guideline.

Goal 14 – Urbanization

Finding: The goal is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed change is to land situated well within the region’s largest urban area at a site conducive to serve a regional market. The City’s adopted Goal 9 and Goal 14 background studies and analyses identify a need for more commercial land suitably situated. The subject property is already bound on two sides by CM land already adopted by the City and the existing improvements on the property can be adapted readily to accommodate new employment under the proposed CM designation.

Goals 15 to 19

Finding: Not applicable to Southern Oregon

* * * * *

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, it is ultimately concludes that the criteria prerequisite to a General Land Use Plan Map Amendment from *GI (General Industrial)* to *CM (Commercial)* on one parcel of land identified as Map 372W12A Tax Lot 500 has been substantiated for each of the relevant criteria cited herein above as Comprehensive Plan Amendment.

Respectfully submitted on behalf of Applicants:

CSA PLANNING, LTD.



Dated:

23 April 2018



RECEIVED

APR 23 2018

PLANNING DEPT.

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

THE MATTER OF A ZONE CHANGE)
FROM INDUSTRIAL LIGHT (I-L) TO)
COMMERCIAL REGIONAL (C-R) FOR)
11.82 ACRES INCLUDING TWO)
ADJACENT PARCELS HAVING 4.36)
AND 5.85 ACRES EACH,)
RESPECTIVELY AND ADJACENT)
RIGHT-OF WAY. THE PARCELS ARE)
IDENTIFIED AS TAX LOTS 500 AND)
503 IN TOWNSHIP 37 SOUTH, RANGE)
02 WEST, SECTION 12A AND)
LOCATED AT 555 AIRPORT ROAD)
WITHIN THE CORPORATE LIMITS OF)
THE CITY OF MEDFORD, OREGON.)

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**
Applicants' Exhibit 1

Applicants/Owners: 555 Airport Road,)
LLC, Odysseus Farms LP, Southern)
Cross Partners LLC and J.R.)
Development LLC)

Agent: CSA Planning, Ltd.)

I

SCOPE AND NATURE OF THE APPLICATION

This application, which is the second of three submitted for concurrent/simultaneous review, requests approval to rezone the two parcels (Tax Lots 500 and 503) to C-R (Commercial, Regional) from I-L (Industrial, Light). Tax Lot 500 is a 4.36 acre parcel located at 555 Airport Road and Tax Lot 503, which has no address, is located on the northwest corner of the intersection with Airport Road and Biddle Road. The nature of this application is a Class-C quasi-judicial plan authorization for a zone change.

The zone change application, with regard to Tax Lot 500, is reliant on approval of the first application which requests approval of a minor comprehensive plan amendment to change the General Land Use Plan (GLUP) map designation of the subject Tax Lot 500 from General Industrial (GI) to Commercial (CM). Tax Lot 503 is already designated as CM land.

The third application is a request for Conditional Use Permit to allow private/parochial school use (Grace Christian) of the subject Tax Lot 500 (existing buildings to be adapted there) and a portion of the adjacent Tax Lot 503 (for sports/recreation field).

CITY OF MEDFORD
EXHIBIT # K
File # ZC-18-055/CUP-18-056

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed zone change complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 372W12A
- Exhibit 4.** Map of Current General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning over Aerial Photo
- Exhibit 6.** Traffic Impact Analysis for dated February 20, 2018 prepared by Southern Oregon Transportation Engineering, LLC
- Exhibit 7.** Conditional Use Permit and Conceptual Plan Traffic Findings dated April 20, 2018 by Southern Oregon Transportation Engineering, LLC
- Exhibit 8.** Legal Description for Proposed C-R Zoning Boundary by Kaiser Surveying
- Exhibit 9.** Proposed Zoning Map
- Exhibit 10.** Signed and Completed Application Form and Agent Authorization.

III

APPLICABLE SUBSTANTIVE CRITERIA

The City of Medford criteria under which a zone change application must be considered are in MLDC 10.227 and the relevant approval criteria are recited verbatim below:

MLDC 10.227 ZONE CHANGE CRITERIA

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

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.
....

- (c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
....

- (iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not



otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

....

- (e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:
 - (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;
 - (ii) At least fifty percent (50%) of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - (iii) At least fifty percent (50%) of the subject property's boundaries abut properties that contain one (1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or
 - (iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least sixty (60) feet in width.
- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.
 - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one (1) of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if



constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

IV

FINDINGS OF FACT

The following facts reached and found to be true with respect to this matter:

1. **Property Location:** The subject Tax Lot 500 is located at 555 Airport Road. The subject Tax Lot 503 has no address but is located adjacent and west of Tax Lot 500 and is a corner parcel with Airport Road frontage to the south and Biddle Road frontage to the east. Both parcels are located within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is identified as Tax Lots 500 and 503 on Jackson County Assessment Plat 372W12A.
3. **Owners:**
 - a. **Tax Lot 500:** Odysseus Farms, LP, a California limited partnership, as to an undivided one-third (1/3rd) interest, and 555 Airport Road, LLC, an Oregon limited liability company, as to an undivided two-thirds (2/3rds) interest, as tenants in common. Reid Murphy is registered agent for owner 555 Airport Road, LLC.
 - b. **Tax Lot 503:** Southern Cross Properties, LLC, a California limited liability company, as to an undivided one-third (1/3rd) interest, and J.R. Development,



LLC, an Oregon limited liability company, as to an undivided two-thirds (2/3^{rds}) interest, as tenants in common. Reid Murphy is registered agent for owner J.R. Development, LLC.

4. Existing Land Use:

- a. The subject Tax Lot 500 was previously occupied by an electronics company that specialized in antenna technology. It is developed with an “L” shaped building complex comprised of a 52’ X 92’ single-story office building and courtyard in the front; a 100’ X 280’ two-story masonry building wing (long axis north/south) partitioned within for engineering offices, antenna assembly and warehouse space at the rear; and an 80’ X 380’ two-story masonry building wing on the east/west axis housing similar use spaces including shipping and delivery area. A paved driveway exists from Airport Road and extending north along the east side of the building to a paved parking area on and across the north side of the building.
- b. The subject Tax Lot 503 is vacant land.

5. GLUP Map Designation: General Industrial (GI) is the existing designation for the subject Tax Lot 500. Commercial (CM) is proposed for that parcel by concurrent application submitted for simultaneous review with this zone change application. The subject Tax Lot 503 is already designated on the GLUP Map as Commercial (CM) Land.

6. Existing Zoning: I-L (Light Industrial). Both parcels are currently zoned I-L.

7. Adjacent Zoning: All surrounding properties are currently zoned I-L (Light Industrial) except that the 2.73 acre Tax Lot 1117 and adjacent right-of-way at the southeast corner of the intersection at Biddle Road and Airport Road is zoned C-R and the adjacent 5.86 acre parcel to the south of that (Tax Lots 1100/199) is zoned C-C.

8. Surrounding Land Uses: The land uses which presently surround the property are:

South: Subject property fronts Airport Road to the south. Avion Drive connects to Airport Road across from the subject property which provides access to a mix of light industrial and commercial use parks, including the Navigator’s Landing PUD. The corner lots across from the subject property along Airport Road and Avion Drive include the Pepsi Cola Distribution Center and a tire store. A 6.2 acre parcel at the southwest corner of the intersection at Airport Road and Biddle Road is currently vacant and zoned I-L.

East: The Rogue Valley International Airport is located to the east of Biddle Road. That area is designated as Airport on the GLUP Map and is zoned I-L. The southwest and southeast corners of the Airport/Biddle Road intersection are designated on the GLUP Map as CM land. A hotel and additional airport parking have been developed on parcels southeast of the intersection.

North: To the north are properties that are zoned I-L and are developed with commercial office and light industrial uses consistent with the designated zoning (e.g., Abbey Funeral, Loomis Armored, Avista Gas offices and customer service center, Precision Cheer Academy).



West: The area to the west of the subject property is designated I-L. The adjacent property at 503 Airport Road is developed with what was formerly the Premier West Bank and Administration Offices. The GLUP Map Designation change from GI to CM was approved by the City Council on April 19, 2018. The applicant in that proceeding (Columbia Care Services) intends to apply for re-zone to C-R and to use the site for offices and clinic for medical and mental health care services.

9. Essential (Category ‘A’) Public Facilities: The comprehensive plan defines Category ‘A’ public facilities to include the below components. Relevant facts pertaining to these follow:

A. Sanitary Sewage Collection and Treatment: The site lies within the Rogue Valley Sewer Service (RVSS) area. An 8-inch sewer main is located along Airport Road and the west and north property lines of Tax Lot 500, connecting through to Airport Drive to the north. Existing structures on the subject Tax Lot 500 are already connected. An 8-inch lateral also connects to the northeast corner of Tax Lot 500, being also the northwest corner of Tax Lot 503.

B. Municipal Water Service: Medford Water Commission has an existing 6-inch water line located on the north right-of-way boundary of Airport Road and an existing 24-inch water transmission line along the south right-of-way line. The existing buildings on the subject Tax Lot 500 are now connected to the MWC water system. Two fire hydrants are in place along east property line adjacent to the parking area.

C. Storm Drainage: This site lies within the Lone Pine Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area. Tax Lot 500 is currently developed and Applicants’ plans are to adapt the existing structural and parking improvements for school use and to use a portion of Tax Lot 503 for playfields. New development or redevelopment will be required to provide stormwater quality and detention at time of development in accordance with city standards as may be in effect.

D. Transportation Facilities: Applicants engaged Southern Oregon Transportation Engineering to assess the traffic impacts expected to result from the proposed GLUP map amendment and associated zone change to C-R for both the subject Taxes Lot 500 and 503. An analysis for the GLUP Map amendment and zone change dated February 18, 2018, is attached as Applicants’ Exhibit 6. A supplement analysis dated April 20, 2018 attached as Applicants’ Exhibit 7 was provided to establish that the proposed trip cap stipulation will not preclude future development of the property under the proposed C-R zone and to show how the proposed conditional school use will fit into an overall commercial development plan. The findings of fact are reached with respect to streets and traffic:

- **Access:** Tax lot 500 takes its access from Airport Road, approximately 650 feet west of its intersection with Biddle Road. Tax lot 503 to the east has frontage on both Biddle Road and Airport Road with an existing access drive along Biddle Road.

- **Street Functional Classification:** According to Figure 5.2 of the City of Medford Transportation System Plan, Biddle Road is classified as a Major Arterial Street and Airport Road is classified as a Local Street. Table Rock Road, a Minor Arterial Road, is located nearby to the west of the subject property and connects to Airport Road.
- **Summary Traffic Impacts:** Southern Oregon Transportation Engineering, LLC (SOTE) determined that the proposed comprehensive plan map amendment and zone change to C-R for both properties would result in a net increase of 12,252 average daily trips (ADT) which would significantly impact transportation facilities in the city. Since an unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, a trip cap stipulation is proposed as per SOTE's recommendation and in accordance with MLDC Section 10.461 and 10.227(2)(c) to restrict traffic generation to the level that would be generated by the existing I-L zoning plus up to 249 ADT. That level of increase is not considered to be a significant change. Accordingly, a trip cap stipulation of 3,312 ADT (or an equivalent 331 p.m. peak hour trips) is proposed to apply to both Tax Lots 500 and 503 as a condition of approval for the concurrent zone change application.

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are reached with respect to this proposed Zone Change application. The following discussion and conclusions of law are preceded by the criteria to which they relate:

MLDC 10.227 ZONE CHANGE CRITERIA

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

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

...

Finding: A traffic impacts analysis by Southern Oregon Transportation Engineering LLC dated February 20, 2018 included at Applicants' Exhibit 6 determined that the proposed zone change from I-L to C-R for both parcels, without mitigation, would significantly affect the intersection of OR 62 and Poplar Drive/Bullock Road which already exceeds operations performance standard. In that situation, MLDC Section 10.461(1) allows trip stipulations to limit traffic generation from the subject property under the proposed zoning district so as to avoid impacting off-site facilities. Based on the analysis of traffic generation that is already accounted for by the existing I-L zoning of the property, a trip cap stipulation of 3,312 ADT (or an equivalent of 331 p.m. peak hour trips) is proposed to ensure that no more than 249



ADT over the existing zoning potential may result – consistent with the City’s adopted Transportation System Plan.

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

...

(iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

...

Finding: The area including the subject two parcels and adjacent street rights-of-way to center line equals 11.82 acres, exceeding the requirement of three acres, as evidenced by the legal description prepared by Kaiser Surveying at Applicants’ Exhibit 8. The proposed C-R zoning district will also front upon Biddle Road, a designated arterial street, in satisfaction of the above frontage requirement.

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

- (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;
- (ii) At least fifty percent (50%) of the subject property’s boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
- (iii) At least fifty percent (50%) of the subject property’s boundaries abut properties that contain one (1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses; or
- (iv) Notwithstanding the definition of “abutting” in Section 10.012 and for purposes of determining suitability under Section (1) (e), the subject property is separated from the “unsuitable” zone by a public right-of-way of at least sixty (60) feet in width.

Finding: The locational requirements for a C-R zoning district under subsection (1)(c) are fully satisfied for this application. Accordingly, the alternative criteria under subsection (1)(e) are not implicated.

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for



Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

Finding: As established in the Findings of Fact at Section IV herein above, storm drainage, sanitary sewer and water facilities adequate to serve the property already serve the existing improvements on Tax Lot 500 and are available to serve Tax Lot 503.

- (b) Adequate streets and street capacity must be provided in one (1) of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
 - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

Finding: Applicants have stipulated to accept a trip cap to maintain street facility adequacy in accordance with subsection (c) below. Applicants understand that frontage improvements and additional right-of-way will be required along the Biddle and Airport Road frontages of the subject property in accordance with Medford site development requirements, and that SDC credits may be applied as per the City's adopted SDC ordinances for qualifying improvements and right-of-way dedications.



* * * * *

- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Finding: Applicants have stipulated to the imposition of a special development conditions to limit trip generation to no more than 3,312 ADT (or an equivalent of 331 p.m. peak hour trips) as per the recommendation of the Traffic Impact Analysis dated February 20, 2018 (Applicants' Exhibit 6). The supplemental traffic findings dated April 20, 2018 at Applicants' Exhibit 7 establish that the development pattern resulting from the trip cap will not preclude future development, or intensification of development, on the subject property or adjacent parcels. Accordingly, it is found that the application comports with subsection (c) subject to the stipulated special condition (trip cap).

* * * * *

VI

AGREED TO STIPULATIONS

Applicants herewith agree to stipulate to the following if the same is made a condition attached to the approval of this land use application:

1. Vehicular trip generation for the subject Tax Lots 500 and 503 shall be limited to 3,312 ADT (or an equivalent 331 p.m. peak hour trips).

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, and subject to approval of the concurrent application for GLUP Map Amendment from GI to CM for the subject Tax Lot 500, it is ultimately concluded that the criteria for a zone change from I-L (Industrial, Light) to C-R (Commercial, Regional) has been substantiated for each of the relevant criteria cited herein above.

Respectfully submitted on behalf of Applicants:

CSA PLANNING, LTD.



Dated: 23 April 2018

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

THE MATTER OF A REQUEST FOR)
CONDITIONAL USE PERMIT IN THE)
COMMERCIAL REGIONAL (C-R))
ZONING DISTRICT TO ALLOW)
PRIVATE ELEMENTARY SCHOOL)
USE AS AN ADAPTIVE RE-USE OF)
EXISTING BUILDINGS AND SITE)
IMPROVEMENTS ON A 4.36 ACRE)
PARCEL WITH ADDITION OF NEW)
PLAYFIELDS ON APPROXIMATELY)
1.3 ACRES OF AN ADJACENT 5.85)
ACRE PARCEL. THE PARCELS ARE)
IDENTIFIED AS TAX LOTS 500 AND)
503, RESPECTIVELY, IN TOWNSHIP)
37 SOUTH, RANGE 02 WEST,)
SECTION 12A. THE SITE IS)
LOCATED AT 555 AIRPORT ROAD)
WITHIN THE CORPORATE LIMITS OF)
THE CITY OF MEDFORD, OREGON.)

Applicants/Owners: 555 Airport Road,)
LLC, Odysseus Farms LP, Southern)
Cross Partners LLC and J.R.)
Development LLC)

Agent: CSA Planning, Ltd.)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
Applicants' Exhibit 1

I

SCOPE AND NATURE OF THE APPLICATION

This application, which is the third of three submitted for concurrent/simultaneous review, requests approval of a Conditional Use Permit to allow private/parochial school use (Grace Christian Elementary) of the subject Tax Lot 500 (existing buildings to be adapted there) and approximately a 1.3 acre portion of the adjacent Tax Lot 503 (for sports/recreation fields). The nature of this application is a Class-C quasi-judicial plan authorization for conditional use permit.

The CUP application is accompanied by an application to rezone the two parcels (Tax Lots 500 and 503) to C-R (Commercial, Regional) from I-L (Industrial, Light) and an application to change the General Land Use Plan (GLUP) map designation of the subject Tax Lot 500

CITY OF MEDFORD
EXHIBIT # L
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ZC-18-055/CUP-18-056

from General Industrial (GI) to Commercial (CM). Tax Lot 503 is already designated as CM land.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed zone change complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 372W12A
- Exhibit 4.** Map of Current General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning over Aerial Photo
- Exhibit 6.** Traffic Impact Analysis for dated February 20, 2018 prepared by Southern Oregon Transportation Engineering, LLC
- Exhibit 7.** Conditional Use Permit and Conceptual Plan Traffic Findings dated April 20, 2018 by Southern Oregon Transportation Engineering, LLC
- Exhibit 8.** Legal Description for Proposed C-R Zoning Boundary by Kaiser Surveying
- Exhibit 9.** Proposed Zoning Map
- Exhibit 10.** Conditional Use Permit Plan for School and Play Fields
- Exhibit 11.** Conceptual Site Plan for Future Commercial Development
- Exhibit 12.** Signed and Completed Application Form and Agent Authorization.

III

APPLICABLE SUBSTANTIVE CRITERIA

The criteria governing the approval of conditional use permits are in Medford Land Development Code (MLDC) 10.248. The relevant substantive approval criteria are recited verbatim below:

Conditional Use Permit

MLDC 10.248: The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

- (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

- (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

IV

FINDINGS OF FACT

The following facts reached and found to be true with respect to this matter:

1. **Property Location:** The subject Tax Lot 500 is located at 555 Airport Road. The subject Tax Lot 503 has no address but is located adjacent and west of Tax Lot 500 and is a corner parcel with Airport Road frontage to the south and Biddle Road frontage to the east. Both parcels are located within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is identified as Tax Lots 500 and 503 on Jackson County Assessment Plat 372W12A.
3. **Owners:**
 - a. **Tax Lot 500:** Odysseus Farms, LP, a California limited partnership, as to an undivided one-third (1/3rd) interest, and 555 Airport Road, LLC, an Oregon limited liability company, as to an undivided two-thirds (2/3^{rds}) interest, as tenants in common. Reid Murphy is registered agent for owner 555 Airport Road, LLC.
 - b. **Tax Lot 503:** Southern Cross Properties, LLC, a California limited liability company, as to an undivided one-third (1/3rd) interest, and J.R. Development, LLC, an Oregon limited liability company, as to an undivided two-thirds (2/3^{rds}) interest, as tenants in common. Reid Murphy is registered agent for owner J.R. Development, LLC.
4. **Existing Land Use:**
 - a. The subject Tax Lot 500 was previously occupied by an electronics company that specialized in antenna technology. It is developed with an “L” shaped building complex comprised of a 52’ X 92’ single-story office building and courtyard in the front; a 100’ X 280’ two-story masonry building wing (long axis north/south) partitioned within for engineering offices, antenna assembly and warehouse space at the rear; and an 80’ X 380’ two-story masonry building wing on the east/west axis housing similar use spaces including shipping and delivery area. A paved driveway exists from Airport Road and extending north along the east side of the building to a paved parking area on and across the north side of the building.
 - b. The subject Tax Lot 503 is vacant land.
5. **Proposed Land Use:** The proposal is to relocate Grace Christian Elementary School from 649 Crater Lake Avenue (which is owned by and is also the location of the First Baptist Church of Medford) to the subject property at 555 Airport Road. The single story existing office building at the front of the property will be adapted for school

administrators and the main building to the rear will be adapted to accommodate class rooms and shared activity areas (e.g., library, gym, cafeteria, etc...) for Kindergarten through 5th Grade students. Sixteen class rooms are anticipated for approximately 400 students (staffed by approximately 40 employees). An 80 yard by 40 yard multi-use play field and a softball field will be sited in the northwest corner of the adjacent Tax Lot 503 on approximately 1.3 acres of that parcel and access will be extended through Tax Lot 503 along the south side of the fields to loop back to Airport Road. See, Applicants' Exhibit 10 – CUP Plan. It is anticipated that remainder of Tax Lot 503 will be developed in the future with a mix of commercial uses. The Conditional Use Plan is laid out to accommodate an integrated buildout in the future. A conceptual site plan showing a possible buildout is provided at Applicants' Exhibit 11.

6. Parking:

Grace Christian School - Parking Calculations					
MINIMUM REQUIRED				MAXIMUM ALLOWED	
K-5 School	Number	Minimum # /rate	Min. 1/SF Rate	Maximum # Rate	Minimum # Spaces
Classrooms	14	2.2	6	1.8	8
Staff	40	1.0	40	1.0	40
Total			46	48	

Existing Lot has 80 spaces

- 7. **GLUP Map Designation:** General Industrial (GI) is the existing designation for the subject Tax Lot 500. Commercial (CM) is proposed for that parcel by concurrent application submitted for simultaneous review with this zone change application. The subject Tax Lot 503 is already designated on the GLUP Map as Commercial (CM) Land.
- 8. **Existing Zoning:** I-L (Light Industrial). Both parcels are currently zoned I-L.
- 9. **Adjacent Zoning:** All surrounding properties are currently zoned I-L (Light Industrial) except that the 2.73 acre Tax Lot 1117 and adjacent right-of-way at the southeast corner of the intersection at Biddle Road and Airport Road is zoned C-R and the adjacent 5.86 acre parcel to the south of that (Tax Lots 1100/199) is zoned C-C.

10. Surrounding Land Uses: The land uses which presently surround the property are:

South: Subject property fronts Airport Road to the south. Avion Drive connects to Airport Road across from the subject property which provides access to a mix of light industrial and commercial use parks, including the Navigator's Landing PUD. The corner lots across from the subject property along Airport Road and Avion Drive include the Pepsi Cola Distribution Center and a tire store. A 6.2 acre parcel at the southwest corner of the intersection at Airport Road and Biddle Road is currently vacant and zoned I-L.

East: The Rogue Valley International Airport is located to the east of Biddle Road. That area is designated as Airport on the GLUP Map and is zoned I-L. The southwest and southeast corners of the Airport/Biddle Road intersection are designated on the GLUP Map as CM land. A hotel and additional airport parking have been developed on parcels southeast of the intersection.

North: To the north are properties that are zoned I-L and are developed with commercial office and light industrial uses consistent with the designated zoning (e.g., Abbey Funeral, Loomis Armored, Avista Gas offices and customer service center, Precision Cheer Academy).

West: The area to the west of the subject property is designated I-L. The adjacent property at 503 Airport Road is developed with what was formerly the Premier West Bank and Administration Offices. The GLUP Map Designation change from GI to CM was approved by the City Council on April 19, 2018. The applicant in that proceeding (Columbia Care Services) intends to apply for re-zone to C-R and to use the site for offices and clinic for medical and mental health care services.

11. Essential (Category ‘A’) Public Facilities: The comprehensive plan defines Category ‘A’ public facilities to include the below components. Relevant facts pertaining to these follow:

- A. Sanitary Sewage Collection and Treatment:** The site lies within the Rogue Valley Sewer Service (RVSS) area. An 8-inch sewer main is located along Airport Road and the west and north property lines of Tax Lot 500, connecting through to Airport Drive to the north. Existing structures on the subject Tax Lot 500 are already connected. An 8-inch lateral also connects to the northeast corner of Tax Lot 500, being also the northwest corner of Tax Lot 503.
- B. Municipal Water Service:** Medford Water Commission has an existing 6-inch water line located on the north right-of-way boundary of Airport Road and an existing 24-inch water transmission line along the south right-of-way line. The existing buildings on the subject Tax Lot 500 are now connected to the MWC water system. Two fire hydrants are in place along east property line adjacent to the parking area.
- C. Storm Drainage:** This site lies within the Lone Pine Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area. Tax Lot 500 is currently developed and Applicants’ plans are to adapt the existing structural and parking improvements for school use and to use a portion of Tax Lot 503 for playfields. New development or redevelopment will be required to provide stormwater quality and detention at time of development in accordance with city standards as may be in effect.
- D. Transportation Facilities:** Applicants engaged Southern Oregon Transportation Engineering to assess the traffic impacts expected to result from the proposed GLUP map amendment and associated zone change to C-R for both the subject Taxes Lot 500 and 503. An analysis for the GLUP Map amendment and zone change dated February 18, 2018, is attached as Applicants’ Exhibit 6. A supplement analysis dated April 20, 2018 attached as Applicants’ Exhibit 7 was provided to establish that the proposed trip cap stipulation will not preclude future development of the property under the proposed C-R zone and to show how the proposed conditional school use will fit into an overall commercial development plan. The findings of fact are reached with respect to streets and traffic:

- **Access:** Tax lot 500 takes its access from Airport Road, approximately 650 feet west of its intersection with Biddle Road. Tax lot 503 to the east has frontage on both Biddle Road and Airport Road with an existing access drive along Biddle Road.
- **Street Functional Classification:** According to Figure 5.2 of the City of Medford Transportation System Plan, Biddle Road is classified as a Major Arterial Street and Airport Road is classified as a Local Street. Table Rock Road, a Minor Arterial Road, is located nearby to the west of the subject property and connects to Airport Road.
- **Summary Traffic Impacts:** Southern Oregon Transportation Engineering, LLC (SOTE) determined that the proposed comprehensive plan map amendment and zone change to C-R for both properties would result in a net increase of 12,252 average daily trips (ADT) which would significantly impact transportation facilities in the city. Since an unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, a trip cap stipulation is proposed as per SOTE’s recommendation and in accordance with MLDC Section 10.461 and 10.227(2)(c) to restrict traffic generation to the level that would be generated by the existing I-L zoning plus up to 249 ADT. That level of increase is not considered to be a significant change. Accordingly, a trip cap stipulation of 3,312 ADT (or an equivalent 331 p.m. peak hour trips) is proposed to apply to both Tax Lots 500 and 503 as a condition of approval for the concurrent zone change application.

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are reached with respect to this Conditional Use Permit application. The following discussion and conclusions of law are preceded by the criteria to which they relate:

Conditional Use Permit

MLDC 10.248: The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

- (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.
- (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

Finding: For conditional use permitting of schools as located traditionally in residential neighborhoods, the concerns are typically focused on how noise, light, traffic and other externalities the institution may adversely affect the livability, value and appropriate development of the residents nearby. In this case, there are no residential neighbors in the



Findings of Fact and Conclusions of Law

Conditional Use Permit - Private Elementary School

Applicants 555 Airport Road, LLC, Odysseus Farms LP, Southern Cross Partners LLC and J.R. Development LLC

vicinity whose livability would be impacted and the abutting I-L zoned properties not controlled by Applicants are already fully developed. The abutting properties are now zoned I-L which allows without need for conditional use permit uses that have similar operational characteristics (institutional with mix of indoor and outdoor activity areas): Religious Organizations, Child Day Care Services (which require play areas), Schools & Educational Services, Vocational Schools, Commercial Sports, Camps and RV Parks, and Public Parks, Recreation and Leisure Facilities.

Because this school draws enrollment from throughout the region, selecting a non-residential area was an important site selection consideration in addition to finding a useable site with adequate acreage and excellent accessibility. The proposed conditional use permit site includes the mid-block Tax Lot 500 and the northwest corner of Tax Lot 503 such that the school activity area will be insulated from the major traffic corridor at Biddle Road. Applicants will control the buildout of the intervening vacant land to ensure that the interface between uses is thoughtfully arranged. For example, it is anticipated that office buildings will be arrayed around the perimeter of the conditional use school area which would further screen the school activity areas. The existing building to be adapted for school use is of a solid masonry construction that provides substantive sound attenuation from neighboring uses. The inside "L" of the building adjacent to Tax Lot 502 has no windows at the ground level, and the intervening yard is landscaped with mature hedging and shrubbery. The subject Tax Lot 500 is fully fenced along its remaining perimeter for security and control. Fencing and shrubbery along the north line of Tax Lot 500 provides some buffering from the adjacent developed site (Avista Gas service center). Some enhancement of that buffer yard will be proposed in the final site plan to prevent errantly kicked or thrown balls from crossing the property line (and to prevent students from climbing over to retrieve the same).

Based on the foregoing findings, it can be concluded that the proposed CUP can be approved pursuant to MLDC 10.248(1) because the development will cause no significant adverse impact on the livability, value or appropriate development of abutting property.

In the alternative, the proposed CUP can be approved pursuant to MLDC 10.248(2) because it is in the public interest to promote a variety of choices in education for a growing population and that it is further in the public interest to site private schools drawing from a regional population in non-residential areas to minimize impacts on local neighborhoods. This proposal for adaptive re-use of an existing vacant building will also employ an underutilized asset and will provide a catalyst for infill development of the adjacent properties.

* * * * *

VI

AGREED TO STIPULATIONS

Applicants herewith agree to stipulate to the following if the same is made a condition



Findings of Fact and Conclusions of Law

Conditional Use Permit - Private Elementary School

Applicants 555 Airport Road, LLC, Odysseus Farms LP, Southern Cross Partners LLC and J.R. Development LLC

attached to the approval of this land use application:

1. Vehicular trip generation for the subject Tax Lots 500 and 503 shall be limited to 3,312 ADT (or an equivalent 331 p.m. peak hour trips).
 2. Fencing and vegetative screening shall be enhance along the common property line with Tax lot 305 to the north of the proposed play field to prevent play balls, equipment, and students from crossing the property line.
-

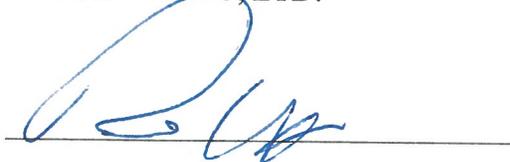
VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, and subject Applicants stipulated conditions and on approval of the concurrent applications for GLUP Map Amendment from GI to CM for the subject Tax Lot 500 and change of zoning for both parcels to C-R from I-L, it is ultimately concluded that the criteria for a Conditional Use Permit for a private elementary school has been substantiated for each of the relevant criteria cited herein above.

Respectfully submitted on behalf of Applicants:

CSA PLANNING, LTD.



Dated:

23 April 2018





Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 6/13/2018

File Number: CP-18-054/ZC-18-055

PUBLIC WORKS DEPARTMENT STAFF REPORT GLUP Amendment & Zone Change TLs 500 & 503

Project: Request for concurrent consideration of a three-part proposal: a minor General Land Use Plan (GLUP) amendment to reclassify a single 4.36-acre parcel of land located at 555 Airport Road (Tax Lot 500) from General Industrial (GI) to Commercial (CM); a change of zone of the subject parcel and the adjacent 5.85-acre parcel (tax lot 503 currently designated as CM on the GLUP map) from Light Industrial (I-L) to Regional Commercial (C-R); and a Conditional Use Permit (CUP) to allow an elementary school use (Grace Christian Elementary School: existing private school currently located at 649 Crater Lake Avenue) to occupy the existing building on the subject Tax Lot 500, and for a 1.3-acre portion of the adjacent/vacant Tax lot 503 to be used as an associated sports/recreation field (372W12A TL 500 & 372W12A TL 503)

Location: Located at 555 Airport Road (TLs 500 & 503).

Applicant: Applicant, 555 Airport Road, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

I. Sanitary Sewer Facilities

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

II. Storm Drainage Facilities

This site lies within the Lone Pine Creek Drainage Basin. Storm drain facilities are available in Airport Road for the proposed development on TL 503, or may connect to the private storm drain on the existing developed property to the west and record a Joint Use Maintenance Agreement. This site will be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

P:\Staff Reports\CP, DCA, & ZC\CP-18-054_ZC-18-055_CUP-18-056 555 Airport Road - Zone Change_Proposed Elementary School\ZC-18-055 Staff Report-LD.docx Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
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TELEPHONE (541) 774-2100

CITY OF MEDFORD

EXHIBIT #

File # CP-18-054/

ZC-18-055/CUP-18-056

III. Transportation System

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated February 20, 2018, with addendums dated May 2, 2018 and May 18, 2018 and titled, "GI and I-L to CM and C-R Comprehensive Plan Map Amendment and Zone Change Analysis" for the property Identified as 372W12A500 and 503. The report studies the impact of a Zone Change from I-L Light Industrial to C-R Regional Commercial and General Industrial GI to Commercial CM on lots totaling 10.21 acres.

Since an unconditional zone change is not possible, the developer proposes a trip cap.

Public Works recommends that the following condition be imposed on the Zone Change:

Trip generation on the property shall not exceed 3,312 ADT, or an equivalent of 331 p.m. peak hour trips, until a TIA for a higher trip generation is accepted. The developer shall submit a trip accounting with any subsequent development applications showing that trip generation from the proposal will not cause the total trip generation of the subject 10.21 acres to exceed the trip cap.

Prepared by: Doug Burroughs

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: CP-18-054 & ZC-18-055 & CUP-18-056
PARCEL ID: 372W12A TL 500

PROJECT: Request for concurrent consideration of a three-part proposal: a minor General Land Use Plan (GLUP) amendment to reclassify a single 4.36-acre parcel of land located at 555 Airport Road (Tax Lot 500) from General Industrial (GI) to Commercial (CM); a change of zone of the subject parcel and the adjacent 5.85-acre parcel (tax lot 503 currently designated as CM on the GLUP map) from Light Industrial (I-L) to Regional Commercial (C-R); and a Conditional Use Permit (CUP) to allow an elementary school use (Grace Christian Elementary School: existing private school currently located at 649 Crater Lake Avenue) to occupy the existing building on the subject Tax Lot 500, and for a 1.3-acre portion of the adjacent/vacant Tax lot 503 to be used as an associated sports/recreation field (372W12A TL 500 & 372W12A TL 503); Applicant, 555 Airport Road, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

DATE: June 13, 2018

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. Installation of a 12-inch water line is required from the north end of the existing "on-site" 6-inch water line. This new water line shall extend north and connect to the existing 10-inch water line located along the most northerly portion of the existing Scala site.
4. Installation of a 12-inch water line is required in the School Drop-off street section, as well as a 12-inch water line through the proposed street connecting Airport Road to Biddle Road through the proposed Commercial development.
5. All water lines are required to be installed in paved travel lanes. They shall not be installed through landscaping, parking islands, or parking stalls.

Continued to Next Page

CITY OF MEDFORD
EXHIBIT # N
File # CP-18-054/
ZC-18-055/CUP-18-056



Continued from Previous Page

6. Dedication of a 10 foot wide (minimum) access and maintenance easement to MWC over all water facilities located outside of public right-of-way is required. Easement shall be submitted to MWC for review and recordation prior to construction.
7. Static water pressure is expected to be 94 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

COMMENTS

1. The MWC system does have adequate capacity to serve this property.
2. Off-site water line installation is not required.
3. On-site water facility construction is required. (See Conditions 3 -5 above)
4. MWC-metered water service does exist to this property. There is a 2-inch water meter along Airport Road on the west side of the existing driveway entrance. There is another 2-inch water meter located on the east property line at the end of the existing 6-inch water line which extends north from Airport Road. Both water meters served the onsite Kathrein Inc Scala Division buildings.
5. Access to MWC water lines is available. Medford Water Commission has the following existing water lines on these two (2) parcels:
 - a. There is an existing 6-inch water line on the north side of Airport Road across a portion of the frontage of these parcels.
 - b. There is an existing 6-inch (on-site) water that extends northerly up the east property line of TL 500, this line terminates at a fire hydrant, where there is also a 6" fire service, and a 2-inch water meter that serve the former Kathrein Inc Scala Division building. There is a 10-foot water line easement over this water line per Jackson County OR 90-16723.
 - c. There is an existing 10-inch water line along the west right-of-way line of Biddle Road. This water line turns to the west at Business Park Drive and extends westward and ties to the existing 30-inch water line along the east side of Table Rock Road. A portion of this 10-inch water line crosses TL 500 near the north property line of this parcel under review. The 10-inch water line is located within an existing 30-foot wide Public Utility Easement.



Page 68



0 50 100 200 Feet
Scale: 1"=200'

Water Facility Map for AC-18-055 & CUP-18-056 (555 Airport Road)

June 13, 2018

Legend

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps

- Water Meters:**
- Active Meter
 - On Well
 - Unknown
 - Vacant

- Water Valves:**
- Butterfly Valve
 - Gate Valve
 - Tapping Valve

- Water Mains:**
- Active Main
 - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line

- Boundaries:**
- Urban Growth Boundary
 - City Limits
 - Tax Lots

- MWC Facilities:**
- Control Station
 - Pump Station
 - Reservoir



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission assumes no responsibility for errors, omissions, or partial accuracy. There is no warranty, expressed or implied.

Date: 6/13/18
Pub: G:\MRC\Info\MWC Map - MWC BDE - Linn\LR - Feb 21 2018.mxd



BUILDING SAFETY DEPARTMENT
ROOM 277

CITY OF MEDFORD
LAUSMANN ANNEX
200 SOUTH IVY STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2350
FAX (541) 774-2575
E-MAIL:
bldmed@ci.medford.or.us

Policy on Installation of Pressure Reducing Valves

August 5, 2014

Section 608 of the 2011 Edition of the Oregon Plumbing Specialty Code requires a pressure regulator (commonly called a Pressure Reducing Valve or PRV) where the static pressure in the water supply piping exceeds 80 psi. Although this section gives limited guidance as to installation, it does require the device to be

“...accessibly located above ground or in a vault equipped with adequate means to provide drainage and shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping.”

“Accessible” and “readily accessible” are defined in chapter 2.

To assure uniform and appropriate installation of these devices within Medford, the following standards have been agreed to by the City of Medford Building Safety Department and the Medford Water Commission:

1. The need for these devices will be based on pressure information provided by the Medford Water Commission, and can be verified on-site with a pressure gage. While factory settings of these devices may be adjusted, MWC recommends that the regulated pressure be set no higher than 65 psi.
2. PRVs shall NOT be installed when static pressure is less than 50 psi, except for limited specific equipment-based needs.
3. The PRV shall be installed outside the street right of way as close as practical to the water meter.
4. No expansion tank is necessary.
5. No fixture, device or system is permitted between the meter and the PRV.
6. The PRV must NOT be direct buried nor installed in a crawl space.
7. PRVs shall be installed within a readily accessible valve box / vault following the same standard as used for double check backflow assemblies, as follows:

“On new installations, at least 12-inches clearance will be required as per section 603.3.4. When replacing an existing assembly, the 12-inch clearance requirement can be waived as long as there is at least 3-inches clearance between the bottom of the assembly and the ground, and the device is tested and serviced from the top.”

Sam Barnum

Building Safety Director



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 6/6/2018
Meeting Date: 6/13/2018

LD #: CP18054 **Associated File #1:** ZC18055 **Associated File #2:** CUP18056

Planner: Dustin Severs

Applicant: Applicant, 555 Airport Road, LLC; Agent, CSA Planning, Ltd

Site Name: Grace Christian School

Project Location: 555 Airport Rd

ProjectDescription: Request for concurrent consideration of a three-part proposal: a minor General Land Use Plan (GLUP) amendment to reclassify a single 4.36-acre parcel of land located at 555 Airport Road (Tax Lot 500) from General Industrial (GI) to Commercial (CM); a change of zone of the subject parcel and the adjacent 5.85-acre parcel (tax lot 503 currently designated as CM on the GLUP map) from Light Industrial (I-L) to Regional Commercial (C-R); and a Conditional Use Permit (CUP) to allow an elementary school use (Grace Christian Elementary School: existing private school currently located at 649 Crater Lake Avenue) to occupy the existing building on the subject Tax Lot 500, and for a 1.3-acre portion of the adjacent/vacant Tax lot 503 to be used as an associated sports/recreation field (372W12A TL 500 & 372W12A TL 503); Applicant, 555 Airport Road, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments
OFC 508.5.1	There is a deficiency in fire hydrants at this location. In commercial areas, the Medford Code requires fire hydrants to be spaced a maximum of 300 feet on-center. Two (2) internal fire hydrants will be required for the school building in locations as discussed in the Land Development meeting. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m). 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m). The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site. Plans and specifications for fire hydrant system shall be submitted to Medford Fire Department for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).
OFC 503.4	Parking along fire lanes shall be posted as prohibited as noted below. Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1). Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around's. The signs shall have red letters on a white background stating "NO PARKING-FIRE LANE" (See handout). For privately owned properties, posting/markings of fire lanes may be accomplished by any of the following alternatives to the above requirement (consult with the Fire Department for the best option): Alternative #1: Curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals. Alternative #2: Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot intervals. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12). This restriction shall be recorded on the property deed as a requirement for future construction. A brochure is available on our website at: http://www.ci.medford.or.us/Files/Fire%20Lane%20Brochure.pdf
OFC 903	Fire sprinkler system requirement information. Where a fire sprinkler system is required, it shall meet the requirements of the Oregon Fire Code and the applicable National Fire Protection Association (NFPA) Standard. 903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows: 1. Throughout all Group E fire areas greater than 12,000 square feet (1115 m ²) in area. 2. Throughout every portion of educational building below the lowest level of exit discharge serving that portion of the building. Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level. Consult the Medford Water Commission for proper water meter sizing for fire sprinkler systems.
OFC 907	Fire alarm system requirement information. Where a fire alarm system is required, it shall meet the requirements of the Oregon Fire Code and the National Fire Protection Association (NFPA) 72 Standard. 907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

Construction General Information/Requirements

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

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

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

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

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



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

July 14, 2015

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

Re: CP-18-054, ZC-18-055, CUP-18-056, Grace Christian School (372W12A, TL's 500 & 503)

ATTN: Dustin,

The subject property is within the RVSS service area. There are 10 inch and 8 inch sewer mains on the property running parallel and adjacent to the west and north property lines as well as an 8 inch main parallel and just south of Airport Road. Tax lot 500 is currently served by two 4 inch sewer service connections to the 8 inch main along the north property line. One or both of these services may need to be upsized to accommodate the proposed change of use. The existing sewer collection system has adequate capacity to accommodate the proposed change of use.

The proposed site plan improvements for tax lot 503 will require a main line extension into the development from one or both of the existing 8 inch mains adjacent to the property.

RVSS requests approval of each application be subject to the following requirements:

1. Sewer for the project must be designed and constructed in accordance with RVSS standards.
2. Existing and/or proposed service connections must be sized according to the Oregon State Plumbing Code.
3. Architectural and plumbing plans must be submitted to RVSS for the calculation of associated SDC fees.
4. SDC fees owed to RVSS must be paid prior to the issuance of building permits.
5. Sanitary sewer mains constructed with the project must be accepted as a public system by RVSS prior to the issuance of any building permits.

Sincerely,

Nicholas R. Bakke

Nicholas R Bakke, PE
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\COMPPLAN\2018\CP-18-054_GRACE CHRISTIAN SCHOOL.DOC



JACKSON COUNTY

Roads

Roads Engineering

Kevin Christiansen
Construction Manager

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

www.jacksoncounty.org

June 6, 2018

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

RE: General Land Use Plan Map Amendment for 503 Airport Road – a county maintained road.
Planning File: CP-18-054/ZC-18-055/CUP-18-056.

Dear Dustin:

Thank you for the opportunity to comment on the request for concurrent consideration of a three-part proposal: a minor General Land Use Plan Map Amendment to reclassify a 4.36 acre property located at 555 Airport Road (Tax Lot 500) from I-G (General Industrial) to C-M (Commercial); a change of zone of the subject parcel and the adjacent 5.85-acre parcel (tax lot 503 currently designated as CM on the GLUP map) from I-L (Light Industrial) to (C-R) (Regional Commercial); and a Conditional Use Permit to allow an elementary school use (Grace Christian Elementary School: Existing private school currently located at 649 Crater Lake Avenue) to occupy the existing building on the subject Tax Lot 500, and for a 1.3-acre portion of the adjacent/vacant Tax Lot 503 to be used as an associated sports/recreation field (37-2W-12A TLs 500 & 503). Jackson County Roads has the following comments:

1. Any new or improved road approaches off Airport Road shall be permitted and inspected by the City of Medford.
2. Roads recommend the removal of any existing driveways not being used on Airport Road and replacing them with new curb, gutter and sidewalk.
3. Utility Permits are required from Roads for any utility work within the county road right-of-way.
4. ADA curb ramps must be located wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, including any intersection where it is legal for a pedestrian to cross the street, whether or not there is any designated crosswalk.
5. The applicant shall submit construction drawings to Jackson County Roads and obtain county permits if required.
6. Airport Road is a County Minor Collector and is county-maintained. The Average Daily Traffic Count between Table Rock Road and Biddle Road was 3,100 on the Medford 2016 Traffic Volumes Map.

7. If frontage improvements are required, they shall be permitted and inspected by the City of Medford.
8. We would like to be notified of future development proposals, as county permits may be required.
9. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Airport Road. Jackson County Roads recommends that the city request road jurisdiction.
10. Jackson County Roads concur with any right-of-way dedication required by the City of Medford for Airport Road.
11. Storm water should meet City of Medford requirements that also include water quality.
12. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
13. We require that the applicant prepare a traffic study that addresses impacts at the site accesses and at the intersection of Airport Road and Table Rock Road and at the intersection of Airport Road and Biddle Road. The study should recommend mitigation if necessary and be reviewed and approved by Jackson County Roads.

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

Sincerely,



Mike Kuntz
County Engineer

Dustin J. Severs

From: Marcy Black <BlackMA@jacksoncounty.org>
Sent: Friday, June 08, 2018 5:00 PM
To: Dustin J. Severs
Subject: File No. CP-18-054/ZC-18-055/CUP-18-056 - 555 Airport Road, LLC

Dustin:

The Airport requests an Avigation, Noise and Hazard Easement be a requirement of this project. In addition, due to the proximity to the Airport, the applicant needs to contact the FAA regarding filing a 7460-1 Notice of Proposed Construction or Alteration before any construction begins. The FAA contact is: Paul Holmquist, phone (206) 231-2990.

I have inserted some information below from the FAA’s website:

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	Deg M S
Longitude:	Deg M S
Horizontal Datum:	
Site Elevation (SE):	(nearest foot)
Unadjusted Structure Height :	Structure Height : (nearest foot)
Height Adjustment:	(nearest foot)
Total Structure Height (AGL):	(nearest foot)
Traverseway:	

CITY OF MEDFORD
EXHIBIT # R
**File # CP-18-054/
ZC-18-055/CUP-18-056**

(Additional height is added to certain structures under 77.9(c))
User can increase the default height adjustment for
Traverseway, Private Roadway and Waterway

Is structure on airport:

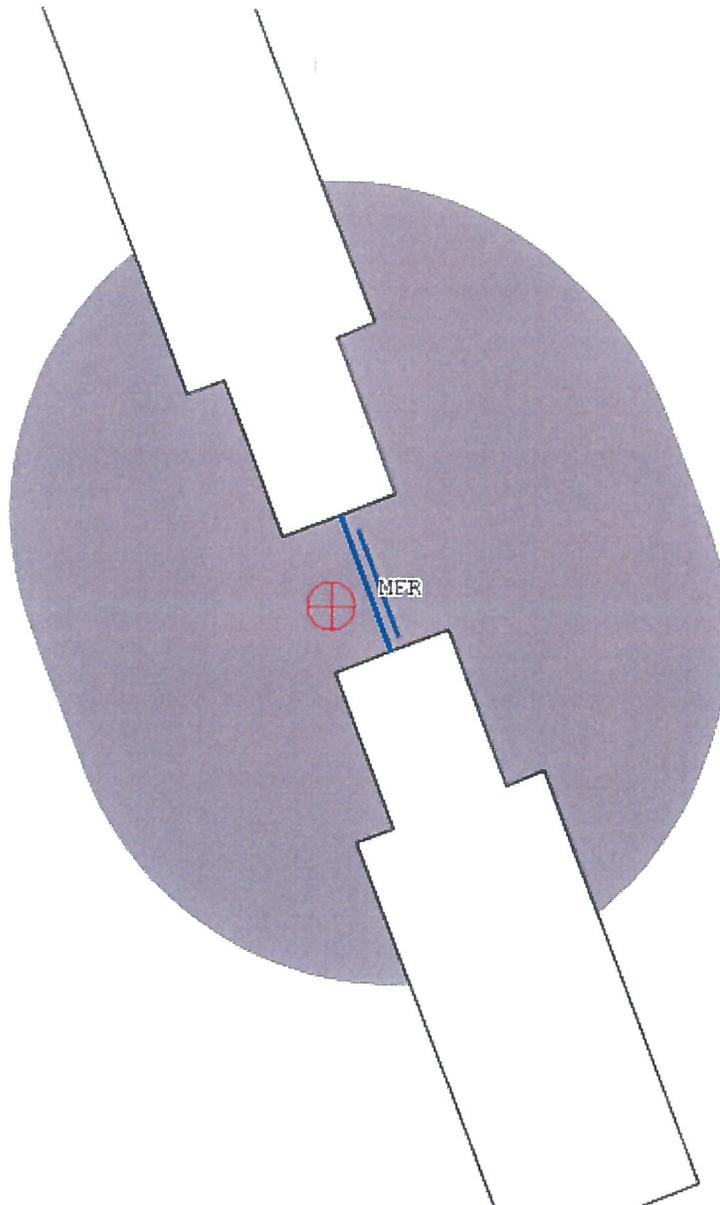
No
Yes

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

The FAA requests that you file



ROGUE RIVER VALLEY IRRIGATION DISTRICT
LAND USE AGENCY RESPONSE FORM

3139 Merriman Road
Medford OR 97540
Email: rrvid@rrvid.org

Phone: 541-773-6127
Fax: 541-773-5420

NAME OF ENTITY REQUESTING RESPONSE: City of Medford Planning
ENTITY REFERENCE NUMBER: CP-18-054
MEETING REVIEW DATE: June 13, 2018

PROPERTY
MAP DESCRIPTION: 372012A 7L SW ADDRESS: _____

NO COMMENT OF LAND USE ISSUE (IF NOT MARKED, CONTINUE BELOW)

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

A. WATER RIGHT ISSUES

- 1. Water rights need to be sold to someone or transferred back to RRVID.
Number of Irrigated Acres: 5.32
- 2. Must have District approval for water rights to remain in place on Subject's property.
Comments: _____

B. EASEMENTS

- DISTRICT EASEMENTS**
- 1. Easement needs to remain clear. No permanent structures or deep-rooted plants will be allowed within the easement limits.
Comments: _____
 - 2. If facility is to be relocated or modified, specifications must meet the District's Standards and be agreeable to the District. A new written and recorded easements must be conveyed to the District.
Comments: _____
 - 3. If a written and recorded easement does not exist for an existing facility, then one must be provided in favor of the District.
Comments: _____

- PRIVATE EASEMENTS**
- 1. Property may have private facilities (ditch or pipeline) that the District does not manage. Arrangements may need to be made to provide continued service through the subject property for down stream water users.
Comments: _____

ENTITY REQUESTING RESPONSE:

City of Medford Planning

ENTITY REFERENCE NUMBER:

CP-18-054

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

C. FACILITIES (including but not limited to pipelines, ditches, canals, control checks or boxes)

- 1. Upgrades to District facilities may be required to support any land use changes or developments, such as pipe installations or encasing existing pipe under roads or concrete.

Comments: _____

D. DRAINAGE / STORM WATER

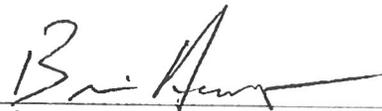
The District relies on the Bureau of Reclamation's Storm Water Policy. No urban storm water or point source flows will be allowed into the District's facilities without going through the Bureau of Reclamation process. (Developments in historically agricultural areas need to be aware of agricultural run off water and take appropriate action to protect the development from upslope water.)

Comments: _____

GENERAL COMMENTS:

1. No interruptions to irrigation water deliveries will be allowed.
2. R.R.V.I.D. is a Federal Project and some facilities and/or easement issues may need Bureau of Reclamation approval.
3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of original function of the District's facilities.

As required by ORS 92.090(6) the entity must receive a certification form the District before approval of the final plat.



Brian Hampson
Rogue River Valley Irrigation
3139 Merriman Road
Medford OR 97501

Date Signed: 5-31-18

May 30, 2018

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

RE: Grace Christian Conditional Use Trip Generation

Dear Karl,

Southern Oregon Transportation Engineering, LLC compared the average daily trips (ADT) of Grace Christian School to potential development (defined through a trip cap stipulation) on Township 37S Range 2W Section 12A tax lots 500 and 503 in Medford, as part of a conditional use permit (CUP) application. A comparison was evaluated to determine the traffic impacts of a proposed conditional school use to the trips stipulated to for the C-R zone change.

The subject property is 10.21 acres in size and carries a proposed trip cap of 3,312 ADT or an equivalent 331 p.m. peak hour trips as part of a zone change application. Grace Christian School currently has 327 students enrolled in grades K-5, but is evaluated for a future capacity of 400 students as a worst case scenario. Trips for Grace Christian School were determined based on trip generations in the 10th Edition of the Institute of Transportation Engineers *Trip Generation Manual*. Land uses 520 (Elementary School) and 537 (Charter Elementary School) were considered the best matches and used to generate trips in the analysis. Land use 534 (Private School K-8) was not considered a good match based on a low number of studies (one) and an average number of students in the single study (110) being significantly lower than Grace Christian School. Land use 520 included studies with both public and private elementary schools, and had two studies with approximately 500 and 550 students. Land use 537 only had a single study, but the study was for a charter elementary school with 406 students, which is a decent match in description and has a very similar number of students. The ITE Manual recommends collecting local data if data provided in the ITE is not considered compatible, but it is our professional opinion that it would be very difficult to gather accurate ADT for Grace Christian based on it having shared parking areas. We were able to watch traffic to determine whether vehicles were school trips in our previous peak period counts, but this would not be possible with tube counts for daily traffic volumes. Based on this, it is our recommendation to use two studies from land use 520 and the single study in land use 537 to determine an appropriate rate for Grace Christian. These are summarized in Table 1.

Table 1 – Trip Generations for Grace Christian School

Land Use	Description	Unit	Size	Daily Trips	Daily Rate (ADT/student)
520	Elementary School	students	500*	725*	1.45
520	Elementary School	students	550*	1,250*	2.27
Average					1.86
537	Charter Elementary School	students	406	751	1.85
520/537	Grace Christian School	students	400	742	1.855

* Estimated from graph

The trip rates for land uses 520 and 537 were shown to be similar when comparing schools with students ranging from 406 to approximately 550 students, which fit well with Grace Christian School. We averaged the two studies for land use 520 that were similar in size, and then took the average of land use 520 and 537 to determine an appropriate daily trip rate for Grace Christian School. This resulted in an estimated 742 ADT.

The trip cap on the subject property, upon zone change approval, is 3,312 ADT with 331 trips occurring during the p.m. peak hour. Grace Christian School is estimated to generate 742 ADT using applicable ITE trip rates, which is less than the number of trips in the zone change stipulation. No significant adverse impact on the surrounding area when compared to the impacts of permitted development is, therefore, shown to occur as a result of the proposed conditional use (in accordance with MLDC 10.248). Based on this, it is our determination that no further traffic analysis is required at this time.

If you have any questions or concerns please feel free to contact me.

Sincerely,

Kimberly Parducci PE, PTOE

Southern Oregon Transportation Engineering, LLC



Attachments: ITE Graphs

Cc: Peter Mackprang, Medford Engineering
 Raul Woerner, CSA Planning, LTD.
 Client

Land Use: 520

Elementary School

Description

An elementary school typically serves students attending kindergarten through the fifth or sixth grade. Elementary schools are usually centrally located in residential communities in order to facilitate student access and have no student drivers. This land use consists of schools where bus service is usually provided to students living beyond a specified distance from the school. Both public and private elementary schools are included in this land use. Middle school/junior high school (Land Use 522), high school (Land Use 530), private school (K-8) (Land Use 534), private school (K-12) (Land Use 536), and charter elementary school (Land Use 537) are related uses.

Additional Data

Elementary school students generally used school buses more than regular transit and were dropped off and picked up more than high school students, who were apt to walk longer distances, ride bicycles, or, in some cases, drive to school. The percentage of students at the sites who were transported to school via bus varied considerably. Some sites experienced higher than average trip rates because many students did not utilize the available school bus service. Due to the varied transit and school bus usage at these sites, it is desirable that future studies report additional detail on the percentage of students who were bused to school and the percentage that were dropped off and picked up.

The elementary schools surveyed exhibited significant variations in terms of facilities provided. Because the ratio of floor space to student population varied widely among the schools surveyed, the number of students may be a more reliable independent variable on which to establish trip generation rates.

Time-of-day distribution data for this land use are presented in Appendix A. For the 11 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 7:15 and 8:15 a.m. and 2:15 and 3:15 p.m., respectively.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alabama, Arizona, British Columbia (CAN), California, Connecticut, Florida, Hawaii, Minnesota, Montana, New York, Oregon, Texas, and Utah.

Source Numbers

186, 383, 390, 395, 533, 536, 572, 579, 583, 609, 611, 612, 613, 632, 707, 852, 856, 858, 866, 877, 878, 896, 940

Elementary School (520)

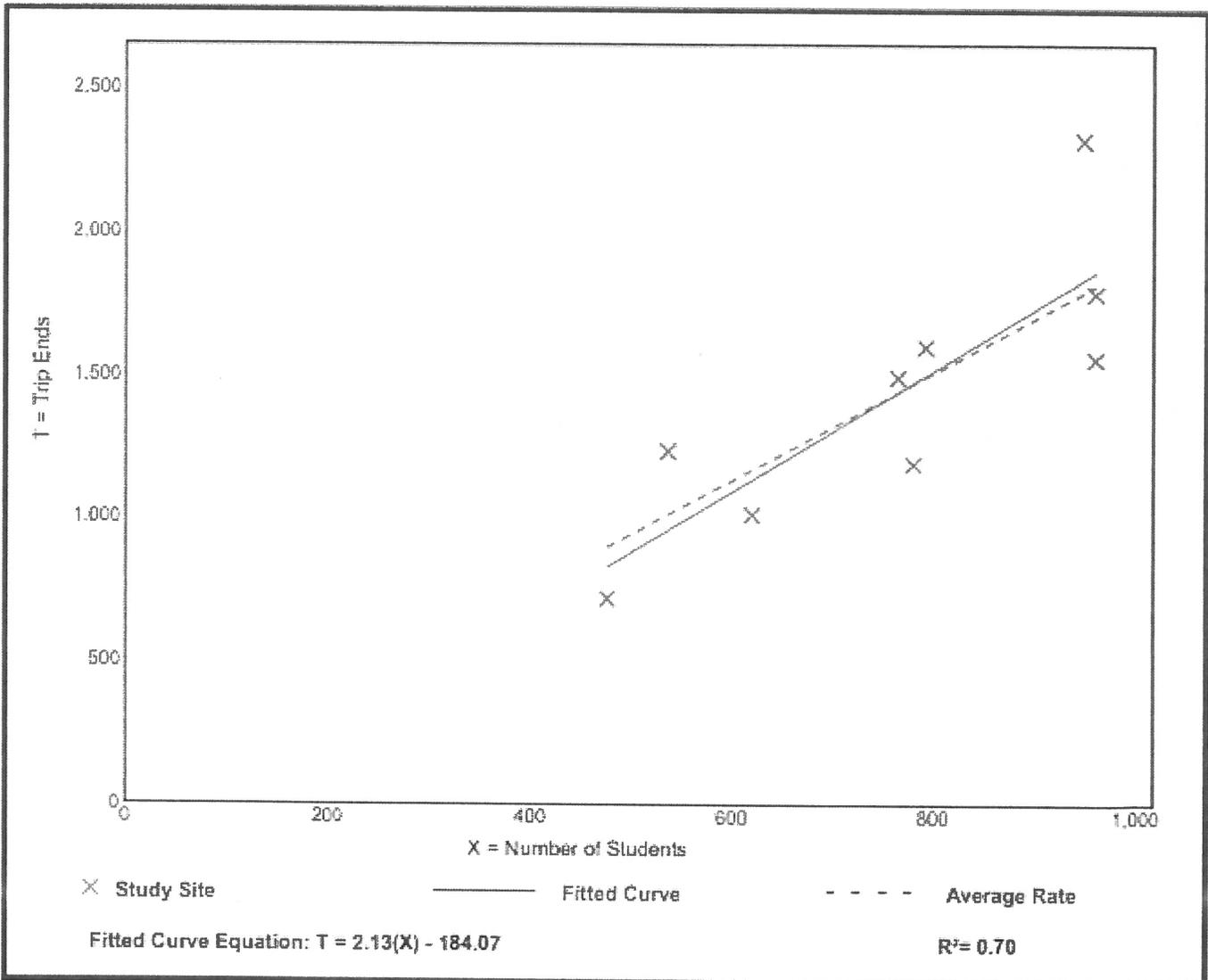
Vehicle Trip Ends vs: Students
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Students: 760
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
1.89	1.51 - 2.45	0.34

Data Plot and Equation



Land Use: 537

Charter Elementary School

Description

A charter elementary school is an elementary school that is publicly funded and privately managed. It primarily serves students attending kindergarten through the fifth, sixth, or eighth grade. These schools may also offer extended care and day care. Elementary school (Land Use 520), middle school/junior high school (Land Use 522), high school (Land Use 530), private school (K-8) (Land Use 534), and private school (K-12) (Land Use 536) are related uses.

Additional Data

Time-of-day distribution data for this land use are presented in Appendix A. For the one general urban/suburban site with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 7:15 and 8:15 a.m. and 2:45 and 3:45 p.m., respectively.

The sites were surveyed in the 2010s in Arizona, Minnesota, New Jersey, and Texas.

Source Numbers

866, 905, 953, 954

Charter Elementary School (537)

Vehicle Trip Ends vs: **Students**
On a: **Weekday**

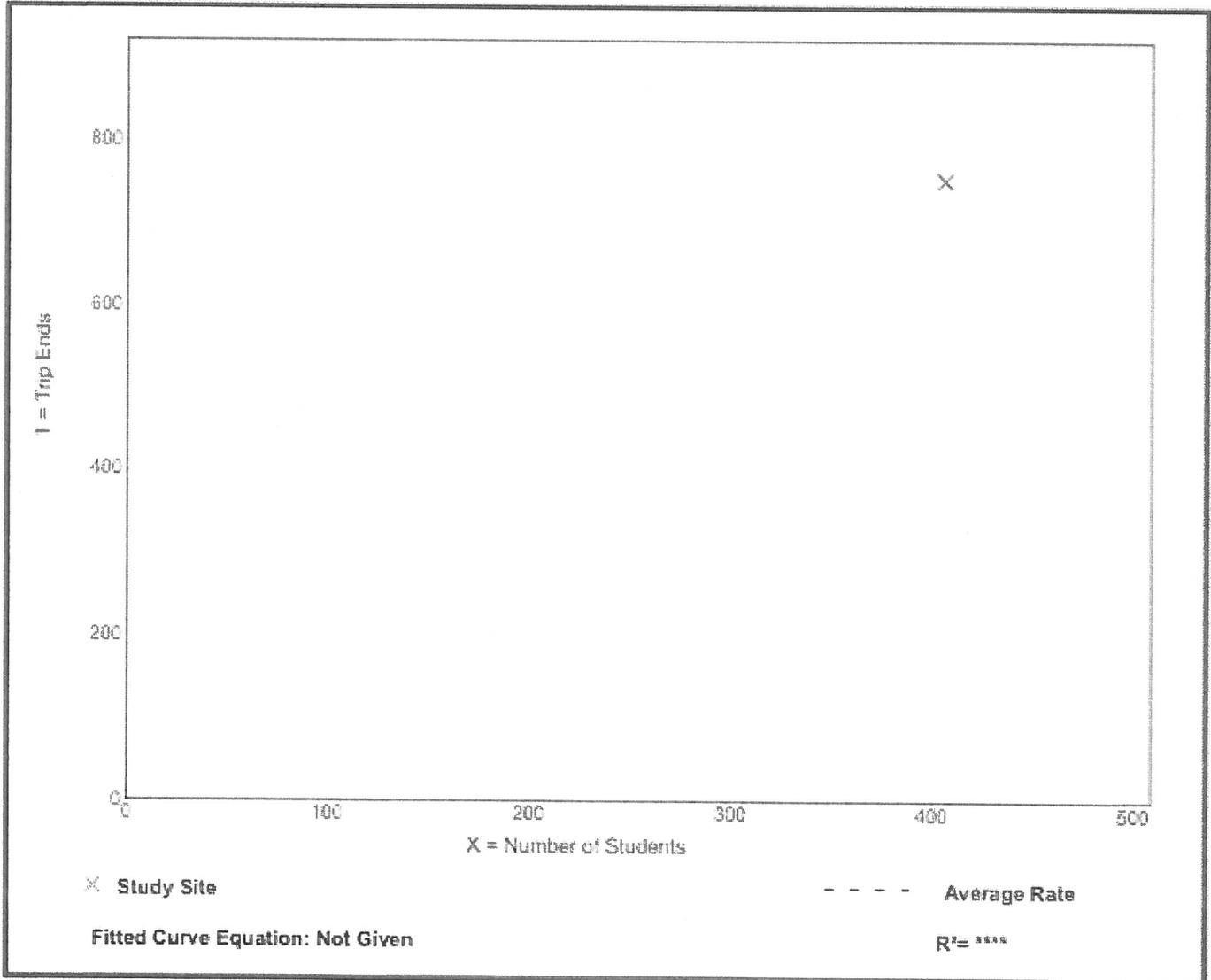
Setting/Location: General Urban/Suburban
Number of Studies: 1
Avg. Num. of Students: 406
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
1.85	1.85 - 1.85	-

Data Plot and Equation

Caution - Small Sample Size





MEMORANDUM

Date: June 13, 2018

To: Doug Burroughs, Development Services Manager
Kimberly Parducci, SOTE

From: Peter Mackprang, Associate Traffic Engineer

Subject: CUP 18-56 372W12A500 and 503 NWC Airport Rd and Biddle Rd.

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated April 20, 2018, with addendums dated May 30, 2018 and June 13, 2018 and titled, "Grace Christian Conditional Use Permit and Conceptual Plan Traffic Findings" for the property Identified as 372W12A500 and 503. The report studies the impact of a CUP for a private school on a 5.66 acre portion of two lots totaling 10.21 acres. Public Works has also received reports supporting Comprehensive Plan Amendment and Zone Change Applications.

The information provided shows that the trips generated from the operation of a school on this site will not have a significant adverse impact on the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

Public Works recommends that the following condition be imposed on the Zone Change:

1. The approval of the CUP application should include a cap of 400 students, until the impacts of a larger number of students has been studied.



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 6/13/2018
Revised Date: 7/2/2018
File Number: CUP-18-056

PUBLIC WORKS DEPARTMENT STAFF REPORT

555 Airport Road Grace Christian Elementary School

Project: Request for consideration of a Conditional Use Permit (CUP) to allow an elementary school use (Grace Christian Elementary School: existing private school currently located at 649 Crater Lake Avenue).

Location: To occupy the existing building on the subject Tax Lot 500, and for a 1.3-acre portion of the adjacent/vacant Tax lot 503 to be used as an associated sports/recreation field (372W12A TL 500 & 372W12A TL 503).

Applicant: Applicant, 555 Airport Road, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

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:

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

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

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

A. STREETS

1. Dedications

Biddle Road is classified as a Major Arterial street within the Medford Land Development Code (MLDC) Section 10.428. **No additional right-of-way is required.**

Airport Road is classified as a Commercial street, and in accordance with Medford Land Development Code (MLDC) Section 10.430, it requires a total right-of-way width of 63-feet. Prior to issuance of any permit for construction, the developer shall dedicate for public right-of-way, sufficient width of land along the entire frontage of this development to comply with the half width of right-of-way, which is 31.5-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

In accordance with MLDC 10.471, **the property owner shall dedicate a 10-foot wide public utility easement (PUE)** adjacent to the proposed right-of-way line along this Developments entire frontage.

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.

2. Public Improvements

a. Public Streets

Biddle Road – All street section improvements, with the exception of a planter strip and sidewalk, have been completed in close conformance with current standards, including pavement, curb and gutter. With future development of TL 503, a 5-foot wide sidewalk with a 10-foot planter strip is required along this developments frontage in accordance with MLDC 10.428.

Airport Road shall be improved to Commercial street standards in accordance with the MLDC, Section 10.430. The Developer shall improve the north half plus 12-feet south of the centerline, or to the far edge of the existing pavement, whichever is greater, along the frontage.

As an option, the Developer may elect to provide evidence of the existing structural section to Public Works for consideration in order to determine if the extent of construction may be reduced. Depending on the results, the Developer still may be responsible for the improvements noted above or at minimum improve the remainder of the north half of Airport Road from a point 1-foot inside the existing edge of pavement.

b. Street Lights and Signing

The developer shall provide and install in compliance with Section 10.495 of the Medford

Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. Biddle Road** (With future development of TL 503.)
 - a. 2 – Type A-400
- B. Airport Road**
 - a. 2 – Type C-250
 - b. 1 – Base Mounted Cabinet (BMC)

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

- A. None

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

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

c. Pavement Moratoriums

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

The developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any Public Street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

d. Soils Report

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

3. Access to Public Street System

Per MMC 10.550, no access to Biddle Road shall be allowed unless warranted through a Traffic

Impact Analysis (TIA) completed in accordance with MLDC 10.550.3.c.4. The curb cut on Biddle Road shall be replaced with full height curb and gutter with the development of the sports field and driveway on tax lot 503.

Airport Road is proposed to be upgraded to a Minor Collector when the Transportation System Plan (TSP) update is adopted, which will result in future “no parking” restrictions.

Discretionary (would be required if Airport Road was a collector): The existing Airport Road driveway on tax lot 500 shall be replaced with a 20-foot radius approach.

4. Transportation System

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated April 20, 2018, with addendums dated May 30, 2018 and June 13, 2018 and titled, “Grace Christian Conditional Use Permit and Conceptual Plan Traffic Findings” for the property Identified as 372W12A500 and 503. The report studies the impact of a CUP for a private school on a 5.66 acre portion of two lots totaling 10.21 acres. Public Works has also received reports supporting Comprehensive Plan Amendment and Zone Change Applications.

The information provided shows that the trips generated from the operation of a school on this site will not have a significant adverse impact on the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

Public Works recommends that the following condition be imposed on the Zone Change:

The approval of the CUP application should include a cap of 400 students, until the impacts of a larger number of students has been studied.

5. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

1. Nexus to a legitimate government purpose

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

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

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

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

Airport Road:

The additional right-of-way will provide the needed width for an 8-foot planter strip and 5-foot sidewalk on **Airport Road**. The planter strip moves pedestrians a safe distance from the edge of the roadway. Airport Road will be the primary routes for pedestrians traveling to and from this development. All developments in Medford are required to construct their frontage sidewalk and therefore this is roughly proportional.

Local street construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties.

Local street right-of-way dedication and construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties. Developments are required to provide all internal local streets and half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

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

Dedication of the Public Utility Easements (PUEs) will benefit development by providing public utility services, which are out of the roadway and more readily available to each lot or building being served. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Developer shall contact RVSS for conditions of connection to the sanitary sewer collection system.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the project's impacted site with sufficient information to determine the direction of runoff to the existing or proposed drainage system, and also showing elevations of the proposed drainage system (if applicable), shall be submitted with the first building permit application for approval.

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

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

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

2. Grading

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

3. Mains and Laterals

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

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads within an access easement. All easements shall be shown on the public improvement plans, if required.

4. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481, 10.486 and 10.729.

It appears that this development is on soils classified as belonging to the Type B hydrologic soil group as mapped by the Soil Survey of Jackson County, and on a slope of 5% or less. As such, the project will need to implement Low Impact Development techniques as listed in the Rogue Valley Stormwater Quality Design Manual. The Applicant may elect to test the soil to determine classification, and if so, testing must be conducted by a licensed Geotechnical Engineer in the state of Oregon.

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

5. Certification

Upon completion of the future expansion, 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.

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

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

3. 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.

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit from the County.

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

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

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 (SDC)

New buildings in this development are subject to street, sanitary sewer treatment, collection and stormdrain system development charges (SDC). All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs

Revised by: Jodi K Cope/Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

555 Airport Road

Grace Christian Elementary School

CUP-18-056

A. Streets:

1. Street Dedications to the Public:

- **Biddle Road** – No additional right-of-way required.
- **Airport Road** – Dedicate additional right-of-way.
- Dedicate 10-foot Public Utility Easement (PUE) along the frontage.

2. Improvements:

Public Streets

- **Biddle Road** requires a 5-foot wide sidewalk and 10-foot planter strip, with future development of TL 503.
- Improve **Airport Road** to Commercial street standards.

Lighting and Signing

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

Access to Public Street System

- Driveway access to the proposed development shall comply with MLDC 10.550.
- No direct access to Biddle Road.

Transportation System

- Approval to include cap of 400 students.

Other

- No pavement moratorium currently in effect along this frontage to Biddle Road or Airport Road.
- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer:

- The site is situated within the RVSS area.

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.

- = City Code Requirement
- = Discretionary recommendations/comments

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



RICHARD STEVENS & ASSOCIATES, INC.

P.O. Box 4368
Medford, OR 97501

100 E. Main St., Suite O
Phone: (541) 773-2646
Fax: (541) 858-8947

E-mail: rsc@mind.net
Website: rsaoregon.com

Dustin Severs, Planner III
Medford Planning Department
200 S. Ivy Street
Medford, OR 97501

RE: CP-18-054; ZC-18-055; CUP-18-056

Dear Mr. Severs,

Our firm, Richard Stevens & Associates, Inc., has been retained to represent the neighboring property owners, Columbia Care, located at 503 Airport Road for their change of zoning application. This correspondence is provided to demonstrate our clients support for the file numbers listed above for the Commercial designation on the GLUP map and change of zoning to Regional Commercial on Tax Lots 500 and 503, 37-2W-12A.

If you have any questions, don't hesitate to give me a call at 541-773-2646, or email me at cstevens@mind.net.

Sincerely,

Richard Stevens & Associates, Inc.
Clark Stevens

CITY OF MEDFORD
EXHIBIT # W
File # CP-18-054/
ZC-18-055/CUP-18-056

Exhibit "B"

Kaiser Surveying
P.O. Box 1046
Eagle Point, OR 97524

Bary D. Kaiser
R.P.L.S. ORE. 52923

Phone: (541) 830-3995
Bary@KaiserSurveying.com

RECEIVED

APR 23 2018

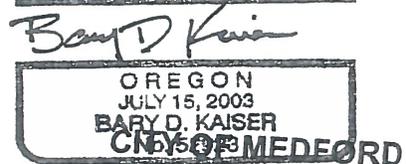
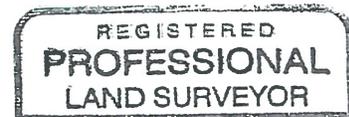
DESCRIPTION OF TAX LOT Nos. 372W 12A – 500, 503 AND ADJACENT ROADWAYS

PLANNING DEPT.

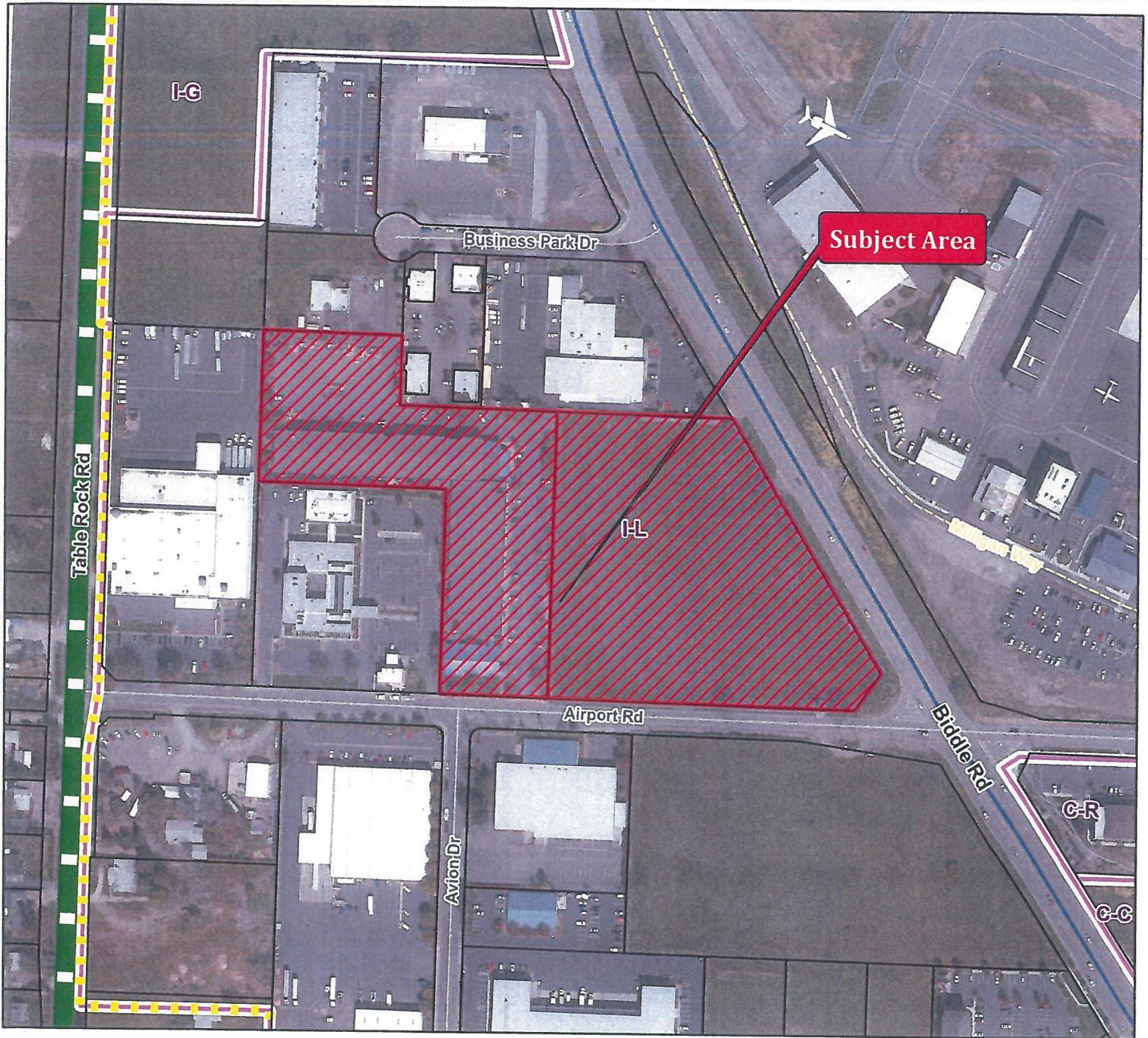
FOR: J.R. Development LLC & 555 Airport Road LLC

Beginning at the Southwest corner of Lot 4 of AIRPORT BUSINESS PARK SUBDIVISION, in the City of Medford, Jackson County, Oregon, according to the official plat thereof, now of record; Thence along the Southerly boundary of said Lot 4, North 89° 50' 00" East, 257.19 feet (record = South 89° 50' 25" East, 257.13 feet) to the Southeast corner of said Lot 4, also being the Northeasterly corner of tract described as TRACT A in Instrument No. 2017-043105 of the Official Records of said County; Thence South 0° 19' 05" East, 127.44 feet (record = South, 127.49 feet) to intersect the Northerly boundary of tract described as TRACT B in said Instrument No. 2017-043105, at the Southeasterly corner of said TRACT A; Thence along the said Northerly boundary of TRACT B, North 89° 48' 16" East (record = South 89° 53' 10" East), 290.83 feet to the 5/8" rebar with plastic cap found set for the Northeasterly corner of said TRACT B, also being the Northwesterly corner of tract described in Instrument No. 2018-001121 of said Official Records; Thence along the Northerly boundary of last said tract, continuing North 89° 48' 16" East, 324.02 feet (record = South 89° 53' 10" East, 324.08 feet) to intersect the Southwesterly right-of-way line of Biddle Road at a 5/8" rebar with plastic cap found set for the Northeasterly corner of said tract; Thence perpendicular to said Road line, North 57° 15' 51" East, 60.00 feet to intersect the centerline of said Biddle Road; Thence along said Road centerline, South 32° 44' 09" East, 696.69 feet to intersect the centerline of Airport Road; Thence leaving said Biddle Road centerline along the centerline of said Airport Road, South 89° 48' 13" West, 948.83 feet to intersect the Southerly extension of the Westerly boundary of said tract described as TRACT B in Instrument No. 2017-043105 of said Official Records; Thence North 0° 15' 44" West, 30.00 feet to the Southerly Southwest corner of said TRACT B; Thence North 0° 15' 44" West (record = North 0° 02' 35" East), 375.00 feet to an angle point on said TRACT B boundary; Thence South 89° 48' 13" West (record = North 89° 53' 10" West), 348.00 feet to the Westerly Southwest corner of said TRACT B; Thence along the Westerly boundary of said TRACT B and the Northerly extension thereof, North 0° 15' 48" West, (record = North 0° 02' 35" East), 277.64 feet to THE POINT OF BEGINNING. Containing 11.82 acres.

February 26, 2018



EXP. EXHIBIT-#9
File # ZC-18-055/CUP-18-056



Project Name:

Grace Christian School

Map/Taxlot:

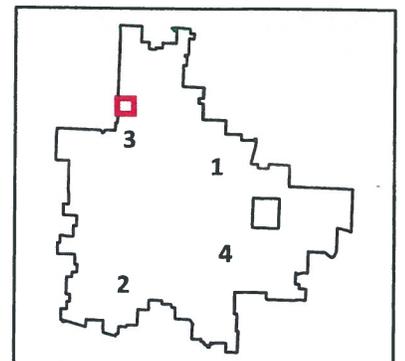
372W12A TL 500 & 503



04/30/2018

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots
-  City Limits





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP CFM, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: August 16, 2018

COUNCIL BILL 2018-100

An ordinance amending sections 10.140, 10.200, and adding sections 10.715A, 10.716A, 10.717, 10.718, and 10.719 of the Medford Municipal Code to gain conformance with Senate Bill 1051 and to establish standards for multiple-family dwelling projects consisting of three or more attached units.

SUMMARY AND BACKGROUND

Council is requested to consider a legislative amendment to Articles I and II of the Municipal Code. The amendment would bring the Medford Land Development Code (MLDC) into conformance with the provisions of Senate Bill 1051 (SB 1051), as well as establish clear and objective design standards for multiple-family dwelling projects consisting of three or more attached units. The proposed amendments were reviewed by the Planning Commission and Site Plan and Architectural Commission (SPAC) over the course of four study sessions in May and June of this year; the Planning Commission unanimously recommended approval of the proposal with some minor amendments. (File No. DCA-17-111)

PREVIOUS COUNCIL ACTIONS

The City Council reviewed the proposal at its April 26, 2018, study session and discussed the amendment in terms of the need to bring the MLDC into conformance with the key provisions of SB 1051. At the study session the Council directed staff to formally prepare the necessary amendment, as well as to draft interim design standards for multi-family dwelling projects.

ANALYSIS

Senate Bill 1051 amended several of the Oregon Revised Statutes (ORS) that relate to the regulation and processing of residential development projects, and it requires expedited processing of applications for affordable housing developments that meet specified criteria. In order to align the MLDC with the provisions of SB 1051, the proposal involves amending the following sections of the MLDC:

- **§10.140(A)(1) (Appeal of Land Use Decision):** SPAC actions shall be considered final when they involve a qualifying affordable housing project that meets the criteria in SB 1051 for final action within 100 days. Any appeal of a qualifying affordable housing project shall be made directly to the Land Use Board of Appeals (LUBA) to help ensure the 100 day timeline will be met.
- **§10.200(E) (Site Plan and Architectural Review Criteria):** The existing SPAC Review Criteria which specify that proposed development be compatible with adjacent uses and development shall only be applicable to commercial and industrial development projects. All residential development projects shall be approved if they comply with applicable city ordinances, or if the SPAC has approved any Exceptions or any Adjustments from the Special Development Standards for Multiple-Family Dwellings (i.e. the proposed interim design standards).
- **§10.200(F) (Site Plan and Architectural Review Conditions of Approval):** SPAC may only limit or alter the location, height, bulk, configuration, setback, or architectural design elements of commercial and industrial buildings. The architectural design elements of multiple-family dwelling buildings may only be modified by SPAC when the applicant has affirmatively elected to request an adjustment from the Special Development Standards for Multiple-Family Dwellings.

In addition to the above amendments, the proposal includes the addition of Sections 10.715A – 10.719. These new sections would establish clear and objective design standards for multiple-family dwelling projects, as well as an optional adjustment process that an applicant could elect to follow in order to seek approval of an innovative and/or unconventional residential design that does not precisely satisfy the clear



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

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and objective design standards. Such projects would be reviewed by the SPAC subject to criteria that the proposed project results in an equivalent or higher quality design than would otherwise result through adherence to the design standards, and/or that the project's site design promotes safety, security, and privacy, and reduces visual, noise, and lighting impacts on adjacent properties.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The 100-day processing timeline for qualifying affordable housing projects took effect upon the signing of SB 1051 last August. All other provisions within SB 1051 took effect July 1, 2018. The City is obligated to follow all of the provisions in SB 1051 irrespective of whether or not the proposed amendments are adopted. As of July 1, 2018, the SPAC no longer has the ability to subjectively review multi-family development projects; and, should the City Council decline to approve the amendments, multi-family residential development projects will only be subject to the basic development regulations currently contained in the MLDC until such time as comprehensive design standards are adopted.

COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented
- Decline to approve the ordinance as presented, and direct staff regarding further action

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the Land Development Code Amendment as described in the Commission Report dated August 9, 2018, and as recommended by the Planning Commission.

EXHIBITS

Ordinance

Commission Report, including Exhibits A – H

ORDINANCE NO. 2018-100

AN ORDINANCE amending sections 10.140, 10.200, and adding sections 10.715A, 10.716A, 10.717, 10.718, and 10.719 of the Medford Municipal Code to gain conformance with Senate Bill 1051 and to establish standards for multiple-family dwelling projects consisting of three or more attached units.

Section 1. Section 10.140 of the Medford Municipal Code is amended to read as follows:

10.140 Appeal of Land Use Decision.

(A) Standing for Appeal.

(1) Any person with standing may appeal a land use decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission, and Planning Director) which approves conditionally, approves, or disapproves an appealable land use action per Subsection (E), by filing a written notice together with the requisite filing fee with the Planning Department within 14 days after notice of the decision is mailed.

(a) Exception: Site Plan and Architectural Commission actions shall be considered final when involving a residential development that: (1) contains five or more residential units; (2) will sell or rent at least 50 percent of the residential units as housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater; and (3) is subject to a covenant appurtenant restricting the owner and each successive owner of the development (or a residential unit within the development) from selling or renting any affordable residential unit within the development as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy. Any appeal of actions involving such projects shall be made directly to the Land Use Board of Appeals (LUBA).

Section 2. Section 10.200 of the Medford Municipal Code is amended to read as follows:

10.200 Site Plan and Architectural Review.

(E) Site Plan and Architectural Review Approval Criteria.

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

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

(2b) 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 Section 10.186.

(2) The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a residential development if the proposed development complies with the applicable provisions of all city ordinances, or if the Site Plan and Architectural Commission has approved either of the following:

(a) Any Exception(s), as provided for in MLDC Section 10.186, which resolve(s) any instances of non-compliance with those provisions.

(b) Any Adjustments from the Special Development Standards for Multiple-Family Dwellings, as provided for in MLDC Section 10.715A through 10.717.

(F) Site Plan and Architectural Review Conditions of Approval. In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection (E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

(5) Limiting or altering the location, height, bulk, configuration or setback of **commercial and industrial** buildings, structures and improvements.

(6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;

(9) Modifying architectural design elements of **commercial and industrial buildings**. **Such modifications may include, but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures; including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;**

(10) Modifying architectural design elements of multiple-family dwelling buildings when the applicant has affirmatively elected to request an adjustment from the Special Development Standards in MLDC Sections 10.715A through 10.717. Such modifications may include but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;

(11) Restricting the height, directional orientation and intensity of exterior lighting

Section 3. Section 10.715A of the Medford Code is added to read as follows:

10.715A Multiple-Family Dwellings, Special Development Standards, Purpose.

The purpose of Sections 10.717 through 10.719 is to establish a series of clear and objective standards for multiple-family dwellings in order to:

(a) Enhance the visual character and livability of the community;

(b) Promote building and site design that contributes positively to a sense of neighborhood

and to the overall streetscape.

This purpose statement is not intended to create an independent basis for denying a multiple-family dwelling project that meets all clear and objective standards.

Section 4. Section 10.716A of the Medford Municipal Code is added to read as follows:

10.716A Multiple-Family Dwelling, Special Development Standards, Applicability.

A. The requirements of Sections 10.717 through 10.719 shall apply to all multiple-family dwellings consisting of three or more attached dwelling units.

B. Any applicant that affirmatively elects to deviate from these requirements shall be subject to the subjective standards provided for in MLDC Section 10.720.

Section 5. Section 10.717 of the Medford Municipal Code is added to read as follows:

10.717 Multiple-Family Dwellings, Special Development Standards.

A. Building Orientation and Entrances.

(1) Buildings shall be oriented to public streets and public street intersections.

(2) Buildings located at intersections shall incorporate a corner building entrance.

(3) For buildings located within 30 feet of a street, the main entrance(s) of ground floor units must face the street frontage. Main entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies.

Deviations from this standard are allowed as follows:

(a) On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.

(b) For buildings with more than one entrance serving multiple units, only one entrance must meet this standard.

(c) For buildings proposed to be perpendicular to public streets due to access requirements and/or dimensional constraints not created by the applicant, main entries may face up to 90 degrees away from the street provided both of the following apply:

i. They are visible from the street.

ii. The building side facing the street shall contain windows occupying a minimum of 15% of the overall façade length.

B. Building Mass and Façade.

(1) Outside of the Central Business Overlay District, residential buildings located within 30 feet of a street shall be limited in length to 150 feet, and any other residential buildings on the site shall be limited in length to 200 feet. There is no maximum building length within the Central Business Overlay District.

(2) On buildings greater than three stories in height, all façades shall be divided into three elements (base, middle, and top) and visibly articulated to define each element.

(a) The building base consists of the lowermost floor or two floors. The building top consists of the uppermost floor or two floors. The building middle consists of the remainder of the façade between the base and the top.

(b) The building base, middle, and top shall each be differentiated through

horizontal articulation and/or a discernible change in materials.

- (3) Street-facing façades shall contain windows covering a minimum of 15% of the façade length on each floor level.

C. Building Articulation.

- (1) In order to preclude long expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as off-sets, projections, balconies, bays, windows, entries, porches, porticos, or similar elements. Rear and/or side elevations that are only visible from the interior of the site are not subject to these articulation requirements.

- (a) Horizontal surface: at least two of the design features outlined above shall be incorporated along the horizontal face of the building, to be repeated at intervals of no more than 40 feet.

- (b) Vertical surface: at least two of the design features outlined above shall be incorporated along the vertical face of the building, to be repeated at intervals of no more than 30 feet.

- (2) When off-sets and projections are used to fulfill articulation requirements, they shall vary from other wall surfaces by a minimum of 2 feet, and such changes in plane shall have a minimum width of 6 feet.
- (3) Individual and common entries shall be articulated by roofs, awnings, or porticos that are a minimum of 6 feet wide and 4 feet deep.
- (4) Windows shall be inset a minimum of 3 inches from the adjacent wall plane, or fully surrounded by trim in order to create the necessary minimum inset depth of 3 inches.

D. Building Materials.

- (1) The following primary building materials shall be utilized on a minimum of 65% of the street-facing façade:

- (a) Brick;
 - (b) Stone;
 - (c) Stucco;
 - (d) Flat metal composite panels;
 - (e) Wood siding and wood simulation materials;
 - (f) Fiber reinforced cement siding or panels;
 - (g) Ceramic tile; and
 - (h) Transparent glass.

- (2) The following building materials shall not be allowed on more than 35% of each individual façade:

- (a) Corrugated metal;
 - (b) Plain or split-faced concrete block;
 - (c) Plain concrete; and
 - (d) Spandrel glass.

- (3) Vertical changes in wall cladding materials shall take place on inside corners. Horizontal changes in wall cladding materials shall take place at cornices, belt courses, and other such horizontal elements.

- (4) The following building materials are prohibited:

- (a) Vinyl siding; and
- (b) Plywood siding (e.g. T1-11).
- (4) Fencing materials shall be durable, maintainable, and attractive. The following fencing materials are prohibited:
 - (a) Plastic or vinyl fencing; and
 - (b) Chain link fencing.

E. Roof Forms.

- (1) All sloped roofs shall have a minimum 4:12 pitch.
- (2) All sloped roofs shall have eaves projecting a minimum of 12 inches from the building wall.
- (3) All roofs with a slope of less than 4:12 pitch shall be articulated by a parapet wall projecting a minimum of 12 inches above the roof line, or be architecturally treated such as with a decorative cornice.

F. Vehicle Circulation and Parking.

- (1) In order to strengthen the presence of buildings on the street, no parking spaces shall be located within any required front yard area, and no automobile circulation or parking areas shall be located between buildings and the street.

Section 6. Section 10.718 of the Medford Municipal Code is added to read as follows:

10.718 Optional Adjustment of Special Development Standards, Purpose.

The purpose of this section is to create a mechanism for an applicant to seek approval of innovative and/or unconventional residential designs that may not precisely satisfy the clear and objective design standards set forth in Sections 10.715A through 10.717. This section is not meant to supersede the clear and objective standards set forth above unless an applicant affirmatively elects to request review under this section.

Section 7. Section 10.719 of the Medford Municipal Code is added to read as follows:

10.719 Optional Adjustment of Special Development Standards, Review Criteria.

A. Notwithstanding Sections 10.715A through 10.717, if an applicant affirmatively elects to request review (in writing) under this section, the Site Plan and Architectural Commission may approve a site plan and architectural review application for a multiple-family dwelling development if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would otherwise result through strict adherence to the standards contained in Sections 10.715A through 10.717, through architectural massing, features or details to distinguish elements of the building; vibrant facades with visual detail; and enhanced public and private spaces that contribute positively to the site, streetscape, and adjoining properties; and
- (b) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would otherwise result through strict adherence to the standards contained in Sections 10.715A through 10.717, through an overall site design that promotes

safety, security, and privacy, and reduces visual, noise, and lighting impacts of the development on adjacent properties.

B. Denial of the application. If the Site Plan and Architectural Commission finds that an application for residential development reviewed under this section does not satisfy the conditions of 10.719A, the Site Plan and Architectural Commission shall also review the application as set forth in Sections 10.715A through 10.717. If the application does not satisfy the requirements of Sections 10.715A through 10.717, the Site Plan and Architectural Commission shall make such findings on the record.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

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.

ARTICLE I - GENERAL PROVISIONS

* * *

10.140 Appeal of Land Use Decision.

(A) Standing for Appeal.

(1) Any person with standing may appeal a land use decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, Landmarks and Historic Preservation Commission, and Planning Director) which approves conditionally, approves, or disapproves an appealable land use action per Subsection (E), by filing a written notice together with the requisite filing fee with the Planning Department within 14 days after notice of the decision is mailed.

(a) Exception: Site Plan and Architectural Commission actions shall be considered final when involving a residential development that: (1) contains five or more residential units; (2) will sell or rent at least 50 percent of the residential units as housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater; and (3) is subject to a covenant appurtenance restricting the owner and each successive owner of the development (or a residential unit within the development) from selling or renting any affordable residential unit within the development as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy. Any appeal of actions involving such projects shall be made directly to the Land Use Board of Appeals (LUBA).

* * *

ARTICLE II - PROCEDURAL REQUIREMENTS

* * *

10.200 Site Plan and Architectural Review.

* * *

(E) Site Plan and Architectural Review Criteria.

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

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

(b)(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 Section 10.186.

(2) The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a residential development if the proposed development complies with the applicable provisions of all city ordinances, or if the Site Plan and Architectural Commission has

approved either of the following:

(a) Any Exceptions, as provided for in MLDC Section 10.186, which resolve(s) any instances of non-compliance with those provisions.

(b) Any Adjustments from the Special Development Standards for Multiple-Family Dwellings, as provided for in MLDC Section 10.715A – 10.717.

(F) Site Plan and Architectural Review Conditions of Approval.

In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection (E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

- (1) Limiting the number, height, location and size of signs;
- (2) Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;
- (3) Limiting the visibility of mechanical equipment through screening or other appropriate measures;
- (4) Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
- (5) Limiting or altering the location, height, bulk, configuration or setback of commercial and industrial buildings, structures and improvements.
- (6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
- (7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
- (8) Requiring the retention of existing natural features;
- (9) Modifying architectural design elements of commercial and industrial buildings. Such modifications may include, but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;
- (10) Modifying architectural design elements of multiple-family dwelling buildings when the applicant has affirmatively elected to request an adjustment from the Special Development Standards in MLDC Sections 10.715A – 10.717. Such modifications may include, but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;
- (10) Restricting the height, directional orientation and intensity of exterior lighting.

* * *

ARTICLE V – SITE DEVELOPMENT STANDARDS

* * *

**SPECIAL DEVELOPMENT STANDARDS FOR MULTIPLE-FAMILY DWELLINGS
(10.715A – 10.717)**

10.715A Multiple-Family Dwellings, Special Development Standards, Purpose.

The purpose of Sections 10.717 through 10.719 is to establish a series of clear and objective standards for multiple-family dwellings in order to:

- (a) Enhance the visual character and livability of the community;
- (b) Promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape.

This purpose statement is not intended to create an independent basis for denying a multiple-family dwelling project that meets all clear and objective standards.

10.716A Multiple-Family Dwelling, Special Development Standards, Applicability.

A. The requirements of Sections 10.717 – 10.719 shall apply to all multiple-family dwellings consisting of three or more attached dwelling units.

B. Any applicant that affirmatively elects to deviate from these requirements shall be subject to the subjective standards provided for in MLDC Section 10.720.

10.717 Multiple-Family Dwellings, Special Development Standards.

A. Building Orientation and Entrances.

- (1) Buildings shall be oriented to public streets and public street intersections.
- (2) Buildings located at intersections shall incorporate a corner building entrance.
- (3) For buildings located within 30 feet of a street, the main entrance(s) of ground floor units must face the street frontage. Main entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Deviations from this standard are allowed as follows:
 - (a) On corner lots the main building entrance(s) may face either of the streets or be oriented to the corner.
 - (b) For buildings with more than one entrance serving multiple units, only one entrance must meet this standard.
 - (c) For buildings proposed to be perpendicular to public streets due to access requirements and/or dimensional constraints not created by the applicant, main entries may face up to 90 degrees away from the street provided both of the following apply:
 - i. They are visible from the street.
 - ii. The building side facing the street shall contain windows occupying a minimum of 15% of the overall façade length.

B. Building Mass and Façade.

- (1) Outside of the Central Business Overlay District, residential buildings located within 30 feet of a street shall be limited in length to 150 feet, and any other residential buildings on the site shall be limited in length to 200 feet. There is no maximum building length within the Central Business Overlay District.
- (2) On buildings greater than three stories in height, all façades shall be divided into three elements (base, middle, and top) and visibly articulated to define each element.
 - (a) The building base consists of the lowermost floor or two floors. The building top consists of the uppermost floor or two floors. The building middle consists of the

remainder of the façade between the base and the top.

- (b) The building base, middle, and top shall each be differentiated through horizontal articulation and/or a discernible change in materials.
- (3) Street-facing façades shall contain windows covering a minimum of 15% of the façade length on each floor level.

C. Building Articulation.

- (1) In order to preclude long expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as off-sets, projections, balconies, bays, windows, entries, porches, porticos, or similar elements. Rear and/or side elevations that are only visible from the interior of the site are not subject to these articulation requirements.
 - (a) Horizontal surface: at least two of the design features outlined above shall be incorporated along the horizontal face of the building, to be repeated at intervals of no more than 40 feet.
 - (b) Vertical surface: at least two of the design features outlined above shall be incorporated along the vertical face of the building, to be repeated at intervals of no more than 30 feet.
- (2) When off-sets and projections are used to fulfill articulation requirements, they shall vary from other wall surfaces by a minimum of 2 feet, and such changes in plane shall have a minimum width of 6 feet.
- (3) Individual and common entries shall be articulated by roofs, awnings, or porticos that are a minimum of 6 feet wide and 4 feet deep.
- (4) Windows shall be inset a minimum of 3 inches from the adjacent wall plane, or fully surrounded by trim in order to create the necessary minimum inset depth of 3 inches.

D. Building Materials.

- (1) The following primary building materials shall be utilized on a minimum of 65% of the street-facing façade:
 - (a) Brick;
 - (b) Stone;
 - (c) Stucco;
 - (d) Flat metal composite panels;
 - (e) Wood siding and wood simulation materials;
 - (f) Fiber reinforced cement siding or panels;
 - (g) Ceramic tile; and
 - (h) Transparent glass.
- (2) The following building materials shall not be allowed on more than 35% of each individual façade:
 - (a) Corrugated metal;
 - (b) Plain or split-faced concrete block;
 - (c) Plain concrete; and
 - (d) Spandrel glass.
- (3) Vertical changes in wall cladding materials shall take place on inside corners. Horizontal changes in wall cladding materials shall take place at cornices, belt courses, and other such horizontal elements.
- (4) The following building materials are prohibited:
 - (a) Vinyl siding; and

- (b) Plywood siding (e.g. T1-11).
- (4) Fencing materials shall be durable, maintainable, and attractive. The following fencing materials are prohibited:
 - (a) Plastic or vinyl fencing; and
 - (b) Chain link fencing.

E. Roof Forms.

- (1) All sloped roofs shall have a minimum 4:12 pitch.
- (2) All sloped roofs shall have eaves projecting a minimum of 12 inches from the building wall.
- (3) All roofs with a slope of less than 4:12 pitch shall be articulated by a parapet wall projecting a minimum of 12 inches above the roof line, or be architecturally treated such as with a decorative cornice.

F. Vehicle Circulation and Parking.

- (1) In order to strengthen the presence of buildings on the street, no parking spaces shall be located within any required front yard area, and no automobile circulation or parking areas shall be located between buildings and the street.

**OPTIONAL ADJUSTMENT OF SPECIAL DEVELOPMENT STANDARDS
(10.718 – 10.719)**

10.718 Optional Adjustment of Special Development Standards, Purpose.

The purpose of this section is to create a mechanism for an applicant to seek approval of innovative and/or unconventional residential designs that may not precisely satisfy the clear and objective design standards set forth in Sections 10.715A – 10.717. This section is not meant to supersede the clear and objective standards set forth above unless an applicant affirmatively elects to request review under this section.

10.719 Optional Adjustment of Special Development Standards, Review Criteria.

A. Notwithstanding Sections 10.715A – 10.717, if an applicant affirmatively elects to request review (in writing) under this section, the Site Plan and Architectural Commission may approve a site plan and architectural review application for a multiple-family dwelling development if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would otherwise result through strict adherence to the standards, through architectural massing, features or details to distinguish elements of the building; vibrant facades with visual detail; and enhanced public and private spaces that contribute positively to the site, streetscape, and adjoining properties; and
- (b) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would otherwise result through strict adherence to the standards through an overall site design that promotes safety, security, and privacy, and reduces visual, noise, and lighting impacts of the development on adjacent properties..

B. Denial of the application. If the Site Plan and Architectural Commission finds that an application for residential development reviewed under this section does not satisfy the conditions of Subsection A, the Site Plan and Architectural Commission shall also review the application as set forth in Sections 10.715A – 10.717. If the application does not satisfy the

requirements of Sections 10.715A – 10.717 either, the Site Plan and Architectural Commission shall make such findings on the record.

* * *

Enrolled Senate Bill 1051

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

CHAPTER

AN ACT

Relating to use of real property; creating new provisions; amending ORS 197.178, 197.303, 197.307, 197.312, 215.416, 215.427, 215.441, 227.175, 227.178 and 227.500; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Affordable housing" means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater.

(b) "Multifamily residential building" means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

(2) Notwithstanding ORS 215.427 (1) or ORS 227.178 (1), a city with a population greater than 5,000 or a county with a population greater than 25,000 shall take final action on an application qualifying under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or 227.180, within 100 days after the application is deemed complete.

(3) An application qualifies for final action within the timeline described in subsection (2) of this section if:

(a) The application is submitted to the city or the county under ORS 215.416 or 227.175;

(b) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;

(c) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and

(d) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

(4) A city or a county shall take final action within the time allowed under ORS 215.427 or 227.178 on any application for a permit, limited land use decision or zone change that does not qualify for review and decision under subsection (3) of this section, including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and 227.181.

SECTION 2. ORS 215.416 is amended to read:

215.416. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 215.427. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (11) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A county may not approve an application** if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by statute or county legislation.

(b)(A) A county may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A county may not reduce the density of an application for a housing development if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A county may not reduce the height of an application for a housing development if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section shall be held only after notice to the applicant and also notice to other persons as otherwise provided by law and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on an application submitted under this section shall be provided to the owner of an airport defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the county planning authority; and

(b) The property subject to the land use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a land use hearing need not be provided as set forth in subsection (6) of this section if the zoning permit would only allow a structure less than 35 feet in height and the property is located outside the runway "approach surface" as defined by the Oregon Department of Aviation.

(8)(a) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

(b) When an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(9) Approval or denial of a permit or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(10) Written notice of the approval or denial shall be given to all parties to the proceeding.

(11)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county's land use regulations. A county may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the county. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(12) A decision described in ORS 215.402 (4)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(13) At the option of the applicant, the local government shall provide notice of the decision described in ORS 215.402 (4)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(14) Notwithstanding the requirements of this section, a limited land use decision shall be subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 3. ORS 227.175 is amended to read:

227.175. (1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A city may not reduce the density of an application for a housing development if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not reduce the height of an application for a housing development if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway "approach surface" as defined by the Oregon Department of Aviation.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home

or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

(10)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city's land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(11) A decision described in ORS 227.160 (2)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 4. ORS 197.303 is amended to read:

197.303. (1) As used in ORS 197.307, “needed housing” means **all housing [types] on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at [particular] price ranges and rent levels, including that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes [at least] the following housing types:**

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section [shall] **does** not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 5. ORS 197.307 is amended to read:

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-wide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of hous-

ing, including needed housing [on buildable land described in subsection (3) of this section]. The standards, conditions and procedures:

(a) **May include, but are not limited to, one or more provisions regulating the density or height of a development.**

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, ar-

chitectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

SECTION 6. ORS 197.312 is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

SECTION 7. ORS 215.441 is amended to read:

215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including *[worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]*:

(a) Worship services.

(b) Religion classes.

(c) Weddings.

(d) Funerals.

(e) Meal programs.

(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:

(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(2) A county may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review or design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or restrict the use of real property by a place of worship described in subsection (1) of this section if the county finds that the level of service of public facilities, including transportation, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a county may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

SECTION 8. ORS 227.500 is amended to read:

227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a city shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including [*worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.*]:

(a) **Worship services.**

(b) **Religion classes.**

(c) **Weddings.**

(d) **Funerals.**

(e) **Meal programs.**

(f) **Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**

(g) **Providing housing or space for housing in a building that is detached from the place of worship, provided:**

(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(2) A city may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review and design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or regulate the use of real property by a place of worship described in subsection (1) of this section if the city finds that the level of service of public facilities, including transporta-

tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a city may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

SECTION 9. ORS 197.178 is amended to read:

197.178. (1) Local governments with comprehensive plans or functional plans that are identified in ORS 197.296 (1) shall compile and report annually to the Department of Land Conservation and Development the following information for all applications received under ORS 227.175 for residential permits and residential zone changes:

(a) **The total number of complete applications received for residential development, [including the net residential density proposed in the application and the maximum allowed net residential density for the subject zone] and the number of applications approved;**

[(b) The number of applications approved, including the approved net density; and]

[(c) The date each application was received and the date it was approved or denied.]

(b) The total number of complete applications received for development of housing containing one or more housing units that are sold or rented below market rate as part of a local, state or federal housing assistance program, and the number of applications approved; and

(c) For each complete application received:

(A) The date the application was received;

(B) The date the application was approved or denied;

(C) The net residential density proposed in the application;

(D) The maximum allowed net residential density for the subject zone; and

(E) If approved, the approved net residential density.

(2) The report required by this section may be submitted electronically.

SECTION 10. ORS 215.427 is amended to read:

215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **and section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information, as described in subsection (2) of this section, within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** *[does]* not apply to a decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 215.429 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in *[subsection (1)]* **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

SECTION 11. ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use de-

cision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **or section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The 120-day period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** [does] not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee;
or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 227.179 or **section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The *[period]* **periods** set forth in *[subsection (1)]* **subsections (1) and (5)** of this section and **section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

SECTION 12. The amendments to ORS 197.312, 215.416 and 227.175 by sections 2, 3 and 6 of this 2017 Act become operative on July 1, 2018.

SECTION 13. (1) Section 1 of this 2017 Act and the amendments to ORS 197.178, 197.303, 197.307, 215.427, 215.441, 227.178 and 227.500 by sections 4, 5 and 7 to 11 of this 2017 Act apply to permit applications submitted for review on or after the effective date of this 2017 Act.

(2) The amendments to ORS 215.416 and 227.175 by sections 2 and 3 of this 2017 Act apply to applications for housing development submitted for review on or after July 1, 2018.

(3) The amendments to ORS 197.312 by section 6 of this 2017 Act apply to permit applications for accessory dwelling units submitted for review on or after July 1, 2018.

SECTION 14. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate April 19, 2017

Repassed by Senate July 7, 2017

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House July 6, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State



Planning Commission

Minutes

From Study Session on **May 14, 2018**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
 David McFadden, Vice Chair
 David Culbertson
 Joe Foley
 Bill Mansfield
 E. J. McManus
 Jared Pulver

Staff Present

Kelly Akin, Assistant Planning Director
 Carla Paladino, Principal Planner
 Eric Mitton, Deputy City Attorney
 Seth Adams, Planner III

Commissioners Absent

Mark McKechnie, Excused Absence
 Alex Poythress, Excused Absence

Subject:

20.1 DCA-17-111 Senate Bill 1051 Code Amendments

Seth Adams, Planner III, reported that staff is asking the Planning Commission for direction on the following:

- 1) Identify any additional changes to be made to the proposal
- 2) Should this amendment include interim design standards?

Senate Bill 1051 (SB 1051) was signed into law on August 15, 2017. The objective of the bill is to increase the supply of housing in the state by:

- Removing barriers to development at the local level (ORS 227.175)
- Expediting permitting for affordable housing projects (ORS 227.178)
- Increasing options for the development of accessory dwelling units (ADUs) (ORS 197.312)
- Allowing religious organizations to build affordable housing on their property within residential zones (ORS 227.500)

ORS 227.178 requires cities to take final action on land use applications within 120 days of the application being deemed complete.

Under SB 1051 an application qualifies for final action within 100 days if:

- The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;
- At least 50 percent of the residential units included in the development will be sold or rented as affordable housing*; and

- The development is subject to a covenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any affordable residential unit as housing that is not affordable housing* for a period of 60 years from the date of the certificate of occupancy.

**Affordable housing is defined in SB 1051 as being "...housing that is affordable to household with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater."*

Applications for multifamily residential projects are reviewed and acted upon by the Site Plan and Architectural Commission (SPAC), and decisions rendered by SPAC are appealable to the City Council. In order to ensure that the 100 day final action timeline can be met, staff is proposing to amend Section 10.051(A) of the Medford Land Development Code to state that SPAC actions shall be considered final when they involve residential development projects that meet the criteria for final action within 100 days, and that any appeal of such actions shall be made directly to the State Land Board of Appeals (LUBA).

SB 1051 amended ORS 227.175 to state that:

"A City may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations."

Presently, there are no design standards. For now, clear and objective standards would be height, density, setbacks, etc.

Currently, SPAC approval criteria in the Code is not clear and objective. It states that the proposed development is compatible with uses and development that exist on adjacent land. That criteria is not in conformance with the provisions of SB 1051. Staff is proposing to amend that section stating that the compatibility criterion will only apply to commercial and industrial development. All residential development projects shall be approved if they comply with the applicable city ordinances, or if SPAC has approved an exception.

In addition, SB 1051 further states that a city may not reduce the height or density of an application for development projects if:

- The density and/or height applied for is at the authorized levels under the land use regulations; and
- At least 75 percent of the floor area applied for is reserved for housing.

Staff is proposing to amend Section 10.291 of the Medford Land Development Code to explicitly prohibit reductions in density and/or height on mixed-use development projects meeting the above criteria.

Commissioner Pulver asked, if the proposed development is at or below the City's allowable height could SPAC deny it or require them to reduce it? He thinks if the City tried that and it was within permitted height it would be appealed and the City would lose. Eric Mitton, Deputy City Attorney, stated that theoretically it is possible that the City could find it was not compatible with the surrounding area even though it met all objective criteria.

Commissioner Mansfield presumes housing authority, some churches and nonprofits will be interested in SB 1051. Will the profit making industry be interested in doing any of these projects? Commissioner Culbertson stated that he doubts it. When developing a project they are not in it for charity. He does not think it impacts regular residential real estate at all. It is carving out a specific sector.

Commissioner Pulver stated that affordable housing is an issue no matter where you fit in the spectrum. Everyone recognizes there is an issue. There are a lot of different things being discussed like in Seattle taxing the rich to pay for the poor concept to fund affordable housing. If this lessens that potential future of burden they could care less. It is the ones that it directly impacts that are going to be more concerned.

Commissioner Culbertson thinks legislature missed the mark. They had three different bills that focused on rent controls. Anyone who owned over four rental units and wanted to have a no cause eviction on a tenant there was a breakdown on how much the owner had to pay the tenant to leave. Even if they were on a month to month tenancy and they received thirty day notice. Those all failed. SB 1051 was their only win. It misses the mark because it is not increasing housing. That is where the problem is. If you have increased housing and available places for people housing rents will lower. Landlords want their places filled. As long as there is a point five vacancy rate housing prices are going to continue to rise as far as rental.

Commissioner Pulver asked, would this carve out a market rate housing project? Mr. Adams replied yes. The way SB 1051 is now if it is housing and it meets adopted standards then it cannot be denied. It carves out provisions for mixed-use developments that further restricts SPAC's ability to alter the plans. Staff did not see that SB 1051 would have material impact on Medford.

Commissioner Pulver stated that for market rate he is an advocate for some level of design standards that could be imposed. He likes density and mixed-use projects but they do not fit everywhere.

Vice Chair McFadden asked, if there are discretionary conditions created then not only the fast track affordable housing projects use them but the non-fast trackers can use the

same discretionary conditions and not be reviewed by SPAC on other issues? Kelly Akin, Assistant Planning Director, reported that SB 1051 broadened the definition of needed housing to everything. If it is a place somebody can live then it is needed housing and only clear and objective criteria can be applied. It can be any type of housing. When talking about design standards, this is important because it will not only apply to affordable housing, it applies cross the board. The design standards that staff will be proposing will apply to market rate as well.

Vice Chair McFadden asked, if staff has until July 1, 2018, to put the design standards in place? Senate Bill 1051 takes effect July 1, 2018.

Commissioner Mansfield asked, is that heavy to put design standards at the zoning level? He thought that was what SPAC did. Ms. Akin stated that the Planning Commission is looking at it because it is going to be a text amendment. Staff has a study session setup with SPAC on Friday, May 18, 2018, at which this subject will be discussed.

Staff has already started work on design guidelines and will be working with a consultant this year to create clear and objective design standards.

Commissioner Culbertson asked, if an application comes in and they request an exception, does SPAC have the authority to deny the application because the criteria is not met without the exception? Is Senate Bill 1051 saying SPAC cannot overlook and exception and have to agree? Carla Paladino, Principal Planner, thinks no. Commissioner Culbertson asked, if the applicant needs an exception to an application then SPAC can still deny it if it is not appropriate, and it would not be violating SB 1051? That is Mr. Adams understanding.

Does the Planning Commission have comments on the text amendment? Should this amendment include interim design standards? In theory staff could create basic, clear and objective design standards so there is no window of time where no standards are in place.

Commissioner Mansfield asked, what is staff's feeling on that? What is staff's recommendation? Ms. Paladino reported that since they have a technical assistance grant from the State and are working on hiring a consultant, that staff would like to focus on the ones that will be permanent.

Vice Chair McFadden commented that there are no design standards. Without an interim design standard staff has no technical side to make decisions.

Chair Miranda stated that SPAC has the discretionary authority to review a design and deem it inappropriate. Commissioner Foley reported they cannot do that now. If there are no clear and objective standards that cannot be done. Ms. Paladino stated that there are no clear and objective standards now. There is a criterion that states compatible but that staff can no longer apply it.

Commissioner Mansfield asked, what are the arguments against if the Planning Commission thinks they should not include interim design standards? Ms. Paladino reported that if the interim design standards were put into place now then SPAC has guidelines.

Ms. Akin stated that it is a question of community value. What do you want your City to look like? That is the base question. The City has bulk standards now but they do not have any design standards. It is rare for SPAC to make architectural adjustments.

Commissioner Mansfield reported that it is a philosophic question whether government has any business dictating taste to the cities.

Chair Miranda stated that this work is being done under a grant. What impact does the time and money invested in making interim design standards have on the final design standards? Ms. Paladino reported there would be some overlap. Staff would work on the interim standards and get them ready as quickly as possible to get them in the books. Then they would move along on the regular design standards.

Vice Chair McFadden is concerned that in the meantime there would be people who will take advantage of SB 1051 without the design standards. He is hoping that the City of Medford gets at least equal to what they get now. He is concerned with the 60 year affordability covenant in SB 1051.

Commissioner Culbertson reported that the 60 years is permanent with a deed restriction. Ms. Akin stated that it would sunset. Language would be written into the restriction that it would sunset after the period of time. As Commissioner Culbertson understands it if it is instituted as a 60 year deed restriction it cannot be removed until after the 60 years.

Mr. Mitton stated that another mechanism might be a declaratory judgment action by a tenant or perspective tenant. It would be on the radar even though there is no administration routinely monitoring it.

Commissioner Pulver believes it is better to have some protection. It is better than none. Design standard codes are difficult to write. It may take longer that what they are thinking to get the final standards in play. The longer it takes the longer the City is exposed.

Commissioner Foley commented that there are basic things that can be put in addressing Vice Chair McFadden's concerns like paving, parking, buffering, real basic things that are already dealt with a little.

Commissioner Pulver stated that there could be clear and objective standards that required change of material or the building face that would break up the box look.

Ms. Paladino reported that lighting, paving, bicycle parking, etc. will still apply. They are talking about the actual look of the building such as materials, roof lines, those kinds of details.

Commissioner McManus asked, what is the timeframe for the interim design standards? Mr. Adams stated that they have a study session with the Site Plan and Architectural Commission on Friday, May 18, 2018. On June 14, 2018 it would go to Planning Commission for their recommendation and City Council for adoption on July 19, 2018.

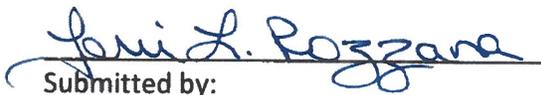
Chair Miranda suggested a draft interim design standards for a Planning Commission study session in June.

Ms. Paladino stated a draft interim design standards for a Planning Commission study session in June, public hearing in July and to the City Council in August.

Commissioner Pulver asked, does the City have a consultant? Ms. Paladino reported they have not hired them yet. They have proposals in.

30. Adjournment

The meeting was adjourned at 12:48 p.m.



Submitted by:

Terri L. Rozzana

Recording Secretary



Minutes

From Study Session on **June 11, 2018**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
Joe Foley
Bill Mansfield
Mark McKechnie

Staff Present

Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Kyle Kearns, Planner II
Seth Adams, Planner III

Commissioners Absent

David Culbertson, Excused Absence
E. J. McManus, Excused Absence
Jared Pulver, Unexcused Absence
Alex Poythress, Unexcused Absence

Subject:

20.1 DCA-17-062 Temporary Shelters (Formerly Cooling/Warming Shelters)

Kyle Kearns, Planner II, reported that staff will be presenting the findings of DCA-17-062, Temporary Shelters, on Thursday, June 14, 2018 before the Planning Commission. Staff is recommending approval of the code amendment. The intent of today's presentation is to determine if any changes are needed to the proposed amendment prior to the hearing.

The code amendment is to allow for a new land use, temporary shelters. Temporary shelters are a use within an existing or new structure, short-term in nature, in which homeless individuals or families are provided temporary shelter for no more than 90 days in a 12 month period. An example of a shelter that would qualify as a temporary shelter would be the Kelly Warming Shelter. The Kelly Warming Shelter has operated in the winters of 2017 and 2018 and has aided in the drafting of the proposed language for DCA-17-062.

Citing frustrations with the process in which the Kelly Warming Shelter was permitted, staff was directed to draft proposed standards in order to provide a clear and concise path forward for permitting temporary shelters in the future.

Staff is proposing the shelters be conditional uses going through the Conditional Use process. Allowing for weather based timing events. Removal of the allowance of tents, yurts, and similar structures. A 500 feet buffer from any property line that has a shelter. Created standards for revocation of permits.

Temporary shelters are conditionally permitted with special standards in residential zones as accessory use to institutional uses and as a primary use or as an accessory use in commercial/industrial zones.

In Code Sections 10.816 and 10.817 adding language "added provision stating allowance of temporary shelters as a conditional use per these special standards."

Vice Chair McFadden stated that since this is included in the conditional use section does it need to be mentioned twice? Kelly Akin, Assistant Planning Director, reported that the use table talks about it as a stand-alone use. This would allow it as an accessory to one of the other conditional uses.

Commissioner McKechnie asked, would this apply to natural disaster shelters? Chair Miranda reported that he read there is a condition for emergency shelters. Mr. Kearns clarified that temporary shelters is defined for people that are homeless. This amendment was not meant for natural disaster temporary shelters.

Commissioner Foley asked, why is the definition for transitional housing included in this text amendment? Mr. Kearns stated that it is used in the definition of temporary shelters that they may be transitioned to transitional housing. It is needed to define transitional housing for clarification of what it is.

Commissioner Mansfield commented that everything in this section requires a conditional use permit. He is not opposed to that. There is going to be resistance. Mr. Kearns reported that as a conditional use it would come before the Planning Commission and it would have to meet the criteria.

The purpose and intent of the special use standards is to *"...ensure that any conflicts with temporary shelters and the surrounding land uses are mitigated through the special regulations..."*

Definitions pertaining to temporary shelters defined the following terms specifically for temporary shelters:

1. Access Point
2. Operator
3. Operational Period
4. Operations Plan
5. Shelter Areas

Commissioner Mansfield pointed out that throughout this entire set of instruments there are all kinds of things the City Manager is authorized to do. Does standards need to be set? Eric Mitton, Deputy City Attorney, stated that there is specific criteria that the City Manager needs to identify for termination. There is public safety and violation of the code criteria.

Commissioner Mansfield referred to page twelve of the study session packet "... (h) *The City Manager's decision to revoke a temporary shelter's permits shall be final. Appeals shall be made to the City Council.*" He is concerned with that. It seems to be inconsistent to say it is final and then stating the right to appeal. Commissioner Mansfield stated he was in error and apologized for missing the standard. Mr. Mitton stated that in terms of appeals shall be made to the City Council is that if the City Manager is trying to revoke a permit for a safety issue there is a question whether the revocation is effective or not while trying to get on a City Council calendar that can take several weeks. Commissioner Mansfield suggested changing the word "*final*" to "*effective immediately*".

Vice Chair McFadden asked, in light of the recent shooting in a Portland shelter, does police and their responsibilities need to be addressed in this code amendment versus normal procedures for Medford Police? Mr. Mitton responded that he can research any specific issues with the Portland shooting. One of his concerns is if things were to escalate and something happened or walking through a routine inspection and saw heroine in an obvious position or a weapon he did not want a motion suppressed by an officer being in a shelter to begin with. He wants to make sure there is no constitutional challenge for officers being there and charges rise out of it. Their safety can defer to their normal standards.

Commissioner McKechnie asked, in a residential area as and accessory use, is there a square footage limitation? Mr. Kearns replied no.

20.2 DCA-17-111 Senate Bill 1051 – Interim Multi-Family Residential Design Standards

Seth Adams, Planner III, reported that staff is asking the Planning Commission for direction on the following:

- 1) Identify any necessary changes to the proposed interim design standards.

Senate Bill 1051 (SB 1051) was signed into law on August 15, 2017. The objective of the bill is to increase the supply of housing in the state.

SB 1051 amended ORS 227.175 to state that:

"A City may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations."

With SB 1051s amendment of ORS 227.175, the compatibility criterion can no longer be applied to any residential development applications that complies with the basic development standards since the Medford Land Development Code does not contain any residential design standards.

Staff surveyed several cities design standards and Eugene hit the basics that the Site Plan and Architectural Commission had concerns with.

Commissioner Mansfield stated that Section 10.716A (b) Promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape is a built-in NIMBY defense. Each time there is a hearing the NIMBY people will be using that to shoot it down. They will say it does not contribute positively to the neighborhood. Commissioner Mansfield does not have a good answer to this. He thinks they are cornered by Senate Bill 1051.

Vice Chair McFadden believes Section 10.716A (a): Enhance the visual character and livability of the community, has the same problem.

Mr. Mitton stated Section 10.716A (a) and (b) are the purpose statement not the approval criteria. There will be objective approval criteria. If those are met even though someone does not feel that it meets the standards it gets approved.

Commissioner McKechnie is also struggling with this. He commented to leave Senate Bill 1051 alone with no design standards and rely on the Site Plan and Architectural Commission to make the right decision.

Carla Paladino, Principal Planner, stated that if this is how they feel at the time this is presented to the Planning Commission, then they need to vote that way. The City Council has directed staff to do this.

Vice Chair McFadden asked, is the City Council asking for the criteria or general. The code is typically done with purpose and how it is presented. Typically the purposes are so general it allows anything and conflicts to happen.

Commissioner Mansfield would be willing to volunteer to talk to the City Council when they consider this process. Apparently the City Council is insisting this be in the code but may not realize the trap they are making.

Commissioner McKechnie commented that there are two cities that he is familiar with and has done work for them. They are Solvang, California and Happy Valley, Oregon. It is simple. One can build anything they want in Solvang as long as it looks like the Solvang style. Happy Valley is another one that says build anything as long as it matches the Happy Valley style. They have design guidelines that list all options that are accepted as the Happy Valley style.

Ms. Akin suggested continuing on to the actual standards.

Staff tried to create a checklist that design professionals already do on a day to day basis. It gets specific and Mr. Adams reviewed the rest of the multi-family special development standards.

Commissioner McKechnie suggested that rather than doing these standards, take Charles Point and see if it fits these design standard criteria. He does not know of any builders in Medford building anything bigger than two-story buildings.

Vice Chair McFadden asked, is there a type of metal paneling to be avoided? Commissioner McKechnie thought that metal panels are put on metal buildings. Maybe that should be deleted in the standard or be more specific. He has seen a lot of places that requires two different sidings. Maybe have a primary material and accent material that gives variation.

Chair Miranda asked why vinyl siding is prohibited? Commissioner McKechnie reported that it is not used much anymore.

Vice Chair McFadden asked, does the roof slopes conform for solar energy? Commissioner McKechnie responded that one can do everything solar wise except from 10 to 12 and higher in Medford. Ms. Akin stated that the statute requires allowing them. The Code does not have standard specifics.

Commissioner McKechnie stated that he thinks it is a mistake to require buildings up close to the street especially when streets have not been built out.

Vice Chair McFadden commented that it seems that the preferred location of bio-swales is along the frontage.

Mr. Adams asked, in the interim design standards, should there be a provision for a deviation through the Site Plan and Architectural Commission? Should they have the authority to approve deviations? Commissioner McKechnie stated that the building code has a prescriptive path with an alternate path that gets to the same end result through a different method.

Commissioner McKechnie's prediction on the design standards is that staff will be in a battle for months and then trash can it. Architects do all this when designing a project. It is building designers that does not know what is going on. They are the ones that will complain about having to follow the design standards.

That is the exact reason why Vice Chair McFadden thinks there needs to be an interim design standard. He thinks if there is not a review because of the State code, then what will stop people from doing what they want to do?

Commissioner McKechnie thinks the problem with the code is that it becomes a maximum rather than a minimum. You won't get anything better than that.

Commissioner McKechnie stated that Ashland instituted a requirement that projects with more than 10 apartment units need to incorporate affordable units, and Portland

instituted a similar requirement for projects with more than 20 apartment units. The result is that no one in Ashland is building projects with 10 or more apartment units, and no one Portland is building more than 19 apartment units because they do not want to deal with that requirement.

Staff will be discussing this subject with the Site Plan and Architectural Commission on Friday, June 15, 2018 in a study session. Staff will then take these comments into consideration for the final draft. It will come before the Planning Commission at a formal hearing on Thursday, July 12, 2018 and then proceed to the City Council on Thursday, August 16, 2018 for adoption, if they still desire to proceed down this path.

20.3 GF-18-073 Outdoor Marijuana Grows in Residential Zones

Carla Paladino, Principal Planner, stated that staff is seeking direction from the Planning Commission on the following areas:

- What are the Commission's comments on the proposed language?
- What additional changes does the Commission recommend Council consider?

In 2014 Measure 91 allowed adults age 21 years and older to grow up to 4 marijuana plants per household.

In 2016 Ordinance No. 2016-60 proposed ban on outdoor production of marijuana at dwellings and vacant land in residential areas. Outdoor production ban was approved by Medford voters in November 2016 election.

Plant Possession limitations for recreational is no more than 4 plants per household (mature or immature). No more than 10 seeds per household and must be 21 years or older.

Medical card holder allowance is not more than 6 mature plants and no more than 12 immature over 2 feet tall.

Producer allowance is no more than 12 mature plants and no more than 24 immature over 2 feet tall. No more than 24 mature and no more than 48 immature over 2 feet tall (registered before 1/1/2015).

The current Code Section 5.653 states:

1. *No marijuana cultivator shall engage in the outdoor production of marijuana at a dwelling or on vacant land in residential area.*
2. *Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.*

The City's regulations area silent on what is considered "indoor" versus "outdoor" growing of marijuana.

OAR333-008-0010(43) defines outdoor production of marijuana as being produced “...in an expanse of open or cleared ground open to the air; or in a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.”

The City’s regulations allow for greenhouses and other accessory structures in residential districts.

Code enforcement started tracking in 2016. There have been 32 Code Enforcement complaints from June to October of 2017 for the outdoor production of marijuana and marijuana odors. There have also been numerous cases involving plants grown inside of makeshift greenhouses or other accessory structures.

The proposed language:

- New Cannabis Structure defined
- Add definitions for indoor and outdoor production of marijuana
- Residential growing allowed in dwelling plus 1 more non-habitable structure
 - Cannabis structure; or
 - Attached garage; or
 - Detached garage
- Carbon filter system needed for 4 or more mature marijuana plants

This will go before City Council on Thursday, June 21 2018.

Last week the City Council approved the public zoning amendment for public parks. They also approved chickens with no limit.

Vice Chair McFadden asked, is the Urban Growth Boundary amendment out of the appeal stage? Ms. Paladino reported that she has not heard but last Friday was the final appeal deadline.

30. Adjournment

The meeting was adjourned at 1:13 p.m.



Submitted by:

Terri L. Richards

Recording Secretary



Site Plan and Architectural Commission

Minutes

From Study Session on May 18, 2018

The study session of the Site Plan and Architectural Commission was called to order at approximately 12:10 p.m. in City Hall Medford Room 330 on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Chair
Jeff Bender
Dave Culbertson
Rick Whitlock
Dick Gordon, City Council Liaison

Staff Present

Matt Brinkley, Planning Director
Kelly Akin, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Seth Adams, Planner III

Commissioners Absent

Bill Chmelir, Vice Chair, Excused Absence
Jim Catt, Unexcused Absence
Bob Neathamer, Excused Absence
Marcy Pierce, Excused Absence

Subjects:

1. Senate Bill 1051 – Housing Design Standards

Seth Adams, Planner III reported that staff is asking the Site Plan and Architectural Commission on the following:

- 1) Identify any changes to be made to the proposed code amendment.
- 2) Identify priorities for interim design standards.

On August 15, 2017, Senate Bill 1051 (SB 1051) was signed into law. The objective of the bill is to increase the supply of housing in the state by:

- Removing barriers to development at the local level (ORS 227.175)
- Expediting permitting for affordable housing projects (ORS 227.178)
- Increasing options for the development of accessory dwelling units (ADU's) (ORS 197.312)
- Allowing religious organizations to build affordable housing on their property within residential zones (ORS 227.500)

ORS 227.178 requires cities to take final action (including resolution of all appeals) on land use applications within 120 days of the application being deemed complete.

Senate Bill 1051 stipulates that cities with populations greater than 5,000 must now take final action on qualifying residential development applications within 100 days after the application is deemed complete. (A SPAC application is typically decided in 100 days from the date of submittal.)

Under SB 1051 an application qualifies for final action within 100 days if:

- The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;
- At least 50 percent of the residential units included in the development will be sold or rented as affordable housing*; and
- The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any affordable residential unit as housing that is not affordable housing* for a period of 60 years from the date of the certificate of occupancy.

**Affordable housing is defined in SB 1051 as being "...housing that is affordable to household with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state whichever is greater."*

Commissioner Whitlock asked, what is the current 60 percent figure? Mr. Adams reported the median family income for Jackson County is approximately \$43,000 so 60 percent of that would be around the \$25,000ish range.

Staff is proposing to amend section 10.051 of the Medford Land Development Code (MLDC) to state that SPAC actions shall be considered final when they involve residential development projects that meet the criteria for final action within 100 days, and that any appeal of such actions shall be made directly to the State Land Use Board of Appeals (LUBA). While this amendment would remove a level of local control over land use decisions, the qualifying criteria noted above are so stringent that staff does not anticipate any appreciable number of applications will qualify for the reduced final action timeline.

SB 1051 amended ORS 227.175 to state that:

"A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations."

Staff is working on the development of clear and objective design standards as part of the housing amendments that were recently recommended by the Housing Advisory

Committee. The MLDC does not currently contain design standards, and as such the compatibility criterion can no longer be applied to any housing development application that complies with development standards in Article IV (e.g. density, setbacks, building height, etc.).

Commissioner Whitlock reported the Site Plan and Architectural Commission came across this question when reviewing a Planned Unit Development (PUD) with respect to these standards. The Commission was given advice that the design standards that are in the CC&R's within the PUD were applicable design standards. Does Mr. Adams know whether those would be applicable here or not? It does state in the City's Comprehensive Plan or Land Use Regulations so maybe it is not applicable. Matt Brinkley, Planning Director, reported that the PUD becomes the zoning ordinance. The case that Commissioner Whitlock is talking about seemed that there was disagreement what constituted Pacific Northwest style architecture. To him that is not clear and objective. It is better than the classic example that SB 1051 is trying to address, which is the neighborhood compatibility standard that is totally discretionary and obviously neither clear nor objective.

Commissioner Bender stated that being the author of the design standards he does not believe anything put in that document for KOGAP when it was developed would qualify as clear and objective. The intent of that document when created was viewing it as "ammunition" for KOGAP's internal design review committee and items to put out to their potential tenants.

Commissioner Whitlock was referring to more global. That was an example the Site Plan and Architectural Commission had where they turned to an area that they would not typically turn to when looking at City standards. They need to think for future applications whether PUD design standards were clear and objective they would be applicable standards that they should and could apply to these sorts of applications.

Mr. Brinkley thinks clear and objective standards could live in the PUD and would supersede what is in the larger zoning regulations.

The City should not be enforcing CC&Rs unless they are brought into the PUD and codified.

Commissioner Whitlock wants staff to assist with their opinion about whether they are clear and objective enough to be enforceable.

The legal department is going to have to help determine how far to go in order to be clear and objective.

SB 1051 takes effect July 1, 2018. The 100 day timeline took effect the day the bill was signed.

Kelly Akin, Assistant Planning Director, stated that SB 1051 expanded the definition of needed housing. These were housing types that were identified in the Comprehensive Plan as affordable housing, senior housing and downtown housing.

Mr. Adams reported that staff is proposing a text amendment stating that all residential development projects shall be approved if they comply with the applicable City ordinances, or if the Site Plan and Architectural Commission has approved an exception. Commercial and Industrial development applications would still be subject to both of the review criteria.

In addition, SB 1051 further amended ORS 227.175 to state that a city may not reduce the height or density of an application for development projects if:

- The density and/or height applied for is at the authorized levels under the land use regulations; and
- At least 75 percent of the floor area applied for is reserved for housing.

Staff is proposing to amend Section 10.291 of the Medford Land Development Code to explicitly prohibit reductions in density and/or height on mixed-use development projects meeting the above criteria.

Commissioner Whitlock asked, is the 75 percent include the common access areas or just the areas reserved for residential occupancies? Commissioner Bender reported that in general 75 percent of floor area is the prescribed living area and all the support that goes along with it. He has not seen many ordinances that are so prescriptive.

Commissioner Whitlock asked, is there likely to be an OAR that covers this from the State somewhere or can staff define it and intends to? Mr. Brinkley reported that there may be something in a case law. Katie Zerkel, Senior Assistant City Attorney, stated that she is wondering if SB 1051 only includes what has changed or it may be in an OAR. She would have to check.

Commissioner Culbertson believes these applications will be rare. Commissioner Whitlock responded that SB 1051 is for all residential. Any mixed-use that contains a residential use would be subject to these changes not just low income.

Commissioner Culbertson stated that the expedited portion of this is to fill the gap in the code where no one can submit an application and nothing can be done because the law takes precedence.

Mr. Adams reported that the gap staff expressed with the Planning Commission is for all housing types. The City was recently awarded a technical assistance grant that will be used to aid in developing the recommended code amendments provided by the Housing Advisory Committee earlier this year. Part of that work will include the formulation of residential design standards, but given the "clear and objective" requirement language SB 1051, staff has been directed by the City Council and Planning Commission to draft interim design standards that will be required on multi-family residential development projects until more robust and complete standards can be formulated and adopted.

In looking at the minor code text amendment staff is proposing, is there anything that the Site Plan and Architectural Commission thinks needs to be changed? Commissioner Bender replied that he does not see anything problematic in terms of the code amendments that staff has outlined so far. As an architect he is more curious to see design standards when drafted. He hopes things do not get "too cute." Being clear and objective can be overly prescriptive.

Commissioner Whitlock agrees with Commissioner Bender. He does not see any needed changes in what staff has presented. He also is curious about what the standards look like. It is a good approach and looks appropriate to him.

Commissioner Whitlock asked, what types of things has staff been contemplating? He is having a hard time with the types of things staff is seeking or would be appropriate. Has staff come up with a list of things the Commission could give a thumbs up/thumbs down? Mr. Brinkley reported the things staff would address would be basic for interim design standards. They will be things like articulation, bulk and mass, orientation of the main entrance to the public way.

Chair Quinn asked, are single family applications going to start coming before the Site Plan and Architecture Commission? Ms. Akin replied no, they are clear and objective that staff can manage.

Chair Quinn asked, would new residential development come before the Site Plan and Architectural Commission? Ms. Akin replied no. The Planning Commission would see the subdivision but staff will process the permits and use the clear and objective standards.

Commissioner Whitlock asked, can the design standards include design standards that are not architecturally significant such as landscaping? That is one of the things that struck him when looking at multi-family is how the landscaping can change the feel of the architecture as it relates to the street, parking areas, etc. Is that something that would be in the design standards or is this only architecture design standards? Mr. Brinkley responded that it could be. Commissioner Bender stated that the landscape standards that exist are clear and objective. Ms. Akin reported that they used to be. A

few years ago staff removed almost all the numbers out of the code and relied on design professionals. The clear and objective standard was removed out of the code.

Commissioner Whitlock asked, does staff need to revisit that and put things back in or can it be relied on that the developer will do what is appropriate? He believes that the landscape is incredibly significant. He would not want to minimize that. The feel of it has a lot more to do with the relationship between the architecture and public spaces.

Ms. Paladino asked, does Commissioner Whitlock want his comment in the interim design standards or the permanent design standards? Commissioner Whitlock stated that if staff sees a need in the interim design standards that would be great, but for interim design standards the architectural piece will be challenging enough.

Commissioner Whitlock asked, does staff plan to bring the interim design standards to the Site Plan and Architecture Commission? Mr. Adams replied yes. Staff will create the interim design standards and present them to the Planning Commission in another study session on Monday, June 11, 2018. Staff will incorporate their comments and bring those to the Site Plan and Architecture Commission on Friday, June 15, 2018. Staff will take SPAC's final feedback to the Planning Commission for recommendation on Thursday, July 12, 2018 and to City Council for adoption on Thursday, August 16, 2018.

Commissioner Whitlock asked, will all of these be subject to an exception request? Are these absolute standards that can never be varied from, or will they be subject to exception requests? Commissioner Whitlock asked, aren't there exception possibilities for all of the objective standards? Ms. Akin replied yes.

Ms. Paladino reported that Grants Pass has a process where they do have prescriptive standards. If one wants to deviate they have criteria that meets the intent of the prescriptive standards. They would go to the Planning Commission for review.

Commissioner Whitlock asked, is the Grants Pass process for alternatives clear and objective standards such that one can effectively take an off-ramp and go to those, or are they discretionary? Mr. Brinkley reported they are discretionary. It is criteria that states what the prescriptive standard is trying to achieve. Ms. Paladino stated that a narrative is written explaining why the design meets the intent.

Commissioner Whitlock asked, are those staff applied principals in terms of non-discretionary? Ms. Paladino stated that in Grants Pass they were Planning Commission approved.

Ms. Paladino stated that the Housing Advisory Committee met last year and created recommendations. Ms. Paladino passed them around to the Site Plan and Architectural Commission. Last year they applied for a technical assistance grant and the City Council

recently approved the agreement. Staff will hire a consultant to help with the regulatory changes. A separate consultant will be hired to help with the economic changes.

Commissioner Bender stated that increased building height in multifamily zones is already dealing with something that is somewhat different. Height does not become such a hurdle including it in the design standards.

Commissioner Whitlock asked, who is working on the economic SDC deferral exemption? Mr. Brinkley reported that Kelly Madding, Deputy City Manager/Economic Development Coordinator, Mr. Brinkley, Eric Mitton, Deputy City Attorney and a stakeholder group including, realtors, lenders, appraisers and title company representatives. Commissioner Whitlock is helping Klamath Falls since their City Attorney resigned. Commissioner Whitlock spent forty-five minutes with a developer that was complaining about the same issue in Klamath Falls and how dis-incentivizing the SDCs are for anybody who invests in multifamily development.

2. LHPC/SPAC Duties

Ms. Akin reported that the City Council has asked staff to review consolidating the Landmarks and Historic Preservation Commission (LHPC) and the Site Plan and Architectural Commission (SPAC).

Several years ago the City Council gave the Landmarks and Historic Preservation Commission the same authority that SPAC has. When applications were in the Historic District both bodies had to review.

The duties of LHPC and SPAC are similar but different. LHPC has different responsibilities and more discretion authority than SPAC in the way their criteria are written and apply the Secretary of the Interior's Standards.

Ms. Akin would like to put the item on SPAC's agenda and have them vote on it at a future meeting to carry their message forward to the City Council.

Chair Quinn commented that he does not know what LHPC does. Ms. Akin reported that LHPC reviews all exterior modifications for properties that are on the National Historic Register. There are four districts; three residential districts and the Downtown Historic District. Oakdale, Minnesota, Geneva and Corning Court are districts. There are several houses that are also on the register independent of any of the other districts.

Chair Quinn asked, how many people are on the LHPC? Ms. Akin stated there are five.

Chair Quinn asked, if they are combined do all five of them come onto SPAC? Ms. Akin stated that is one of the questions. SPAC has a requirement for four specific employment backgrounds. LHPC does not have that, they are just interested citizens.

The City is obliged to have a historic commission since they have historic districts. The City also receives Certified Local Government grants through the state historic preservation office. The City is obliged to have a body to administer that grant.

Chair Quinn asked, would they become the Site Plan and Architectural and Historical Commission? Staff would have to create a new name.

Commissioner Culbertson asked, since today they were short of members could this be put on the agenda as a presentation item giving specific duties that will be added to the body before voting? Ms. Akin replied yes.

Commissioner Whitlock is curious about the level of work. How often do they meet? Ms. Akin stated that the Landmarks and Historic Preservation Commission meets once a month. It is rare to cancel their meetings. There is some staff level authority in reviewing paint colors and roofing materials, and façade improvements. Mr. Brinkley reported that any major modification is reviewed by LHPC. Signs and fences could be done administratively, and that is a code change staff is looking at. With larger modifications it gets into the Secretary of Interior standards. There is a lot of discretion. A building addition has to be distinctive and different from the original building but compatible.

Commissioner Bender stated staff has done a great job by putting the applicable criteria at the beginning of each item. What is the basis that the Commission is judging the particular item on? If that is well articulated it becomes clear how SPAC can take that on. Is there a special certification that a Commissioner would need to meet to fill that position? Ms. Akin reported those Commissioners would become the historic experts. Some of the items they see are challenging. There would be training for all the Commissioners to manage the historic portion.

Chair Quinn asked, how does the City benefit by combining the two commissions? Ms. Akin reported it lessens the City Council's work load. There are 19 boards and commissions. With the exception of the Planning Commission there is a liaison assigned to all of them. There is an expense to publishing the agendas and staffing meetings.

Chair Quinn asked, when does LHPC meet? Ms. Akin reported they meet the first Tuesday of every month in the evening. They are a quasi-judicial body that has the same authority as SPAC.

Chair Quinn asked, should some of the SPAC members attend LHPC meetings to see what they do? Ms. Akin replied yes.

Ms. Zerkel asked, when saying the City must have a historic commission is there anything that defines what that is, or does it just have to have the word historic in the title of the commission? Ms. Paladino reported that it has to be a commission that oversees historic items. Mr. Brinkley stated that it is not unusual in smaller communities where planning commission doubles up as historic and transportation commission. The LHPC has had a hard time filling seats so the body was reduced to five from seven.

Chair Quinn stated that there are not enough seats in the Council Chambers to include five historic commissioners.

Dick Gordon, City Council Representative, added that the City's legal counsel along with Tim Jackle do not feel that the Planning Commission, Landmarks and Historic Preservation Commission or the Site Plan and Architectural Commission should have a liaison. Their actions are subject to appeal to the City Council. That is one reason he rarely participates in SPAC's dealings. Their concern is with Mr. Gordon sitting through a meeting that he could have information that they do not have even though they could listen to the tape. He does not think that SPAC will have a liaison any longer. The primary responsibility of the liaison is to make sure the Commission is staffed. It has to be the proper staff that understands what the work is and what needs to be done.

There has not been much screening for the people sitting on LHPC to have the necessary skills. Although staff should be teaching the skills he does not know what they have done in orientation and training.

Right now SPAC is short a general contractor. There is someone that said they will participate but they have not filed an application.

If there are no liaisons on the commissions then the City Council is going to have to step up the recruitment and interviewing.

It has been discussed bringing one person from LHPC to SPAC. There are four dedicated positions and four at large and to make a spot for someone with historic background. The big problem is the landscape professional. They have the help of one member that fills that role. Mr. Gordon proposed the possibility of doing away with that because the City does have Parks and Recreation review and some review internally.

He does not think the City Council has talked about increasing the size of SPAC just changing the composition.

Commissioner Whitlock asked, would it not make sense to have an odd number? Mr. Gordon replied they do now with nine members. Commissioner Whitlock commented SPAC has eight members. Mr. Gordon was thinking Planning Commission.

There are a lot of duties that Landmarks and Historic Preservation Commission currently has that Mr. Gordon thinks SPAC is capable of doing. In watching the agenda for LHPC he believes staff can make a lot of those decisions. It is the Certified Local Government grant money that is the problem. He has no problem continuing some sort of historic commission. Their sole job is basically the Certified Local Government items and recommending changes to the code or making recommendations to whoever in the City on needed items involved in historic districts and historic activities.

Commissioner Whitlock feels adequately qualified to do what he is doing now with SPAC. Frankly, the architectural piece he is a little grey. He is not sure he would be a great person to serve on a commission that had the requirement/obligation to deal with historical issues.

Commissioner Bender said all of the at-large professionals have varying levels of engagement with different aspects of everything SPAC covers. If the criteria are presented he feels that even though he is not a historic expert, being a member of the community and his professional abilities, he can take LHPC on. The judicial side is what they are examining and judging the case based on its merits and evidence submitted. He thinks the rest of SPAC could do the same thing.

Chair Quinn does not see it as rocket science. He feels qualified.

Ms. Akin stated that as far as criteria goes, staff shows how it does or does not meet the criteria. Mr. Adams does a good job with historic.

Mr. Gordon reported that LHPC in the past years have cost MURA \$80-\$100 thousand. Their expert who the City contracts with and advises LHPC at times sold MURA a bill of goods with the Greyhound Archway that would draw thousands of tourists every year. There were unnecessary expenses that has caused a lot of ill will in town. If SPAC would take over some of their duties, giving the director more responsibility, it will go a long way to helping the community.

Commissioner Whitlock asked, will there be another study session that is perhaps better attended than this one, to talk about some of the issues that they have raised questions about today, or is it more likely to take place within the context of the presentation during a meeting? Ms. Akin replied either way based on their preference.

Chair Quinn stated that perhaps the City Council Representative just makes a decision. Mr. Gordon replied that it would be a recommendation to the City Council. The City Council still has a ways to go before they are ready to make a decision.

Staff will take SPAC's recommendation to the City Council.

Ms. Akin reported that the June 1, 2018, Site Plan and Architectural Commission meeting will be short. They could have a study session immediately following the meeting.

Ms. Zerkel suggested that staff not only have a presentation of the duties but options how to combine the commissions and guidelines of the feedback staff is looking for.

Commissioner Whitlock is a little sensitive about SPAC voting to disband another commission. It feels a little weird. It should be a question on whether SPAC is willing to undertake those responsibilities.

Chair Quinn commented that they should state that SPAC is willing to take one person from LHPC.

Chair Quinn will not be at the June 1, 2018, SPAC meeting and may not be present at the June 15, 2018, SPAC meeting.

The meeting was adjourned at approximately 1:16 p.m.



Submitted by:

Terri L. Richards, Recording Secretary



Site Plan and Architectural Commission

Minutes

From Study Session on June 15, 2018

The study session of the Site Plan and Architectural Commission was called to order at approximately 1:30 p.m. in City Hall Medford Room 330 on the above date with the following members and staff in attendance:

Commissioners Present

Bill Chmelir, Vice Chair
Jeff Bender
Jim Catt
Bob Neathamer
Marcy Pierce
Rick Whitlock
Dick Gordon, City Council Liaison

Staff Present

Kelly Akin, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Carla Paladino, Principal Planner
Seth Adams, Planner III

Commissioners Absent

Jim Quinn, Chair, excused absence
Dave Culbertson, excused absence

Subjects:**1. Senate Bill 1051 – Housing Design Standards**

Seth Adams, Planner III, gave a PowerPoint presentation of the Memorandum, dated June 6, 2018, Interim Multi-Family Residential Design Standards. Staff is asking this Commission for direction in identifying any necessary changes to the proposed interim design standards.

Commissioner Pierce asked if these rules would apply to multi-family dwellings that are in a commercial setting or would they be more geared toward growth that's happening within the downtown core. Mr. Adams answered these rules are applicable city-wide.

Commissioner Pierce wanted to know if the goal was to have design standards for everything that's being built in the city and if there are current design standards for commercial. Mr. Adams responded that the City does not have commercial design standards currently. Commissioner Pierce commented that a lot of them seem to come from a commercial background.

Commissioner Bender said he agreed that they come from that angle and the Commission had discussed, in the past, the need for the City to have even more clear

and objective commercial design criteria city-wide. He said the only criteria that applies right now is the compatibility issue, which is so vague as to be unmanageable.

It was pointed out that there are commercial design standards for Big Box but not general commercial.

Mr. Adams stated that the City had received a grant to hire a consultant to help formulate more extensive residential design guidelines but City Council felt it would take time so they wanted some interim design standards.

Commissioner Bender commented he was generally in favor of standards of this type.

Commissioner Whitlock asked if there would be a special exception process for these interim design standards or would the current exception standards be used? Mr. Adams explained staff doesn't have an exception process yet. He said the Planning Commission felt there should be some kind of exception route available if the interim standards were adopted but staff would need to look at the format it would take and whether it would be part of this code or whether it could fit under the existing exceptions process. Realistically the only potential route would be that if someone wanted to deviate from the standards they would have to go through SPAC and get each one approved. It then becomes very subjective.

Commissioner Whitlock asked about the SPAC criteria for multi-family residential projects and what that would look like. Typically staff makes the initial determination of whether they comply with the objective standards. With the interim standards would this Commission still be seeing those or would they be considered staff approvals that would be appealed to SPAC if someone disagreed with staff's determination or interpretation of it, and how it should be applied?

Ms. Akin replied staff hadn't talked about that but suggested maybe there could be a special provision for downtown.

Commissioner Whitlock wanted to know what the criteria would look like going forward and would there be different criteria for different applications? Mr. Adams replied that one of the challenges of trying to get these standards done in a short amount of time is that staff would need to create some specific multi-family criteria because the two that currently exist don't really apply. Commissioner Whitlock suggested that maybe SPAC just doesn't see them anymore except in the event of an appeal.

Mr. Adams stated one alternative he heard from the Commission was that if the applicant meets these standards, unless they are requesting an exception, they would be approved by staff and heard only by SPAC if the project was denied by staff as not meeting the criteria; and that staff needs to develop some criteria that would then be applied by SPAC. Commissioner Whitlock said that was what he was feeling at this point; that exceptions or appeals would be the only things this Commission would handle in multi-family residential projects. Staff would have primary responsibility for determining whether this list of clear and objective standards is met or not.

Commissioner Bender stated he wasn't that particular but felt the projects didn't need to go before SPAC unless it was for an exception or appeal. He said he doesn't know if he's necessarily there in terms of seeing that happen but he couldn't deny the sort of logic in the construction of it.

Commissioner Whitlock mentioned there would be a public participation component that would be missing if the projects did not come before SPAC.

Commissioner Catt agreed in that the process would be simplified if SPAC only heard the exceptions or appeals.

Commissioner Bender noted that if SPAC only heard the exceptions and appeals, it would streamline the process.

Commissioner Pierce also agreed that it made sense to have SPAC hear only exceptions and appeals to resolve issues.

Regarding the building mass and façade on buildings three stories or greater, Commissioner Bender stated he thought it would be helpful if the language articulated what was said earlier that sometimes when it's a three story building the base could either be one or two stories, then there's a top portion and there may, or may not, be a middle because a literal interpretation of this kind of means that you end up with tiers and what tends to happen it doesn't really read all that well from an architectural standpoint.

Commissioner Whitlock clarified that the language already does articulate that as it talks about the base, or top, being one or two floors.

Mr. Adams asked if the Commission thought the "three" stories part should be another number. Commissioner Bender said he thought it should be greater than three stories and gave his reasons. He said he favors language that is a little looser that allows for expression that sometimes isn't necessarily and easily delineated into three parts.

Commissioner Whitlock stated he was comfortable with the language of three stories or greater. He said one of the fears he has is massive siding and odd paint colors and prefers articulation on three stories or greater so anything above two stories.

There was discussion on the base of the building to be "anchored" to the ground through use of plinth treatment between 1-3 feet in height.

Commissioner Bender felt that when a standard of this type is used it's almost always in relation to breaking up ground floor, pedestrian-type storefronts and further division at the street level. He said he wasn't sure this standard would do much for most buildings. He added it's an element that could get thrown in that doesn't read through very well.

Commissioner Whitlock commented he doesn't see the value one way or the other. He said it doesn't seem like it would be used on every type of structure for multi-family housing.

Commissioner Pierce said it made more sense on a commercial downtown setting. Commissioner Bender concurred.

Mr. Adams suggested that maybe the language needs to say that it only applies to the downtown core area.

Commissioner Whitlock noted that with sidewalk type development the use of plinth treatment might make some sense but if there's any landscaping between the sidewalk and the building, he didn't feel it would add anything.

With respect to the base, middle, and top horizontally articulated with a "cap" treatment proposal, Commissioner Bender said he found that sometimes this is misused more often than not. He noted that in general he would agree that if there is some horizontal articulation that's happening over the course of the building vertically, some delineation of that change is good. How that happens and what does that bears some thought.

On the street-facing facades requirement of windows covering a minimum of 25% on each floor level, Commissioner Bender commented that there's also a code maximum for glazing and openings in a façade given prescriptive path for energy code. He said there's a great amount of emphasis to reduce glazing from an energy and cost standpoint. That 25% number is probably a little high. Commissioner Bender added that the buildings he designs are usually around 30-40% glazing. He noted that in a more conventional design that 25% might be bumping up against a couple of other things and said he would be in favor but be aware that there's competing interests.

Commissioner Whitlock stated he wasn't opposed to the 25% window covering and it seemed to be a very pleasing look yet it struck him that it may not have enough glass in it to comply with the 25% requirement. He wondered if 25% was the right number or not.

Commissioner Bender thought the 25% probably does have enough glazing.

There was some discussion about changing the language to clarify that the required 25% glazing counts towards the overall mixed material requirement.

The Commission discussed building articulation regarding horizontal and vertical surfaces. They talked about cap treatment and Commissioner Bender suggested that there be a discernible break between two materials.

Commissioner Pierce thought maybe the language "repeated at intervals" could be deleted from the horizontal and vertical surfaces or just say "to be repeated at intervals" but not specify a length.

Commissioner Bender felt that maybe there's a way to state the language so that it meets both.

Mr. Adams commented he wouldn't want a design to have to go through an extra hurdle if they're clearly meeting the intent, but because they're not hitting that number they would then have to go through SPAC for an exception.

There was some discussion regarding the difference between an exception and something discretionary. Ms. Akin stated there would be some purpose, intent or other

language in there where the special criteria would come in regarding housing. That would be one approach.

Commissioner Bender strongly suggested that there be no material changes on outside corners. Mr. Adams agreed and said it hadn't gotten into the agenda packet.

Regarding building materials, Mr. Adams cited that SPAC had suggested adding transparent glass (including the 25% minimum on street-facing facades) to the list.

Mr. Adams said staff proposed the language "vertical changes in wall cladding materials shall take place on inside corners. Horizontal changes in wall cladding materials shall take place at cornices, belt courses, and other such horizontal elements."

Commissioner Bender commented he thought there was a definite difference between corrugated metal panels and metal composite panels. He felt flat metal composite panels should be on the primary list of accepted materials.

It was suggested that the building material "sheet pressboard" is not necessary and could be removed from the 35% list.

On the prohibited fencing materials list, Commission Catt noted that some of the high-quality vinyl fencing is better than wood fencing. Mr. Adams suggested that maybe this could go through SPAC, taking the exception route.

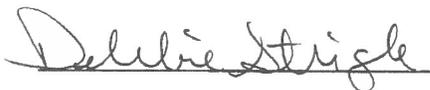
Commissioner Whitlock asked when the interim design standards were going to go to City Council. Mr. Adams replied that it will be going to the Planning Commission on July 12th and City Council on August 16th.

2. LHPC/SPAC Duties

The subject was tabled due to time constraints. A new study session date and time will be scheduled.

The meeting was adjourned at approximately 3:00 p.m.

Submitted by:



Debbie Strigle
Recording Secretary



Minutes

From Public Hearing on July 12, 2018

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

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E.J. McManus
Alex Poythress
Jared Pulver

Staff Present

Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton Deputy City Attorney
Karl MacNair, Transportation Manager
Terri Rozzana, Recording Secretary
Seth Adams, Planner III
Dustin Severs, Planner III
Steffen Roennfeldt, Planner III

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 **LDS-18-049** Final Order of tentative plat approval for Hogue Heaven Estates, a proposed 7-lot residential subdivision on a 41,700 square foot parcel located north of Nicholas Lee Drive and east of North Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD4400); Applicant, Billy Hogue; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

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

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 9-0.

30. Minutes

30.1. The minutes for June 28, 2018, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – Continuance Request

50.1 LDS-18-058 Consideration of a tentative plat for a 42 lot subdivision on approximately 14.54 gross acres within the SFR-4 (Single Family Residential – 4 dwelling units per gross acre) and the SFR-2 (Single Family Residential – 2 dwelling units per gross acre) zoning districts, located on the south side of Lone Pine Road approximately 335 feet east of North Phoenix Road (371W21AA TL 100); Applicant, Twin Creeks Development LLC; Agent, Hoffbuhr and Associates; Planner, Liz Conner. **The applicant has requested to continue this item to the Thursday, July 26, 2018, Planning Commission meeting.**

Chair Miranda stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the Thursday, July 26, 2018, Planning Commission hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on Thursday, July 26, 2018. There will be no decisions made this evening on this agenda item.

The public hearing was opened and there being no testimony the public hearing was closed.

Motion: The Planning Commission continued LDS-18-058, as per the applicant's request, to the Thursday, July 26, 2018, Planning Commission meeting.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 9-0.

50.2 DCA-17-111 Code amendment to Article 10.200 of Medford Land Development Code for site plan and architectural review of multi-family residential development projects pursuant to requirements contained in Senate Bill 1051. The code amendment will include interim design standards for multi-family residential development. Applicant, City of Medford.

Seth Adams, Planner III, stated that the Land Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Adams gave a staff report.

Commissioner Mansfield requested clarification of the importance for clear and objective standards and Mr. Adams laid out a number of things that appear to be objective but he also talked about the requirement that the development be compatible with uses and development that exist on adjacent land. That is very subjective. Then he talked about trying to solve that. Is that requirement still in it and if it is Commissioner Mansfield submits that it is not objective. Mr. Adams reported that for multifamily residential projects of three or more attached units, staff believes they have clear and objective

standards. The existing Site Plan and Architectural Commission review compatibility criterion regarding the adjacent land, this code amendment would explicitly state that criterion can only be applied to a commercial or industrial application.

Commissioner Mansfield asked, is subjective only for commercial not for residential? Mr. Adams stated that is correct. Or it is subjective if a multifamily applicant affirmatively elects to deviate from the proposed standards then they need to demonstrate to the Site Plan and Architectural Commission that they are providing a project that meets or exceeds what they want as a result.

Commissioner McKechnie is troubled by the appeal of a Site Plan and Architectural Commission decision going immediately to the Land Use Board of Appeals (LUBA). It is going to be an unreasonable expense. He suggested that if someone wants to take an alternate path, they are offered an extension of 120 days. That buys them an appeal before the City Council rather than going directly to LUBA.

Commissioner McKechnie is also troubled by the maximum length of a building is 150 feet. It is his opinion that rather than doing a maximum length of 150 feet it would better serve if anything more than 50 feet needs to have a vertical or horizontal projection or something along those lines.

Commissioner McKechnie is the architectural review for a homeowners association. The 25% glass area on an elevation for residential would be better defined if it is supposed to go from the ground to the peak of the roof so that a person has an idea of how to calculate it. Twenty five percent of glass on an elevation is hard to achieve. It also runs up against the energy criteria that is required. Commissioner McKechnie recommended it should be 12 to 15 percent. He believes the design standards needs more study before he is willing to forward it to the City Council with his approval.

Vice Chair McFadden asked, in the state law does five unit multifamily have to comply with the 100 days or is it an option? Mr. Adams reported that there is nothing to preclude an applicant from waiving the 100 days. There is nothing that precludes them to extend it to the 120 days or however long they want.

Mr. Mitton reported that reading through Senate Bill 1051 it does not explicitly state that an applicant can waive the 100 days but it is in the same timeframe where it is a right they have to have a speedy decision. It is his opinion that an applicant could choose to waive it. He does not see any legal problem if there was an additional provision stating if an applicant would prefer City Council appeal they can get a Council appeal if they choose to waive the 100 days.

Commissioner Mansfield stated that it appears that he and Commissioner McKechnie thinks this needs more work. He proposed that whoever makes the motion make it as a positive motion rather than a negative motion. It is a better format.

Commissioner Pulver asked, with Senate Bill 1051 already in effect and an application was submitted wouldn't staff have to comply? Mr. Adams reported that is correct. The 100 days streamline for affordable qualifying projects took effect immediately following the governor's signature.

Commissioner Pulver asked, does the design standards apply to all multifamily development whether it qualifies for streamline or not? Mr. Adams stated that is correct.

Commissioner Pulver asked, would it take about 12 months to complete the final design standards? Mr. Adams stated that is a reasonable speculation.

Commissioner Pulver stated that the idea at the study session was to create interim design standards. These apply to all multifamily developments that come before the Site Plan and Architectural Commission and other bodies over the course of the next 12 months plus until the final ones are adopted.

Commissioner Foley asked, does the applicant have to request the 100 day rule? Mr. Mitton stated that the way he sees it is the applicant has to specifically state it is a qualifying affordable housing development. When they state that they automatically get on the 100 day track.

Commissioner Foley asked, if a developer was building an affordable development that met the criteria but did not specify that is what they were doing, would it be the 120 day rule? Mr. Mitton reported that they would have to specify in the sense they have to enter into the covenant for 60 years.

Commissioner Foley stated that the criteria allows the Site Plan and Architectural Commission to deviate from these rules. Is that strong enough to alleviate Commissioner McKechnie's concerns of the building length of in light of the interim design standards in effect for approximately a year or so? Mr. Adams reported that staff believes the Site Plan and Architectural Commission has the latitude to approve a building longer than the maximum length specified.

Commissioner Foley asked, can the Site Plan and Architectural Commission work around the space between the building and street as well? Mr. Adams stated yes a design could be submitted to deviate from any of the proposed standards. The applicant would need to plead their case to the Site Plan and Architectural Commission with the understanding that they may disagree.

Commissioner Culbertson reported that page on 34 of the agenda packet under Section C the last sentence states: "The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830." If that is a concern for Commissioner McKechnie staff needs to review the law and see if you can't have that language. Mr. Mitton reported that language is part of the amendment to ORS 215.416 that governs counties as opposed to one of the rules governing cities. He is trying to make sure that language does not also appear in a place that applies to cities. Mr. Adams reported that on page 37 of the agenda packet Section C the last sentence in that paragraph states the same thing. This section applies to cities.

Commissioner Mansfield suggested that if the majority of the Commission is in favor of it going over for more work then all that can be done at a later time. If on the other hand the majority of the Commission is in favor of doing it now then he can see that they take time to review. Chair Miranda responded that he is in favor of moving this item forward. Commissioner Foley agreed. Vice Chair McFadden stated that he hopes that the Commission move it forward but at the end of the motion do a series of friendly amendments stating what the Commission wants to include or delete and staff forwards those to the City Council.

The Planning Commission recessed at 6:22 p.m. and reconvened at 6:30 p.m.

Mr. Mitton reported that reviewing whether Senate Bill 1050 allows for direct appeal to the Land Use Board of Appeals or not for the fast track qualify definitions he would like more time for review. He proposed that the Commission forwards this to City Council with the provision that the Deputy City Attorney would further research that issue. If there is a problem with the direct appeal that portion of the code can be excised before it gets to the City Council.

Vice Chair McFadden asked, is the alternative that the City does the appeal and the Commission is saying right now there is not enough time to an appeal, can it be done as an appeal? Does the Commission have that option? Mr. Mitton reported that if it is required to do the first level of appeal at the City level it is going to be rough with the 100 day time frame. Staff would not put something that violates the law. He is not certain that no direct appeal provision is referring to these particular source of decisions. That is why he would like to research before it gets to the City Council.

The Commission could forward with the recommendation that the glazing of 25% be reduced to 15 or 10%.

The public hearing was opened.

Vice Chair McFadden asked, if you elect for this you get it but if you don't it goes the standard including the non-specific criteria? Mr. Mitton stated that clear and objective standards are for both qualifying and non-qualifying residential development.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the approval criteria are either met or not applicable, forwards a favorable recommendation for adoption of DCA-17-111 to the City Council per the staff report dated July 5, 2018, including Exhibits A through E, and direct the Legal Department to determine whether or not direct appeal to the Land Use Board of Appeals is acceptable in the interim standards. If it is leave in if not excise the language. Do not limit the length of the structure of the building. The Commission encourages some type of pass-through or breezeway. Change the glazing requirement for walls facing the street to 12%.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Mansfield

Commissioner Pulver is troubled by no vehicular traffic on the street side of the building. He can see scenarios depending on a building size that make sense. These criteria are hard to view every possible scenario.

Commissioner Poythress agrees with Commissioner Pulver. It is restrictive and limiting. It feels not fully there yet. He shares Commissioner Pulver's sentiments about the parking situation about the length and the others as well.

Friendly Amendment made by Commissioner Pulver: Strike under Special Development Standards for Multifamily Dwellings Section 10.717 (F) (1) ... no automobile circulation or parking areas shall be located between buildings and the street.

Commissioner McKechnie stated that the Commission talks about flexibility for the Site Plan and Architectural Commission but a lot of times that does not get relayed and it becomes a checklist. Design criteria are hard. He understands why they are needed because of Senate Bill 1051. He is worried it becomes rather than a starting point it becomes a maximum. It becomes a limiting factor for the look of a city. As this grows and progresses there needs to be a way that it does not end up a design maximum. Chair Miranda commented that the Planning Commission has a liaison that sits on the Site Plan and Architectural Commission that mimics and speaks to most of the Planning Commissions thoughts. He is sure that the liaison will get that as well to the Site Plan and Architectural Commission.

Commissioner Poythress knows that many times when they have issues come before them they have perimeters for exceptions. When they talk about whether they are going to grant the exception or enforce the rule there is discussion of what the intent was and

are they violating the intent of the rule by granting the exception. That is his concern that has been well expressed. It needs to be a baseline but he would not want to see that strictly enforced with no consideration for what may be appropriate given the circumstances.

Chair Miranda commented that when he sat on the Site Plan and Architectural Commission they had many discussions about the applications that came before them. There was always an aesthetics element. Senate Bill 1051 takes away that subjective guideline. He does not care for that condition. He looks forward to some of these guidelines that gives direction other than aesthetics.

Mr. Mitton spoke to the clear and objective standards to be a baseline and not a limiting factor. The spirit of the adjustment section is that when someone wants to deviate from the standards there are two questions. One, is it a least or more attractive than what the clear and objective standards would do, and two, it is at least or more safe.

Roll Call Vote: Motion passed, 9-0.

50.3 CP-18-054 / ZC-18-055 / CUP-18-056 Request for concurrent consideration of a three-part proposal: a minor General Land Use Plan (GLUP) amendment to reclassify a single 4.36-acre parcel of land located at 555 Airport Road (Tax Lot 500) from General Industrial (GI) to Commercial (CM); a change of zone of the subject parcel and the adjacent 5.85-acre parcel (tax lot 503 currently designated as CM on the GLUP map) from Light Industrial (I-L) to Regional Commercial (C-R); and a Conditional Use Permit (CUP) to allow an elementary school use (Grace Christian Elementary School: existing private school currently located at 649 Crater Lake Avenue) to occupy the existing building on the subject Tax Lot 500, and for a 1.3-acre portion of the adjacent/vacant Tax lot 503 to be used as an associated sports/recreation field (372W12A TL 500 & 372W12A TL 503); Applicant, 555 Airport Road, LLC; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Culbertson disclosed that he had a mutual friend that had children that graduated that asked him approximately four weeks ago when the application would come forward but he did not know. It would not affect his decision. Commissioner Pulver recused himself to avoid any potential conflict for the applicant or the City.

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

Dustin Severs, Planner III, stated that the Minor Comprehensive Plan Amendment approval criteria can be found in the Medford Land Development Code Section 10.184(1). The Zone Change approval criteria can be found in the Medford Land Development Code

Section 10.227. The Conditional Use Permit approval criteria can be found in the Medford Land Development Code Section 10.248. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs reported that staff received three new exhibits that will be submitted into the record as Exhibit V, Exhibit W and Exhibit X. The new exhibits were emailed to the Planning Commissioners earlier today. Exhibit V is the Public Works staff report for the Conditional Use Permit specifically. The published Public Works staff report included the Zone Change and the General Land Use Plan amendment. Exhibit W is a letter of recommendation received from Richard Stevens and Associates, Inc., supporting the request. Exhibit X is a memo from the City Surveyor requesting that the applicant be required to prove lot legality as a condition of approval. That has been added to the Conditions of Approval under discretionary condition as #12. Mr. Severs spoke to the applicant's agent before the meeting started and he has provided some of that documentation and will be forwarded to the City Surveyor for review. Mr. Severs gave a staff report.

Vice Chair McFadden asked, is there a fourth access for the school? Mr. Severs reported no. Vice Chair McFadden believes there is another access way through the north end of the property to the cul-de-sac on Business Park Drive. It is a created easement. That is why it shows on all the drawings. He believes the previous owner gated the entrance. Mr. Severs deferred the question to the Traffic Manager.

Mr. Severs continued the staff report. The Public Works Engineering Department added a condition that the approval of the Conditional Use Permit should include a cap of 400 students until the impacts of a larger number of students has been studied. The Traffic Impact Analysis was based on a projection of 400 students. For clarity staff added in the Conditions of Approval: *"As part of the Conditional Use Permit, the proposed school shall: 11. Be limited to a maximum of 400 students until the applicant has provided and updated traffic analysis studying the impacts of a larger number of students. Any proposed expansion of the student enrollment beyond 400 students, or any physical expansion of the existing building, will require the approval of a revision to the approved Conditional Use Permit to be heard by the Planning Commission."*

Commissioner McKechnie asked, on condition #11 the phrase that states *"...any physical expansion of the existing building..."* isn't it true that regardless of this condition, under current City code, if there is a change in the exiting building it has to come back for an approved Conditional Use Permit? Is this redundant? If it is already required in the Code then he recommends it gets taken off the conditions of approval. Mr. Severs agrees.

Vice Chair McFadden did not follow that. Is Commissioner McKechnie saying they would have to come back with a Conditional Use Permit again? Commissioner McKechnie reported that currently if a school is making a building change they have to come back for a revision of their Conditional Use Permit. It does not need to be made a condition on

this one because it is a baseline for a Conditional Use Permit. Kelly Akin, Assistant Planning Director, reported that several years ago there was modification language added to the Conditional Use Permit section that give the Planning Director the authority to make amendments to the Conditional Use Permit. It was added because staff was experiencing conditional uses that wanted to make minor amendments to their structures. She does not disagree with removing the language because the language would force any minor change to come to the Planning Commission that could otherwise meet the exemptions. She does not disagree unless there is something in the Public Works report or elsewhere in an agency comment that would require review by the Planning Commission.

Vice Chair McFadden asked, does the Code involve vertical structures? He can see Tax Lot 503 being included to show that property for playing fields but there is no review for parking or maneuvering areas other than restrictions to paved parking and maneuvering areas. The rest of the property is not being classified as reserved property. He is surprised that the remainder of Tax Lot 503 does not have a reserved acreage. Maybe that would keep it from having driveways and pickup areas. How does the City regulate how those roads and pickup areas are installed in this situation? Ms. Akin stated that is part of the review here. As far as the outdoor area being included on Tax Lot 503 it is necessary as it is part of the school which is a conditional use in the Code in commercial zones. The balance of Tax Lot 503 will develop as commercial properties. Reserved acreage is a function of density and residential not a function of commercial properties.

Vice Chair McFadden's concern is increased traffic in that area. The traffic flow is unsatisfactory. Ms. Akin deferred Vice Chair McFadden's concerns to Kimberly Parducci and Karl MacNair.

The public hearing was opened.

a. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Woerner reported that the purpose of the application is to find a new home for Grace Christian School. The school now occupies land leased from First Baptist Church that were affiliated with them for a time. One of the purpose of moving is to make it clear to the parents and community that one does not have to be a member of First Baptist Church to enroll their children. The other is to locate the school closer to their affiliated high school.

In order to get the zone changed to commercial the intervening property needed to be secured. Grace Christian was able to secure the property. Part of the property will be developed for profit uses.

The traffic calculations are a function of how many trips the uses can generate. In terms of the 400 students the trip cap stipulations are for the entire track. Four hundred is a reasonable projection of what the school can accommodate.

The play field is a usable site with the fencing around it. They can control and keep the premium commercial site available to help pay off their debt for doing all this.

Reid Murphy the property owner is present this evening along with the traffic consultant Kimberly Parducci.

Vice Chair McFadden stated that he did not see in anything in the Public Works report or in the County report making recommendation for a signal at Airport. They indicated it was fine. He is concerned with traffic flow in that area. Mr. Woerner understands there needs to be a signal that Costco paid as part of their development. At the time of development of the commercial property the County has requested the applicant to show at the time of Site Plan and Architectural Commission review that they weigh in if there needs to be some proportional contribution for a signal in that area.

b. Kimberly Parducci, Southern Oregon Transportation Engineering, 2745 Randolph Street, Medford, Oregon, 97504. Ms. Parducci reviewed concurrency with the zone change and General Land Use Plan map and it showed there was no substantial impact because they are stipulating no net increase in trips. That is why they are not looking at Airport and Biddle at this time. They are not showing traffic increase above and beyond what is already zoned. They will come back at the time of development and address every access location, generate traffic for the entire site and then assess all the impacts. If they have impacts they will be proposing provided shares. They will be reviewing Airport and Biddle and the County has asked them review Airport and Table Rock to make sure their new signal is still going to be operating fine with the development of this site. They are also going to be reviewing Business Park and Biddle.

Commissioner Foley asked, is the drop off area being added now or just the current access from Airport for the parking lot?

c. Reid Murphy, 902 Chevy Way #102, Medford, Oregon, 97504. Mr. Murphy reported that they are planning on developing at this time with the remodeling of the school is the traffic pattern that goes through and out the back gate. The development to the east at the time of submittal would be a plan on what they are going to do there.

Mr. Woerner stated that his understanding is the drop off lane would be built at the time the sports field is developed. That would complete the circulation.

Mr. Woerner reserved rebuttal time.

Karl MacNair, Transportation Manager, addressed Vice Chair McFadden's questions stating that the traffic analysis for the school traffic cap, Public Works recommended 400 students. They have no concerns with building expansion and removing that portion of the condition.

Costco contributed some money as part of their development to a future signal at the Biddle and Airport intersection. The Airport also contributed some money. It is on the list but because of the way the trip cap was set for this zone change they are stipulating to the trips already allowed under the existing zoning.

Airport Road is currently a commercial road in the City's plan but they are updating their Transportation System Plan and it is identified as a collector.

There was no school zone proposed on this street and at this point Mr. MacNair does not believe they will have a school zone unless the school finds it needs it later. Public Works will do an engineering study at that time to determine the appropriateness.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare Final Orders for approval of ZC-18-055 and CUP-18-056 per the Planning Commission Report dated July 12, 2018, including Exhibits A through X; adding conditions #11 and #12; and, based on the findings and conclusions that all the approval criteria are met or not applicable, forwards a favorable recommendation to the City Council for approval of CP-18-054.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Friendly amendment made by Commissioner McKechnie: Strike the language on condition #11 that reads: "...or any physical expansion of the existing building, will require the approval of a revision to the approved Conditional Use Permit to be heard by the Planning Commission."

Roll Call Vote: Motion passed, 8-0-1, with Commissioner Pulver recusing himself.

50.4 LDP-18-068 Consideration of a request for tentative plat approval of a proposed two-lot partition on a 0.4-acre parcel located at 1475 Crater Lake Avenue and 1694 Grand Avenue within the SFR-4 (Single-Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W19AB5400); Applicant, Travis Colley; Agent, Richard Stevens & Associates; Planner, Steffen Roennfeldt.

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

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

Steffen Roennfeldt, Planner III, stated that the Land Division approval criteria can be found in the Medford Land Development Code Section 10.270. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

The public hearing was opened.

a. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501-0168. Mr. Stevens reported that he is present tonight representing the applicant Travis Colley for the two lot partition separating the two existing dwellings on the subject property. They have reviewed the staff report and conditions of approval. The applicant is in agreement with those conditions.

Chair Miranda stated that in the presentation there is a driveway access off Crater Lake Avenue that was determined not to be used. Is that going to be chained, gated or finish the curb and gutter? How is that going to be addressed? Mr. Stevens reported that initially it will be an 8 foot fence along the entire back boundary. The applicant will be securing the corridor along Crater Lake Avenue. Public Works will have comments of what to do so people do not turn in and park.

Mr. Stevens reserved rebuttal time.

Mr. MacNair pointed out that in the Public Works report that one of the conditions is to remove the driveway and replace it with full height curb and gutter on Crater Lake Avenue.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of LDP-18-068 per the staff report dated July 3, 2018, including Exhibits A through L.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 9-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met Friday, July 6, 2018. He was not at that meeting and deferred the report to Ms. Akin. Ms. Akin reported there were two items. There was a 5,700 square foot warehouse for SOS Alarm at Lawnsdale and Biddle. The other one was Asante adding 4,000 square feet for a second and third floor to the cardio vascular building.

60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver reported that the Joint Transportation Subcommittee has not met since the last Planning Commission meeting.

60.3 Planning Department

Kelly Akin, Assistant Planning Director, reported that City Council has had two study sessions regarding the Transportation System Plan and scheduled for a third in August. The last one went well. It is close for a decision from the City Council.

The next Planning Commission study session is scheduled for Monday, July 23, 2018. Discussion will be on small cell facilities and occupational/speech therapist code amendment.

There is business scheduled for the Planning Commission on Thursday, July 26, 2018, Thursday, August 9, 2018 and Thursday, August 23, 2018.

Last week there was no Planning business for the City Council.

Next week the City Council will hear corrections for the Park text amendment and Article II. Staff had to correct section numbers. The Planning Commissions decision on Westminster Presbyterian Church wood pile project was appealed.

In August the City Council will have study sessions on the Urbanization Plans and Wetlands.

70. Messages and Papers from the Chair. None.

70.1 Chair Miranda reiterated that he will be unavailable to attend the Monday, July 23, 2018, Planning Commission study session and the Thursday, July 26, 2018, Planning Commission meeting. He has already informed staff of his absence.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission. None.

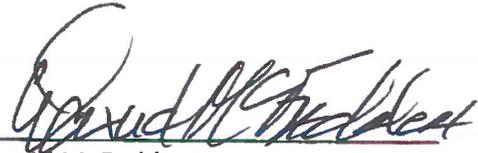
100. Adjournment

The meeting was adjourned at 7:49 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Terri L. Richards
Recording Secretary



David McFadden
Planning Commission Vice Chair

Approved: July 26, 2018

From: [Kelly A. Akin](mailto:Kelly.A.Akin)
To: [Seth A. Adams](mailto:Seth.A.Adams); [Carla G. Paladino](mailto:Carla.G.Paladino)
Subject: FW: Proposed LDC Changes to Address Senate Bill 1051
Date: Friday, July 20, 2018 9:24:07 AM

From: Mark McKechnie [mailto:mark@oregonarchitecture.biz]
Sent: Friday, July 20, 2018 9:10 AM
To: Kelly A. Akin <Kelly.Akin@cityofmedford.org>
Subject: Proposed LDC Changes to Address Senate Bill 1051

Hi Kelly,

I am addressing the proposed changes to the Medford LDC that will go before the City Council for consideration as an Architect in private practice that does low income housing projects from time to time. I think the streamlined process needs to include an appeal to the City Council rather than directly to LUBA. I have been through this process a couple of times and I feel the step that includes an appeal to the City Council is critical. In effect, it gives the City a second chance to look at the project and review it on its merits.

An appeal to LUBA is time consuming and very expensive to both parties. In a recent case against the City of Grants Pass LUBA was asked by the successful appellant to require the City to reimburse attorney's fees in the amount of \$40,000.

Further, multiple appeals to LUBA will hurt the reputation of the City.

I know of only two local bodies that would likely be bringing project before SPAC or the Planning Commission to do such projects and both of them have deep enough pockets to file a LUBA appeal. IN fact one has in the past and the City of Medford lost.

I know 100 days is tight, but that local appeal step is critical and staff needs to find a way to keep it in the process.

Please see that my comments get distributed to the Council.

Regards,

Mark McKechnie, AIA
Oregon Architecture, Inc.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: August 16, 2018

COUNCIL BILL 2018-101

A resolution affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk at 3640 Fieldbrook Avenue.

SUMMARY AND BACKGROUND:

On May 16, 2018, Public Works sent a letter to Mr. Smith informing him that the sidewalk abutting 3640 Fieldbrook Avenue is defective and needs to be repaired. Mr. Smith appealed the need to repair the sidewalk on four grounds:

1. The complaint was anonymous and should not be acted upon.
2. The defect is "less than a quarter inch"; there are worse areas throughout the subdivision and City that have not been repaired.
3. The City should be responsible for maintaining all public right-of-way and thoroughfares.
4. If the sidewalk is Mr. Smith's responsibility, he should be able to mitigate risk of injuries to the public by denying access to the portion of the sidewalk crossing his property.

PREVIOUS COUNCIL ACTIONS

On August 2, 2018, the City Council held a public hearing and voted to deny the appeal.

ANALYSIS

Section 3.010 of Medford's Municipal Code (MMC) requires owners of property within the city to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the city for all damages it has been compelled to pay in such case.

Regarding the points made by Mr. Smith:

1. While it is true the City's defective sidewalk program is complaint driven, the City makes the determination as to whether or not the sidewalk needs repair. A Sidewalk Inspector is sent to the property address of the complaint to assess its condition. The Inspector decides if the sidewalk is in compliance with the American with Disabilities Act (ADA). If the sidewalk is out of compliance the City sends a letter to the property owner notifying them a repair needs to be completed.
2. The defect is about 1 ½ inches and does not meet ADA standards. While it may be true that other sidewalks in the City need repairs, the City only requires property owners to repair sidewalks after inspection.
3. Section 3.010 of the MMC, requires property owners to maintain sidewalks. This is a common practice throughout Oregon. Examples of other cities requiring property owners to maintain sidewalks include Ashland, Phoenix, Central Point, Bend, Eugene, and Portland.
4. City code does not permit Mr. Smith to deny access to the portion of the sidewalk crossing his property. Section 3.010 of the MMC states that sidewalks are to be maintained in a condition safe for use by the public at all times. This is further explained in section 6.360 of the MMC, which states, "(1) No person shall place, cause to be placed, or permit to remain on a street or sidewalk anything that obstructs or interferes with public use of a street or sidewalk or interferes with the normal flow of pedestrian or vehicular traffic." City code is in compliance with state law that states, "Public road"



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

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means a road over which the public has a right of use that is a matter of public record.” (Oregon Revised Statute 368.001 (5)). Public road is defined as: “A road or way established and adopted by the proper authorities for the legal use of the general public, and over which every person has a right to pass and to use it for all purpose of travel or transportation to which it is adapted and devoted...” (Black’s Law Dictionary)

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the resolution.
- Modify the resolution.
- Deny the resolution and provide direction to staff regarding repair of the defective sidewalk.

STAFF RECOMMENDATION

Approve the resolution denying the appeal of an administrative decision regarding the defective sidewalk at 3640 Fieldbrook Avenue.

SUGGESTED MOTION

I move to approve the resolution denying the appeal of an administrative decision regarding the defective sidewalk at 3640 Fieldbrook Avenue.

EXHIBITS

Resolution

RESOLUTION NO. 2018-101

A RESOLUTION affirming the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 3640 Fieldbrook Avenue.

WHEREAS, the Public Works Director's administrative decision requiring the repair of a defective sidewalk located at 3640 Fieldbrook Avenue pursuant to section 3.010 of the Medford Municipal Code was appealed by property owner, Daniel Smith; and

WHEREAS, a public hearing was held on August 2, 2018, and the City Council affirmed the Public Works Director's decision requiring repair of the defective sidewalk; now therefore,

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

Section 1. The City Council finds there is substantial evidence in the record affirming the Public Works Director's decision requiring the repair of a defective sidewalk located at 3640 Fieldbrook Avenue.

Section 2. The property owner shall indemnify the City of Medford from any liability associated with the unsafe sidewalk.

Section 3. The appeal is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

DEPARTMENT: Parks, Recreation, Facilities **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2483 **MEETING DATE:** August 16, 2018
STAFF CONTACT: Rich Rosenthal, Director

COUNCIL BILL 2018-102

A resolution adopting the Public Art Selection and Acquisition Policy.

SUMMARY AND BACKGROUND

The Arts Commission seeks Council approval of the revised Public Art Selection and Acquisition Policy that incorporates City policies and procedures for considering mural development in public places.

PREVIOUS COUNCIL ACTIONS

On January 17, 2002, Council approved Council Bill 2002-12, creating the Arts Commission to act on behalf of Council on matters pertaining to the selection, acquisition, siting, restoration and preventive maintenance of public art for the enjoyment of citizens.

On January 4, 2018, Council directed the Arts Commission to examine City policies and procedures with the intent to create a public process for mural development in public places.

On June 28, 2018, Council conducted a study session to review proposed changes to the Public Art Selection and Acquisition Policy.

ANALYSIS

In January 2018, Council directed the Arts Commission to review the Public Art Selection and Acquisition Policy to take into account opportunities for mural development in public places. In the intervening months, the Commission revised the 2009 policy document to outline mural guidelines and to acknowledge performance art.

In general, the Public Art Selection and Acquisition Policy is designed to:

- Develop a program that contributes to and enhances community identity and pride.
- Provide the highest quality artwork available, promoting excellence and demonstrating diversity and variety of media.
- Encourage public participation and interaction with public spaces.
- Enrich the public environment for both residents and visitors through exposure to the arts.
- Establish the process, policies and procedures used for the solicitation, review, approval, and acceptance of public art in the City of Medford.

Policy revisions are:

- A new definition of "Public Art": *"The policy refers to public art as an activity so that it captures all art forms that take place in a public space. Public art activity is defined here to include permanent, temporary and performance art, and the conceptual contribution of an artist to the design of public spaces."*
- The creation of a step-by-step Public Art Mural Guidelines and Review Process for those interested in creating a mural in the City of Medford, including approval criteria, application process and project review.
- Establishment of mural application procedures involving the inquiring party, the Arts Commission staff liaison and Arts Commission Chair as well as full Commission review, including, if applicable, the Landmarks & Historic Preservation Commission.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

The Arts Commission recommends Council approval of the revisions.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the resolution.

Deny the resolution and provide staff with direction.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the revised Public Art Selection and Acquisition Policy as presented by the Arts Commission.

EXHIBITS

Resolution

Public Art Selection and Acquisition Policy

RESOLUTION NO. 2018-102

A RESOLUTION adopting the Public Art Selection and Acquisition Policy.

WHEREAS, the proposed policy establishes the process, policies, and procedures used for the solicitation, review, approval, and acceptance of public art in the City of Medford; now, therefore,

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

That the City of Medford Public Art Selection and Acquisition Policy, attached as Exhibit A, is hereby adopted.

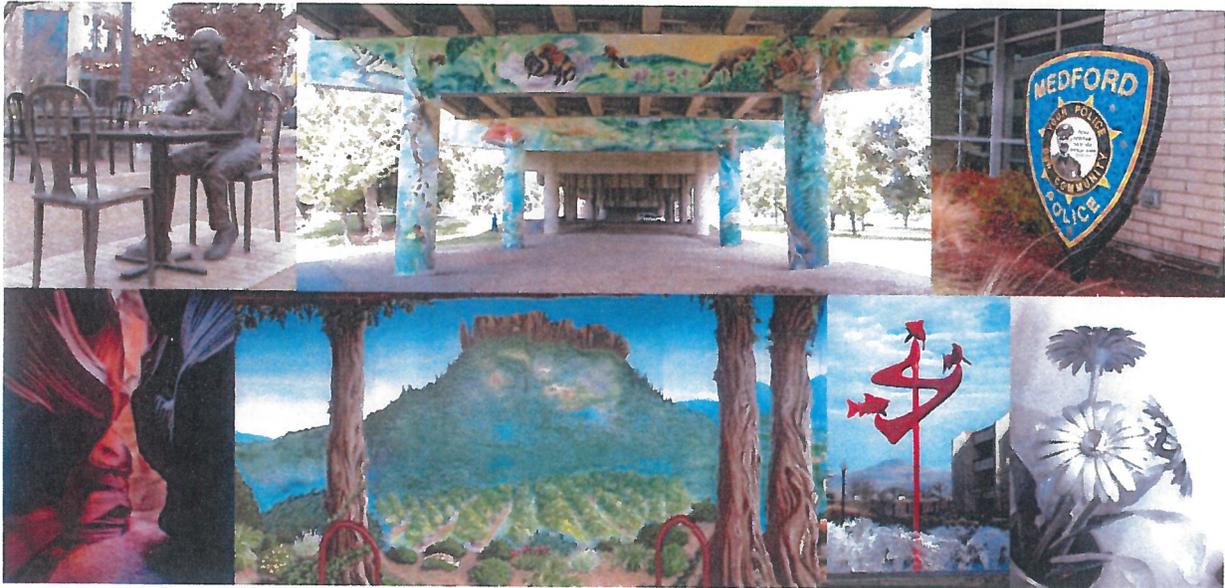
PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor



PUBLIC ART SELECTION & ACQUISITION POLICY



MEDFORD ARTS COMMISSION
MEDFORD, OREGON
ADOPTED 2009
REVISED JUNE 2018

City of Medford

Public Art Selection and Acquisition Policy

1. PURPOSE & INTENT:

The City of Medford Art Commission (MAC), established under Medford Municipal Code Section 2.438, seeks to enhance and improve the city through the development of a public arts program. The Commission's goal is to:

- Develop a program that contributes to and enhances community identity and pride.
- Provide the highest quality artwork available, promoting excellence and demonstrating diversity and variety of media.
- Encourage public participation and interaction with public spaces.
- Enrich the public environment for both residents and visitors through exposure to the arts.

The following policies and guidelines, as adopted by the commission and reviewed by the Medford City Council, establish the process, policies and procedures used for the solicitation, review, approval, and acceptance of public art in the City of Medford.

2. DEFINITION:

As used here, in all communication by the MAC, and by the City of Medford, *Public Art* is defined as follows:

The policy refers to public art as an activity so that it captures all art forms that take place in a public space. Public art activity is defined here to include permanent, temporary and performance art, and the conceptual contribution of an artist to the design of public spaces. Works of craft or art in any medium that has been reviewed against adopted and standardized criteria, approved, and formally accepted for ownership by the City of Medford for installation in public locations, in or on publicly owned buildings, on publicly owned land, or in or on other locations leased or provided to the City through donation, easement or other means for a period of not less than five years duration.

All art, sculpture or other works owned by the City of Medford acquired through any means or process and located in or on publicly owned or controlled buildings or land at the adoption of this policy are, by definition, *Public Art* as herein defined.

3. LEGAL AUTHORITY:

The MAC was created and authorized by Section 2.438 of the Municipal Code, specific sections of which (as cited) empower the Commission to:

- 4(a): Act on behalf of the Council on matters pertaining to the selection, acquisition, siting, restoration and preventative maintenance of public art for the enjoyment of the citizens. This shall include the hiring of consultants to assist in the development of public art programs and procedures.
- 4(b): Advise the Parks and Recreation Commission concerning the acceptance and disposition of gifts of art to the City.
- 4(c): Act in conjunction with the Parks and Recreation Commission on matters pertaining to arts education and promotion, artist's recognition and encouragement of the arts and artistic performance to help foster broad participation in and understanding of the arts and their value to the Medford community.
- 4(d): Assist City staff in obtaining gifts and grants for the arts fund, which shall be used for support of arts programs/activities and the procurement of public art for the enjoyment of the citizens. Advise City Council of funding needs for arts to attain the desired vision for arts and culture in Medford.
- 4(e): Assist City staff with the administration of the 1.5% for art program, which allocates funds from specific City building and remodeling projects for the incorporation within and or inclusion of public art to the project.
- 4(f): The Chairperson or designee will serve as liaison to the Medford Parks and Recreation Commission regarding the placement of public art and scheduling of arts and cultural events in Medford public parks.

There are no Oregon cases applying Article I, Section 8 of the Oregon Constitution in the public art context that we have been able to locate. There is authority under the First Amendment to the United States Constitution, however, suggesting that when the government is acting as a patron of art, or is displaying art in publicly owned places, there is greater (but not unfettered) leeway to distinguish based on content than when the government is acting in a regulatory capacity. *National Endowment for the Arts v. Finley*, 118 S Ct 2168, 141 L Ed 2d 500 (1998)

3.1. Relation to Sign Code:

In placing and supporting public art on city owned and/or controlled sites, the City of Medford acts as a patron of the arts, not as a regulator, and is accordingly free to approve or deny projects according to its own art acquisition goals. *Public Art* approved and adopted under these policies, whether developed as two- or three-dimensional installations, including statues, murals, friezes, or other works, placed on sites owned or controlled for not less than five years by the City of Medford, is therefore exempt from the provisions of the Medford Sign Code.

In locating any proposed public art within special zoning overlays, particularly those portions of the City recognized for their historic significance, the MAC will incorporate other City of

Medford goals or review authority to assure that public art is consistent with all city objectives and priorities. In a historic district, the MAC will solicit the City of Medford planning department and the Landmarks and Historical Preservation Commission input when considering public art projects.

4. PUBLIC ART ACQUISITION PROCESS:

All public art will be sited, evaluated and accepted by the City of Medford following a standardized process that assures fairness and public input. All public art will be reviewed and accepted into city ownership only through the following process.

4.1. General Criteria:

Assuring the highest quality of aesthetic experience for the citizens of Medford is the primary criterion for selection of public art. The objective is to develop a worthwhile, enduring, and varied collection of artwork in city buildings, public spaces and other appropriate spaces secured through long-term lease or easement. In commissioning or accepting public art the following general criteria apply:

- A. Media: All visual art forms and materials will be considered.
- B. Style: Artwork reflecting any school, movement, method style will be considered.
- C. Range: Artwork may be functional or non-functional; conceptual or tangible; portable or site-specific; including folk art, craft or fine art.
- D. Character: Artworks must be appropriate in scale, media, style, and content to the project and environment to which they will relate.
- E. Permanence: Consideration should be given to structural and surface integrity and the use of materials appropriate to the location so as to minimize or eliminate maintenance and repair costs.
- F. Public Safety/ Liability: Artworks and art places must be free of unsafe conditions or other factors bearing on public liability.
- G. Diversity: In selecting works, the City will strive for diversity, reflecting the social, ethnic and cultural fabric of the community.

4.2. Funding:

Funding for purchase or commission of specific works of public art or the development of any base funding process is required prior to the initiation of a public art project. Such funding may be developed through the City budget process, grant or fund-raising activities, private or corporate donations, or any other process of the MAC in accordance with its rules.

The Public Art Selection and Acquisition Policy does not obligate or guarantee funding for public art.

4.3. Site Selection:

The initial step in any public art project is the identification of an approved site for the installation of public art. In the selection of locations for the installation of proposed public art, the MAC strives to place public art in appropriate sites throughout the community with the objective of providing quality art to the greatest number of citizens. The objective is to develop a worthwhile, enduring, and varied collection of artworks in city buildings, public spaces, and appropriate other spaces secured through long-term lease or easement, that enhances, enlivens, and enriches the City while reflecting the values of the community.

4.3.1. Site Determination and Acquisition

Sites for public art may be determined or selected in several ways, including but not limited to, the following:

- A. The City, acting through the Council, City Department, or other entity, utilizing 1% for the Arts funding, dedicates a property or site to public art as an element in new construction.
- B. The City, acting through the Council, City Department or other entity, chooses to designate all or a portion of a city-owned property or site for public art purposes.
- C. The legal owner(s) of a private property or other location meeting the site selection requirements may donate a Public Art Easement (minimum duration of five years) to the City for the placement of public art.
- D. The MAC may solicit the donation of private property for the display of public art.
- E. The MAC may negotiate and purchase a Public Art Easement for the display of public art provided such term is not less than five years duration.
- F. The MAC may, using funds raised for that purpose, purchase property or otherwise obtain sites for public art purposes.

4.3.2. Site Selection Criteria

In the context of selecting a site for public art installation, the following guidelines apply:

- A. The City will obtain, through a binding Public Arts Easement Agreement, donation, or purchase, a clear and binding right to utilize the site for public arts purposes for a period not less than five years.
- B. For public art proposed within City of Medford right-of-way, the location has been reviewed and accepted by the Public Works Director who may establish reasonable site limitations on the installation to assure public safety or other public needs.

- C. The location satisfies the Commission's objective of distribution of art throughout all areas of the city.
- D. The location is regularly visible or accessible to the public.
- E. The location is accessible under the requirements of the American for Disabilities Act, if such access is necessary for the art to be viewed.
- F. The location provides adequate lighting, if appropriate, to view the art or there is a binding commitment to assure that such can be provided within a reasonable time frame.
- G. The location, including the surface or structure upon which the art is to be placed is both sound and in good repair, or there is a binding commitment to assure that it is made so within a reasonable time frame.
- H. Reasonable security from vandalism/theft can be provided as a part of the project design.
- I. Reasonable protection from the elements is available at the site, or the selection will be limited to materials appropriate for the site.
- J. A maintenance agreement with the property/building owner has been executed.

4.4. Selection Panel:

After a site meeting the criteria of Section 4.3.2 has been reviewed and accepted by the City as an appropriate public art location, an art selection panel will initiate the process of determining the work to be placed. All public art in Medford will be determined through a process governed by a selection panel. The objective of the Selection Panel is to allow for broad representation of both commission and community interests in the selection of public art.

For each approved site for public art, the MAC will designate a Selection Panel to oversee the art selection process. In situations where acquisition costs are \$5500 or less, the MAC or a subcommittee thereof may serve in place of the Selection Panel as outlined below.

The MAC may, according to its own requirements, establish a panel for a given term, on a project-by-project basis, or by any other criteria it determines appropriate, provided only a single panel is responsible for any given project for the duration of that project. The Commission may constitute multiple selection panels at any given time, each dedicated to one or more projects. Except as modified by 4.4.1(F), all appointments shall be the duty of the chair of the MAC.

4.4.1. Each Selection Panel will consist of a minimum of seven (7) members, as follows:

- A. Two (2) members of the MAC, one of whom will serve as Selection Panel Chair.
- B. One (1) arts professional, if available. A qualified member of the MAC may serve in this capacity. Appointments will specifically exclude dealers, agents or representatives of artists applying or working before or with the panel.
- C. Two (2) interested members of the community-at-large.
- D. One (1) representative of the public department (where the work is being commissioned/installed on City-owned property) or a resident of the Council Ward in which the project is to be located.
- E. One (1) member of the architect or design team, or of the non-public site owner, if applicable. If no architect, design team member, or non-public site owner is involved, a second arts professional will be appointed.
- F. LHPC Liaison: When the site under consideration is located within a locally or nationally designated historic district (i.e. Medford Downtown Historic, the Geneva-Minnesota Historic District, etc.) or upon any individually designated City of Medford Landmark or National Register listed property, the MAC chair will request the appointment of a liaison from the Medford Landmarks and Historic Preservation Commission to serve on the Selection Panel. The liaison shall be appointed by the chair of the Medford Landmarks and Historic Preservation Commission.

4.4.2. Duties and Responsibility of the Selection Panel

The Selection Panel shall work within the project parameters established by the MAC, including overall budget, site constraints, and program goals. The Selection Panel's duties shall include the following:

- A. Choose a method for selecting an artist by one of the options outlined below at 4.5.
- B. Based on the established budget, develop a realistic project scope, and determine if the budget is sufficient to warrant advertising for artists locally, regionally or nationally.
- C. Except as modified by 4.5, the Panel will draft, print and distribute a Request for Proposal (RFP) using the City's standard form plus any specific instructions relative to the chosen site. The RFP will provide a clear statement of project goals, a copy of the site plan, if applicable, and any other materials or considerations related to the project review.
- D. Advertise for RFP using normal distribution methods, providing adequate time for artist response.

- E. Review, evaluate, and discuss credentials, proposals and/or materials submitted by the artists.
- F. Via majority vote, recommend the award of the commission or decide to further investigate any chosen finalists.
- G. If further investigation of finalists is decided, draft a list of information and/or additional materials required. Conclude investigation as rapidly as possible, convene for further discussion and, via majority vote, recommend the award of the commission.
- H. Inform the MAC in writing of the Panel's decision, citing reasons for the selection.
- I. If the Selection Panel cannot reach an agreement, the matter will be referred to the MAC.

The Selection Panel retains the right to make no selection if, in its opinion, there is insufficient merit among the submissions. If this occurs, the MAC will determine whether to recommend that the project be abandoned, begin a new selection process, or take some other course of action. In all cases the Selection Panel decision is an advisory one, with final authority remaining with the MAC.

4.5. Art Selection Methods:

Artwork may be selected by purchase, commission, donation, or by contract with the artist as part of a design team. An artwork may also be selected for purchase on its own merit, independent of the artist. Types of selection are as follows:

Limited Competition A small number of artists are invited by the Selection Panel to submit proposals.

Open Competition All artists are welcome to apply, subject to limitations established by Selection Panel.

Artist Invitation Based on reputation and experience, an artist is invited by the Selection Panel and requested to develop a proposal. In such a situation the Commission may compensate the artist for the proposal, if determined appropriate.

Direct Purchase The Selection Panel may choose to purchase a piece of existing art, from a gallery or dealer, from a private individual or from the artist directly

Donation Triggered by a citizen offer to contribute artwork to the City, the Selection Panel will review the work in terms of whether it satisfies the stated "Criteria of Artwork" elements, and whether a suitable and appropriate site exists to exhibit the artwork (*See Art Donations Policy Section 6.0*).

4.6. Art Selection and Approval:

Artists will be chosen on the basis of their qualifications as demonstrated by past work, past experience with public art, and successful completion of previous projects similar in scope and scale. Selected artwork will be original work completed by the submitting artist. Emphasis will be on regional artists whenever possible.

The following criteria govern the selection of public art in the City of Medford and will be utilized by both the selection panel and the MAC during the process of review, selection and approval of public art.

- A. Artistic Quality and Originality: The strength and originality and creativity of the artist's concept and demonstrated skill or craftsmanship. (20 Points)
- B. Context: The appropriateness of the concept within the proposed architectural, geographical, socio-cultural, and historical context, including use of appropriate scale and materials for the site. (20 Points)
- C. Diversity: Issues related to race, age, style, and media of the art within the context. (10 Points)
- D. Feasibility: Budget, timeline, and probability of success. (10 Points)
- E. Design & Construction: Issues related to fabrication of the installation, its durability, resistance to vandalism, long-term maintenance issues, and weather permanence. (10 Points)
- F. Support: Demonstrated community agreement/support for the project. (10 Points)
- G. Public Safety: Meets any and all applicable building codes for public projects. (10 Points)
- H. Other: The MAC may adopt other project specific criteria pertinent to special considerations of the site, the project, or the commission's specific intent, provided such criteria are clearly and completely stated in the Request for Proposal. (10 Points)

4.7. Responsibility of the Artist:

If selected for a commissioned artwork by the City of Medford, the artist will:

- A. Sign and abide by the terms stated within a Personal Services contract with the City of Medford.
 - 1) Artist retains all rights and interest in the artwork except for rights of ownership and possession, as passed to the City upon final acceptance.
 - 2) Artist retains all rights under the Copyright Act of 1976. The artist, however, agrees not to make an exact duplicate of the work or permit others to do so, except by written permission of the City.
 - 3) Artist grants to the City an irrevocable license to make two-dimensional reproductions for promotional purposes. The City agrees to give artist appropriate credit on all such materials, including copyright symbol, name of artist, title of piece, and date of completion.
- B. The Artists warrants that:
 - 1) The artwork is made of quality materials.
 - 2) The artwork is free of defects.
 - 3) The artwork is an original product of the artist's own creative efforts and does not infringe on any third party's copyrights or other intellectual property rights.
 - 4) For exterior installations, the proposed work complies with the City of Medford Maintenance Standards.
- C. Execute and complete the work in a timely and professional manner.
- D. Maintain an effective working relationship with the project team and staff.
- E. Advise the MAC immediately of any significant changes to the scope, materials or design of the work after contract is signed (all changes must be reviewed and approved prior to completion, in accordance with the City requirements).
- F. Be responsible for all design and execution of the work, including site preparation and installation, unless otherwise stipulated in the contract.
- G. Provide written maintenance guidelines, including recommended products, where appropriate, to guide city staff in the long-term care of the artwork.
- H. Sign and Execute a waiver of right under the Visual Artists Rights Act (17 USC 106 A).

4.8. Responsibility of the Medford Arts Commission:

The Medford Arts Commission (MAC) will manage and administer all implementation of public arts programming as follows, coordinating with others (City staff as appropriate and necessary):

- A. Encourage, identify, and accept public art sites, locations and projects.
- B. Participate in the coordination and development of funding sources to support the Public Art Program.
- C. Convene Selection Panel and coordinate its work.
- D. Prepare, review, oversee and monitor all documents, including Requests for Proposal, responses, and contracts (City staff as appropriate and necessary).
- E. Coordinate physical and logistical components of art installation.
- F. Coordinate preparation of any necessary signage, including identification labels and/or plaques.
- G. Serve as an information conduit and link between artists, project and building managers (City staff) and others as necessary to ensure a trouble-free project flow.
- H. Serve as resource, guide, and counsel to the City Council and the City Manager regarding public art related issues.

5. Ownership/Copyright/Reproduction/Re-siting/Resale:

- A. Work purchased, commissioned or accepted as a donation shall be the property of the City of Medford.
- B. The City intends that the work shall remain accessible to public viewing for as long as the City owns the work.
- C. The City retains the right to transfer work from one City-owned site to another, as it deems necessary, to place the work in storage, in another facility, or to make a temporary loan to another agency or organization.
- D. The City retains the right to deaccession works of arts it no longer desires to retain as a component of the public art program as per Section 7.

6. Accepting Donations of Artwork:

In addition to supporting the Public Arts Program via financial assistance or the grant of land or long-term easements for public art, private parties and other entities may offer to donate completed or proposed works of art to the City of Medford under the Public Art program. It is the responsibility of the MAC to review such proposals for consistency with its goals and, where appropriate either accept or reject such gifts to the City. All such determinations reside with the MAC, as the designee of the Medford City Council. In evaluating offers of donated artwork, the Commission will use the procedures and criteria established in Section 4.0 to determine the appropriateness of both the proposed site and the extant or proposed work of art.

- A. Art offered to the City of Medford through donation will be evaluated using the entire public art process except as noted below.
- B. In the case of *pre-existing* works of art only, the MAC, at its discretion by majority vote, may chose to function as the Selection Panel rather than creating one as Section 4.4.
- C. Donated artwork in exterior locations shall include the donation of the site or a minimum seven year easement to the City for such use.

7. Deaccessioning Works of Art:

Deaccession is a procedure for withdrawal of a work of art from city ownership. This may be recommended by the MAC when the artwork has deteriorated or been damaged and repair is unfeasible, or when it has been determined by the commission to be no longer appropriate for the site or to the City's public art collection.

7.1 Deaccession Subcommittee:

A Deaccession Subcommittee will be appointed by the MAC. This Subcommittee will be composed of:

- One (1) member of the MAC, who shall act as chair,
- One (1) interested member of the community, and
- Three (3) three arts professionals.

Based on criteria developed by the MAC, artworks may be released from City ownership and de-accessed or removed as public art. Such work, if reusable or transferable, may be donated to another government or non-profit entity, or may be offered for sale at fair market value at the discretion of the Deaccession Subcommittee. Outside appraisals or opinions shall be used when the value of the work exceeds \$5000.

Where artwork is in anyway deemed not reusable, transferrable, or otherwise worth saving by the subcommittee, the subcommittee will determine an appropriate disposal method. The

subcommittee will make its recommendation to the City Council which shall approve the final disposition of the work, including disposal, if so recommended.

The subcommittee will make reasonable attempts to notify the artist or heirs of the deaccessioned work during this process. Written records of the entire process shall be maintained.

Proceeds from sales of deaccessioned artwork shall be used to fund additional purchases or commissions for public art conforming to the Criteria and Selection Methods described above.

**City of Medford Arts Commission
Request for Qualifications
PUBLIC ART PROJECT**

The Medford Arts Commission is soliciting proposals from qualified artists for public art to be placed at [location]. The Commission will follow its Public Arts Selection and Acquisition Policy, in this process. The weighted selection criteria the Commission will use to evaluate projects is found at Section 4.4. Copies of the policy are available for review at www.cityofmedford.org/XXXXXXX.

Interested artists should submit only the following:

1. Artist resume, not exceed two (2) pages per person. Please include daytime phone number and mailing address.
2. Up to ten (10) jpg images of recent (maximum of fourteen (14) per artist team) on a CD-ROM labeled with the artist's (team) name. Images must be no larger than 1024 x 768 pixels at 72 dpi. NO slides, prints, or other submittal formats are accepted. Each submitted image shall be identified/named in the following format.

Artist(Team)Name, Image XX, Month/Year (00/200x). jpg

3. Image Identification Sheet corresponding to the image numbers, to include title, date of completion, material(s), size, and client information. Please include installation locations for public art.
4. A completed City of Medford Arts Commission submittal form.

Please submit seven (7) copies of all printed materials single-sided on white 8.5 x 11 paper (Letterhead is acceptable for resumes). *NO models or specific proposals for artwork will be accepted, only the requested information.*

Please Submit to:

Medford Purchasing Department
Public Art Request for Proposal
411 West 8th Street, Room 353
Medford, Oregon 97501

Contact for Additional Information
Medford Parks and Recreation
Jesse Nyberg, 541-774-2482
jesse.nyberg@cityofmedford.org

Deadline for Submittal: 12:00 Noon, **XXXX-DATE**

Selected artist(s) will be contacted shortly after the Deadline and asked to present project proposals for the site.

**City of Medford Arts Commission
Request for Qualifications
PUBLIC ART PROJECT**

Artist/Team Name: _____

Contact Person (if different): _____

Mailing Address: _____

City/State/Zip: _____

Main Phone: _____ Cell/Alternate Phone: _____

E-mail: _____

Briefly describe experience/background:

Please list previous experience with Public Art Projects (title/location/material(s) and date installed)

**City of Medford Arts Commission
Maintenance Standards
PUBLIC ART-Exterior Installations**

The City of Medford accepts that public art in exterior installations is subjected to varying climates, sunlight, wind and other natural forces in addition to the potential for vandalism. In order to assure high-quality, attractive, and long-lasting benefit for the citizens, the following standards are required for ALL public art installations in an exterior location.

- All exposed elements of the work are made of durable, exterior-quality, water-resistant materials that are, to the highest degree practical, of color-fast materials resistant to sunlight and UV damage.
- All connections, mountings, and hardware are made from non-ferrous metal or other materials that will not degrade from exposure.
- All mountings are sufficiently designed for the size, scale, and mass of the work to assure public safety.
- Attached elements, plaques, markers, or other fittings include vandal-detering hardware wherever applicable.
- Depending upon the installation, efforts at reducing physical vandalism, including graffiti, have been employed to the greatest extent feasible given the location. This may include high-placement to reduce access, the use of lighting at night, or other physical barriers and passive methods that discourage damaging behaviors.

In order to reduce potential damage from graffiti and to ease cleaning subsequent to any future vandalism, all exterior public artwork will be treated with an anti-graffiti-coatings as practical. A variety of products are available, most of which can be found at www.thomasnet.com under “anti-graffiti coatings.”

As per 4.7(G), the artist will provide specifications on the installation, including information on any anti-graffiti coatings used, the requirements for maintenance or re-application (if any) and any other pertinent information which will assist City Staff in maintaining and cleaning the work subsequent to installation.

After Recording Return to:
City of Medford
811 West 8th Street
Medford, OR 97501

PUBLIC ART EASEMENT AGREEMENT

1. Parties:

_____, hereinafter referred to as “Grantor.”

CITY OF MEDFORD, an Oregon Municipal Corporation, hereinafter referred to as “Grantee.”

2. Affected Property:

Grantor is currently the owner of the following described real property (property) located in Jackson County, Oregon:

As shown on the attached legal description of property in EXHIBIT “A,” incorporated herein.

3. Grant of Easement:

For and in consideration of the sum of _____ DOLLARS, or other valuable consideration Grantor does hereby grant unto the Grantee, its successors and assigns,, and Grantee hereby accepts, a PUBLIC ART EASEMENT for a portion of Grantor’s property as shown in the map as “EXHIBIT B” and more fully described in the attached “EXHIBIT C,” both of which are incorporated herein.

4. Statement of Purpose:

The easement described above shall be used for the placement of public artwork (art) and for unrestricted ingress and egress to Grantor’s property for the purpose of installing, maintaining, operating and exhibiting the art and related facilities or structures. The public artwork and its location shall be as approved by the Medford Arts Commission in compliance with its Public Art Selection and Acquisition Policy or as otherwise authorized by the Medford City Council.

5. Type of Easement:

The easement described above shall be non-exclusive except that Grantee shall have the exclusive right to construct, install, operate, maintain, and exhibit public artwork and related facilities or structures within the easement. Grantor shall not excavate, alter, or locate any structures or buildings within the easement. Grantor may use the surface of the easement provided such use does not interfere with Grantee’s rights contained in this easement. Grantor shall not permit any other use or utilities to be located in the easement without the written consent of Grantee. The easement shall be for a term beginning _____ and shall last through _____ (Minimum of 5 years).

6. Maintenance:

Grantee shall be responsible for maintenance of the art equipment and facilities located within the easement. Grantor shall be responsible for landscape and surface maintenance within the easement. Grantee’s use of the easement shall not unreasonably interfere with Grantor’s use of the property.

7. Indemnification:

The Grantor does hereby agree to defend, hold harmless, and indemnify Grantee, its successors and assigns, from any claim of liability or any other claim involving the art, or arising out of the Grantee's use of the easement described above, unless caused by Grantee's negligent conduct or failure to fulfill its maintenance obligations as set forth in Paragraph 6 above.

8. Remedies:

In addition to all other remedies allowed by law, the parties, their successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this agreement.

9. Binding Effect on Successor Interests:

The terms, conditions and provisions of this agreement shall extend to, be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties.

10. Attorney Fee:

In case suit or action is instituted in connection with this agreement, the prevailing party shall be entitled to recover from the losing party such sums as the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

DATED this _____ day of _____, 20____.

GRANTOR:

GRANTEE:

By: _____ By: _____
Manager, CITY OF MEDFORD

STATE OF _____)
County of _____) ss.

Personally appeared before me this _____ day of _____, 20____,
_____, _____ for
_____, and acknowledged the foregoing
instrument to be his/her and the _____' voluntary act and deed.

By: _____
Notary Public for _____
My Commission expires: _____

Public Art Murals Guidelines and Process

Section 2.438 of the Municipal Code requires that exterior murals must be approved by the Medford Arts Commission, whose role is to ensure that each project aesthetically enhances its location and surroundings. The costs associated with developing and executing/installing a mural are the responsibility of the applicant and/or property owner of the wall where the proposed mural will be installed. To simplify this document, the word ‘mural’ refers to artwork that is painted on an exterior wall and other works of art affixed to an exterior wall.

Overview

- The approval process for executing/installing murals on public or private property within the City of Medford is administered by the City of Medford staff liaison to the Medford Arts Commission (MAC).
- Applicants without professional mural experience may apply but should partner with a professional muralist.
- Applicant must provide a budget for the project and if the project is approved funding must be in place before work can begin.
- Proposed murals are reviewed by the MAC, by the Landmarks & Historic Preservation Commission if required, and if recommended by the MAC, approved by the City Council.
- Murals shall not be considered for installation on building facades with a public entrance in historic districts.
- Murals may be considered for installation on building with a public entrance outside historic districts.
- Murals shall not be proposed for installation on an unpainted façade surface (natural brick, stone) of a historic building.
- All property owners must sign an Art Agreement to be included with the Public Art Mural application agreeing to transfer ownership of the mural to the City pending approval of the proposed mural by the City Council.
- All murals approved through this process become part of the City’s public art collection for as long as the Art Agreement remains in effect.
- The number of murals per block may be limited.
- Historically significant murals (including historic advertisements) shall not be painted over, even if faded.
- To the extent practicable, murals shall be applied only to the flat planes of walls.
- Imitative materials including but not limited to asphalt siding, wood textured aluminum, and artificial stone should be avoided on murals within historic districts.
- All applicants are required to meet with the MAC and staff liaison at least one month prior to submitting an application. To schedule an appointment contact Medford Parks, Recreation & Facilities at 541-774-2400 or parks@cityofmedford.org.

Murals on Historic Buildings

- Murals proposed for installation on the exterior of structures listed on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places will be forwarded to the Landmarks & Historic Preservation Commission for review.
- The Landmarks & Historic Preservation Commission will review the proposal using criteria stated in the City of Medford Municipal Code and provide their comments to the City Council and to the MAC.

Criteria for Approval of Wall Murals

The mural should be a professionally designed, original work of exceptional quality with consideration of the following criteria:

- Visual imagery that is reflecting partisan politics or containing sexual or religious content or expressing a commercial aspect will not be accepted. Visual imagery content that comes under question will be reviewed by the MAC, the Landmarks & Historic Preservation Commission and by city council if necessary.
- Artwork that is designed to be visible from many view points (by pedestrians, from moving vehicles, seated audiences, etc.).
- Artwork that is appropriately sited for directional exposure to minimize fading of colors.
- Suitability of the wall surface to receive all materials that are to be used to execute the mural, including the wall preparation material.
- Work that is appropriate in scale to the building and to the site.
- All installation and technical issues.

Mural Design Application

Applicants (artist, property owner, etc.) intending to execute/install a mural on an exterior wall that is visible from a public-right-of-way and within the boundaries of the City of Medford must apply for approval through the following process. Applicant shall:

- a. Schedule an appointment and meet with the staff liaison to the MAC for an informational overview of the process and initial review of the proposed project.
- b. Complete and submit a Public Art Mural application.
- c. Submit a signed Art Agreement from the property owner.
- d. Prepare a mural presentation package as described in *Mural Design Presentation and Review*.
- e. Schedule an appointment for MAC review of mural package at a monthly public Commission meeting.
- f. Submit a complete Mural Presentation package to staff no less than ten days prior to MAC review. Only packages that are totally complete will be accepted for review.

Mural Design Presentation and Review

The proposed mural application will be presented to the Medford Arts Commission at their monthly public meeting.

▪ **Initial MAC Presentation Meeting**

Presentation materials for the initial meeting must include:

- a. Photos of the proposed location of the mural including all wall features and features immediately adjacent to the proposed mural site; complete wall measurements.
- b. Professional portfolio of the lead artist's mural work including examples of the artist's demonstrated ability from prior projects to carry out the project as designed.
- c. A color drawing at ½ inch scale that adequately illustrates the proposed mural including actual color, finishes and materials samples with their locations designated on the mural drawing,
- d. Verbal explanation of imagery concept including:
 - How the artwork enhances the existing character of the site through scale, color, material, texture, and content,
 - How the mural considers the social dynamics of the location, and
 - How the artwork considers the historical, geographical and cultural features of the site as well as its relationship to existing architecture and landscaping.
- e. Statement regarding the durability of the artwork and its potential to require ongoing maintenance.
- f. Art Agreement signed by the property owner.

- **Preliminary Design Approval**

Generally, the MAC review and preliminary approval for the applicant to move forward with the proposed mural concept occurs at the regularly scheduled monthly MAC meeting following the applicant's initial presentation. Staff will notify the applicant of the Commission's decision and if necessary, schedule a date for the second design meeting.

*NOTE: If the mural is proposed for installation on the exterior of structures listed on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places the proposal will be forwarded to the Landmarks & Historic Preservation Commission for review. See **Murals on Historic Buildings** above.*

Design Approval by City Council

- Following final design approval by the MAC and review by the Landmarks & Historic Preservation Commission (if required). If the Commission votes to forward the mural concept to the City Council, the Commission will forward the concept to the City Council for approval.
- Once final approval is granted by the City Council, the applicant must:
 - a. Provide staff with the installation schedule. Applicant will be responsible for implementing all safety requirements per direction from staff (if work is occurring within the public right of way).
 - b. Enter into a contract between the applicant and the City of Medford.

Note: If the MAC finds that there are areas of the mural that are not rendered according to the approved design documents, the MAC may request the applicant adjust the mural to comply with the approved design. The MAC also recognizes that an artist may wish to make minor changes during the process that deviate from the approved concept but that enhance the overall project. The MAC and artist will agree on any changes to the approved design drawing.

- Once the MAC and applicant are satisfied that the mural is complete, the mural must be coated with a clear UV protectant paint to protect the mural from graffiti and ultra violet light.
- The MAC will vote to accept the mural into the City's public art collection and forward their recommendation to the City Council for approval.

Other Things to Know

- The City will contract with the applicant for the execution/installation of the mural.
- The Art Agreement will require the applicant to submit proof of liability insurance.
- The Art Agreement will be in place for a period of five years. At the expiration of the five years, the Art Agreement may be terminated or extended by either party upon 30 day written notice.
- The City retains the right to remove the mural if the mural is not executed according to the approved concept documents.
- The City is responsible for the maintenance of the mural during the existence of the Art Agreement.

Medford Arts Commission Mural Application

Applicant (City contracts with)

Applicant's Name: _____
Phone: _____ Email: _____
Address: _____
City: _____ State: _____ Zip Code: _____

Lead Artist

Artist Name: _____
Phone: _____ Email: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Artist Website: _____

Name of Property Owner of proposed mural building (if different from applicant):

Phone: _____ email: _____
Proposed Mural Building Street Address: _____
City: _____ State: _____

Dimensions of proposed mural wall: _____

Has the owner given permission for a mural to be painted on the proposed wall and is the owner willing to enter into an Agreement with the City? Yes: No:

The wall is: brick: cinderblock: stucco: wood: other:

Project Questions

1. Please describe the project, the specific location of the mural and why a mural will enhance the area.

2. Can the wall be seen from the public right of way (e.g. sidewalk, alley, street etc.)?

3. Describe the process you used to select a professional mural artist.

4. Describe the theme/image you envision for this mural if known at this time.

5. Why do you want a mural at this location? How will the mural benefit the neighborhood? Community?

6. Please attached a detailed budget for the project. What funding do you have for the project?

7. Describe the ground in front of the wall (condition, debris etc.) and surrounding features.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

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DEPARTMENT: Planning; Legal

PHONE: (541) 774-2380

STAFF CONTACT: Matt Brinkley, AICP, Planning Director; Eric Mitton, Deputy City Attorney

AGENDA SECTION: Ordinances and Resolutions

MEETING DATE: August 16, 2018

COUNCIL BILL 2018-103

A resolution adopting a fee for applications for deferred payment of System Development Charges.

SUMMARY AND BACKGROUND

Council is requested to consider approval of a resolution establishing a fee to be charged to parties applying for deferral of System Development Charges.

At its meeting on August 2, 2018, the City Council approved an ordinance creating a System Development Charge (SDC) deferral program for the City of Medford. As amended by this ordinance, Section 3.739(2) of Municipal Code will now state that "a builder or developer must file an application in a form provided by the City at the time of building permit application, and must pay a fee established by Council Resolution." The attached resolution proposes such a fee.

PREVIOUS COUNCIL ACTIONS

On August 2, 2018, City Council approved Ordinance 2018-97. The ordinance has an effective date of August 17, 2018.

ANALYSIS

The SDC deferral program is intended to operate with as little impact on staff resources as possible. The program itself is prescriptive in nature and requires little to no discretion in the application of its relatively limited number of rules and provisions. The application process itself is not anticipated to consume significant resources of any type. The lien will be filed with the City's online lien service, Net Assets through their Conduits platform. Longer term monitoring and enforcement are anticipated to require the most resources.

Although adjustments may need to be made after the program has been in operation, staff has concluded that a fee of \$150 would be sufficient to cover the costs associated with several hours of staff time required for processing the application, entering lien, and monitoring participant performance. Costs are anticipated to fall as the program is utilized with more frequency and as costs are shared over more applications.

Estimated costs and resources needed to process applications were determined through interviews of potentially affected departments. Those departments include Finance, Planning, Building, and the City Recorder. Public Works staff will continue to calculate SDCs as they currently do; that role is not expected to expand and change in a way that will incur additional costs for that department.

Estimated costs for each affected department for each program activity on a per application basis and brief description of those activities are as follows:

1. Application intake and processing. The prescriptive nature of program requires very little review of the application form itself. Applications will be accepted by Development Services front counter staff and routed to Planning for review, then routed to the Finance Department which will generate an invoice. The invoice is in turn routed to the City Recorder where it will be entered into the City's lien system (Conduits).

The total administrative fee for the SDC Deferral Program is \$150, which estimates three hours of staff time at \$56 per hour (rounded down to \$150 for simplicity). The breakdown is as follows:



CITY OF MEDFORD AGENDA ITEM COMMENTARY

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- 0.5 hours of time by the Building and Engineering Departments to accept fees, complete data entry, and route the application;
 - 0.5 hours of time by the Planning Department to review and route the application;
 - 0.5 hours of time by the City Recorder to process the lien
2. Monitoring. Planning staff will make periodic inquiries with other departments to ensure that deferred SDCs are have been paid according to program requirements.

Time needed to complete tasks associated with this activity:

- Coordination with City Recorder, Planning, Finance, and Building Department staff estimated at no more than 1.5 hours.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

See above.

TIMING ISSUES

The effective date for the deferral program is August 17, 2018; a fee should be adopted prior to commencement of the program.

COUNCIL OPTIONS

Council could take one of the actions below.

1. Approve the resolution.
2. Modify the resolution.
3. Decline to adopt or modify the resolution and provide direction to Staff.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the ordinance.

SUGGESTED MOTION

I move to approve the resolution adopting a fee for the administration of applications for the system development charge deferral program.

EXHIBITS

Resolution

RESOLUTION NO. 2018-103

A RESOLUTION adopting a fee for applications for deferred payment of System Development Charges.

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

That a fee in the amount of \$150.00 is hereby adopted for applications for deferred payment of System Development Charges.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.4

www.ci.medford.or.us

DEPARTMENT: Police, TS Department **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2200 **MEETING DATE:** August 16, 2018
STAFF CONTACT: Randy Sparacino, Police Chief; Doug Townsend, TS Director

COUNCIL BILL 2018-104

An ordinance authorizing exemption from competitive bidding and awarding a contract in the amount of \$465,808.71 to TriTech Software Systems Company for the purchase of Law Enforcement Records Management System software.

SUMMARY AND BACKGROUND

The Council is requested to consider awarding a contract to TriTech Software Systems Company for the purchase of a Law Records Management System (RMS) to replace the existing Tiburon RMS. The maintenance of the existing Tiburon RMS was the subject of Council action on July 5, 2018. The proposed RMS, if purchased, has an anticipated “go-live” date of July 1, 2019 with maintenance then beginning and coinciding with the expiration of the existing maintenance agreement. As identified under the Analysis section, the proposed RMS will bring superior software to Police Records and Report Writing, enhancing staff productivity, as well as reducing the future cost for RMS software maintenance. As identified under Financial Considerations, it is anticipated Jackson County and the City of Medford will share the cost to purchase, operate, and maintain the new TriTech RMS software, as is currently the practice. The agreement, as well as the RMS software and its maintenance are managed by the City of Medford.

This RMS upgrade is only available from TriTech Software Systems Company, due to the proprietary rights of the software. This exemption is requested under Medford Code 2.613(2)(d).

PREVIOUS COUNCIL ACTIONS

On July 5, 2018 – Council Bill 2018-78 an ordinance authorizing exemption from competitive bidding and awarding a contract in the amount of \$166,616.00 to Tiburon, Inc., a TriTech Software Systems Company for continued technical support and future software enhancements.

On June 15, 2017 – Council Bill 2017-57 a resolution adopting the budget for the biennium commencing July 1, 2017, and making appropriations thereunder.

On June 15, 2017 – Council Bill 2017-60 was approved authorizing exemption from competitive bid and awarding a software support and maintenance contract in the amount of \$159,015.00 to Tiburon, Inc. for continued technical support and future software enhancements.

On June 16, 2016 – Council Bill 2016-25 was approved authorizing exemption from competitive bid and awarding a software support and maintenance contract in the amount of \$151,776.00 to Tiburon, Inc. for continued technical support and future software enhancements.

ANALYSIS

TriTech’s Computer Aided Dispatch software is currently used by the region’s dispatch facility, Emergency Communications of Southern Oregon (ECSO). The proposed TriTech RMS software integrates with ECSO’s CAD software. In addition, TriTech, as owner of both the existing Tiburon RMS and proposed TriTech RMS, will be able to convert existing data into the proposed RMS. Both of these proprietary advantages are compelling drivers for the City’s request for exemption from competitive bid. With City Council approval, the purchased TriTech RMS software will enhance staff productivity for both Police Records and Report Writing. For example, one metric demonstrates the amount of time required to create a simple theft report today will drop from 45 minutes to 16 minutes. Additional time is saved during transports, as information is available to Jail personnel while Officers are enroute to that facility. As a result,



CITY OF MEDFORD AGENDA ITEM COMMENTARY

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booking workflow is more efficient. Officers will be able to drag and drop data from previously entered transactions, making report writing faster. The new RMS also supports the ability to store and integrate digital evidence, such as body-worn camera footage, photographs, and audio recordings with Police Incident Reports. Plus, items of evidence entered by Officers are immediately available to the Property and Evidence module.

In addition to productivity enhancements, all consumers of the new RMS will experience a reduction in the cost of software maintenance. For example, the City will see its portion of RMS maintenance and third party application maintenance drop annually from \$73,080 to \$36,006 beginning July 2019.

If City Council disapproves, then Police Records and Police Report Writing staff will remain on their existing software product, forgoing both productivity and software maintenance cost-saving benefits.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The total amount of the TriTech RMS contract is \$465,808.71. These funds are contained in the 2017-19 biennial budget for Technology Services found on page 9-31 of the Medford Oregon Adopted Biennial Budget 2017-2019. Of this \$465,808, it is anticipated Jackson County will reimburse the City approximately \$223,700 to deploy the new RMS, as well as share in the annual cost to maintain the software.

TIMING ISSUES

The TriTech RMS software project will begin immediately following contract approval in order to allow sufficient time to implement the Law RMS software prior to the end of the current biennium.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide staff direction.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance

SUGGESTED MOTION

I move to approve the ordinance authorizing an exemption from competitive bidding and awarding a contract in the amount of \$465,808.71 to TriTech Software Systems Company for Law Enforcement Records Management System software.

EXHIBITS

- Ordinance
- Contract on file in the City Recorder's office.

ORDINANCE NO. 2018-104

AN ORDINANCE authorizing exemption from competitive bidding and awarding a contract in the amount of \$465,808.71 to TriTech Software Systems Company for Law Enforcement Records Management System software.

WHEREAS, this exemption is not likely to encourage favoritism in awarding public contracts or substantially diminish competition for public contracts, is likely to result in substantial costs savings, and there is only one seller of the product of the quality provided; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

An exemption from competitive bidding is granted and a contract in the amount of \$465,808.71 for Law Enforcement Records Management System software is hereby awarded to TriTech Software Systems Company.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.5

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DEPARTMENT: City Manager's Office
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: August 16, 2018

COUNCIL BILL 2018-105

A resolution in support of the Statewide Constitutional Amendment for Affordable Housing Bonds.

SUMMARY AND BACKGROUND

Council is requested to consider whether it wishes to encourage or oppose voter approval of Measure 102, a proposed statewide constitutional amendment which would allow local government bonds to be used to finance affordable housing. The constitution currently prohibits most local governments from raising money for, or loaning credit to, or in aid of, any private entity. This amendment proposes a narrow exemption in the Oregon Constitution for affordable housing bond dollars, allowing them to be used with other funding sources. An amendment requires local voters' approval of bonds, annual audits and public reporting.

Result of "Yes" Vote: "Yes" vote allows local governments to issue bonds to finance affordable housing with nongovernmental entities. Requires local voters' approval of bonds, annual audits, public reporting.

Result of "No" Vote: "No" vote retains constitutional prohibition on local governments raising money for/ loaning credit to nongovernmental entities; no exception for bonds to pay for affordable housing.

PREVIOUS COUNCIL ACTIONS

None

ANALYSIS

Today, local jurisdictions can issue bonds for affordable housing. However, our constitution limits how these bonds can be used, and prohibits local jurisdictions from working with private and non-profit affordable housing developers to get the best value and the greatest number of affordable housing units built with these dollars. As a result of this limit in our Constitution, a local government must own and control the housing built with the bonds, and cannot use bond dollars to leverage other resources to build affordable housing.

Measure 102 creates an exception to this limitation for affordable housing, giving local jurisdictions more flexibility while ensuring accountability. Should voters approve this amendment, local jurisdictions-with local voter approval-will be able to partner with non-profit and private developers to build affordable housing and leverage other funding sources, such as federal tax credits and private capital.

With the additional flexibility provided by Measure 102, each local jurisdiction can ask its voters to approve general obligation bonds to build the type of affordable housing that best addresses local needs, and maximize public resources by leveraging other sources of funding. In addition, smaller jurisdictions without dedicated housing staff could consider a bond as a potential way to develop more needed homes in their community. In addition to voter approval of bonds, Measure 102 ensures that local jurisdictions provide for public reporting and annual audits when using bond proceeds.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

An amendment to the Oregon Constitution would allow bond dollars raised by local jurisdictions for capital projects to be blended and leveraged with other funding sources allowing bond dollars to go much further because local jurisdictions would be able to leverage federal tax credits, mortgage debt, and private



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.5

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investors alongside their bond dollars. This amendment will make local affordable housing bonds go further without added cost to the taxpayers. Measure limits jurisdiction's bonded indebtedness for capital costs of affordable housing to one-half of one percent of the value of all property in the jurisdictions.

TIMING ISSUES

Oregon voters will be asked to consider this constitutional amendment on November 6, 2018.

COUNCIL OPTIONS

Approve the resolution as presented.

Deny the resolution as presented.

Take no action on the resolution as presented.

STAFF RECOMMENDATION

Determine whether the Council wishes to support, oppose, or take no position on statewide Measure 102.

Should the Council choose to encourage voters to support Measure 102, a draft resolution is attached.

SUGGESTED MOTION

In support: I move to approve the resolution supporting the affordable housing Oregon Constitutional Amendment and encourage all voters across the state to vote YES on Measure 102.

In opposition: I move to deny the resolution and retain constitutional prohibition on local governments raising money for/ loaning credit to nongovernmental entities.

No position: No motion.

EXHIBITS

Resolution

Ballot Language for the Measure

RESOLUTION NO. 2018-105

A RESOLUTION in support of the Statewide Constitutional Amendment for Affordable Housing Bonds.

WHEREAS, communities across Oregon are struggling to provide enough housing units at a rate residents can afford; and

WHEREAS, in Jackson County there is a shortage of 4,875 affordable homes and nearly two students in each classroom experienced homelessness during the 2016-2017 school year; and

WHEREAS, the Oregon Legislature voted almost unanimously to refer a constitutional amendment to voters this November, and

WHEREAS, the amendment would remove an old restriction in the Oregon constitution that prevents local affordable housing bond dollars from being used in partnership with non-profit and private groups, and

WHEREAS, this amendment will make local affordable housing bonds go further without added cost to taxpayers, helping thousands more people access housing in Oregon communities that have passed affordable housing bonds, and

WHEREAS, the amendment is a bipartisan solution to give local communities that approve bonds for affordable housing more flexibility to create the housing they need, and

WHEREAS, the amendment also requires annual audits and public reporting to ensure accountability; now, therefore,

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

Hereby supports the Statewide Constitutional Amendment for Affordable Housing Bonds and strongly encourage all voters across the State to vote “yes” on Measure 102.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

Certified by Attorney General on May 1, 2018.

/s/ Benjamin Gutman

Solicitor General

BALLOT TITLE

Amends Constitution: Allows local bonds for financing affordable housing with nongovernmental entities. Requires voter approval, annual audits

Result of "Yes" Vote: "Yes" vote allows local governments to issue bonds to finance affordable housing with nongovernmental entities. Requires local voters' approval of bonds, annual audits, public reporting.

Result of "No" Vote: "No" vote retains constitutional prohibition on local governments raising money for/ loaning credit to nongovernmental entities; no exception for bonds to pay for affordable housing.

Summary: Amends Constitution. The constitution currently prohibits most local governments from raising money for, or loaning credit to, or in aid of, any private entity. Measure allows local governments to issue general obligation bonds to finance the cost of constructing affordable housing including when the funds go to a nongovernmental entity. Measure requires that local authorizing bonds be approved by local voters and describe affordable housing to be financed. The jurisdiction authorizing bonds must provide annual audits and public reporting on bond expenditures. Measure limits jurisdiction's bonded indebtedness for capital costs of affordable housing to one-half of one percent of the value of all property in the jurisdiction.

